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**CIVIL-MILITARY CHALLENGES FOR A
CONSOLIDATING DEMOCRACY: THE MALDIVES**

by

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December 2012

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THE MALDIVES**

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ABSTRACT

This thesis explores civil-military relations (CMR) challenges to the democratic consolidation of the Republic of Maldives. It analyzes the Maldives' political and military history and existing CMR legislation and institutions to determine the strengths, weaknesses, and challenges of consolidating a democratic CMR régime in the Maldives.

With a long history of authoritarian government, the executive in the Maldives traditionally held a monopoly over security and defense. When democratization began in 2008, the military was required to reform itself to serve not only the executive, but also the legislature, judiciary, and the civil society at large. Efforts at democratic reform of CMR institutions are currently stalled by inadequate legislation, inappropriate configuration of institutions, weak enforcement of judicial decisions, and the lack of defense and security knowledge among civilians in the executive and legislature. This study concludes that it is crucial for the Maldives to overcome the legislative and institutional challenges to enact a democratic CMR régime for a smooth and speedy transition to democracy and meet its security challenges.

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LIST OF ACRONYMS AND ABBREVIATIONS

CDF	Chief of Defence Force
CMR	Civil-Military Relations
ISI	Inter Service Intelligence
LTTE	Liberation Tigers of Tamil Elam
NGO	Non-Governmental Organization
MNDF	Maldives National Defence Force
MoDNS	Ministry of Defence and National Security
NSA	National Security Advisor
NSC	National Security Council
NSS	National Security Service
PLOTE	People's Liberation Organization of Tamil Elam
SAS	Special Air Service

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I. INTRODUCTION

In 2008, the Maldives held its first-ever multiparty election. The incumbent president, Maumoon Abdul Qayoom, who had ruled for thirty years, was defeated. A new constitution and the formation of a new government in 2008 brought popular changes to the political system. Soon after the election, the Maldives was engulfed in the pandemonium of democratic transition. Political rallies became a fact of daily life, the parliament became dominated by partisan politics, the media was free to report on whatever they liked, and state institutions started jockeying for power in the new system. At this critical point for consolidating democracy in the Maldives, establishing civil-military relations (CMR) in accordance with democratic ideals is a crucial and ongoing task.

This thesis explores the civil-military challenges faced by the Maldives in its transition from autocratic rule to a democratic system of governance with the ratification of the new constitution in 2008. The new constitution initiated a process ending the executive's sole authority over the military, making the military answerable to the executive as well as to the legislature, the judiciary, the Auditor General, the Anti-Corruption Commission and civil society.

To assess the new distribution of military oversight among the various branches of the state and society requires understanding the institutions and legislation of prior CMR and how the traditional regime continues to manifest itself in this transition phase. Although it has been three years since the ratification of the constitution, little progress has been made in changing the military-executive relationship in accordance with the constitutional mandate. Reformulating the military-executive relationship in accordance with the new distribution of military oversight is important for the institutional development of the military and for democratic consolidation.

According to democratic consolidation theory, CMR is a vital aspect of democratic consolidation.¹ Because the Maldives is in the middle of its democratic transition, developing a healthy CMR is important for consolidation. Therefore, the key question is, what challenges confront the Maldives in enacting a new CMR regime in accordance with the 2008 constitution? To answer this question, this thesis explores the history of CMR in the Maldives and the configuration of the current CMR structure to determine if the current practices of CMR fit into the norms and best practices of a democratizing society.

Interestingly, civilian control is not the biggest challenge facing the military. The Maldives military is faced with the challenge of breaking free from the executive to establish a truly democratic CMR régime. Prior to 2008, the military received orders from and reported to only the executive, which by definition fulfills the requirement for civilian control—the commander in chief is civilian. However, establishing “democratic civilian control” requires that the military answer not only to the executive but also to the legislature, judiciary, independent institutions, civil society and the public at large.² This thesis looks at the challenges in this transitional endeavor.

B. STATE, SOCIETY, AND ARMED FORCES IN TRANSITION

The Maldives has undergone a rapid transformation in all aspects of life. Since the opening of the Maldivian economy for tourism in the late 1970s, the GDP per capita increased from \$271 in 1980, to \$8000 by 2010.³ Primary schooling was mandated, and the literacy rate increased from 70 percent in 1980, to 98 percent 2012.⁴ The infant mortality rate decreased from 644 per 1000 in 1980, to 78 per 1000 in 2010. Life

¹ See Thomas C. Bruneau, “Ecuador: The Continuing Challenge of Democratic Consolidation and Civil-Military Relations,” *Strategic Insights* 5, no. 2 (2006), <http://calhoun.nps.edu/public/bitstream/handle/10945/11120/bruneauFeb06.pdf?sequence=1>.

² Thomas C. Bruneau and Florina C. Matei, “Towards a New Conceptualization of Democratization and Civil-Military Relations,” *Democratization* 15, no. 5 (2008), 916.

³ “GDP Per Capita - Maldives,” The World Bank, <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD?page=6>, accessed March, 24, 2012.

⁴ “Millennium Development Goals - Maldives,” <http://www.undp.org.mv/v2/?lid=133>, accessed April, 19, 2012.

expectancy increased from 44 years in 1970, to 77 years in 2010.⁵ Socioeconomic development presents many opportunities and challenges. Most importantly, the Maldives faces a number of political and security challenges that warrant a study of CMR because the military's relationship with the government is at the center of meeting these challenges.

With the rapid development of the last few decades, the population started demanding more political and democratic reform. Their demands included the freedom to form political parties and organize political rallies, freedom of the press, a fully elected legislature, and an independent judiciary. In early 2000s, rioting and political rallies became commonplace. Under pressure from the élite and civil society, President Qayoom announced a political reform process in June 2004.⁶ In the face of demands from the general public, Qayoom called for the election of a constitutional assembly and tasked them with writing a constitution to facilitate a multi-party democracy with separation of executive, legislative and judicial powers. The aim of the reform process was to transform the Maldives from a constitutional autocracy to a multiparty democracy. The first phase of the reform effort culminated in the ratification of the new constitution on 7 August 2008 and the first ever multi-party elections in October of the same year.⁷

An important feature of the 2008 constitution is that it abolished the executive's exclusive control of the armed force, a practice that existed for more than a century of Maldivian military history.⁸ The first challenge the military faced was breaking free from its long history and transforming itself to be compatible with a democratic system of

⁵ "Infant Deaths by Age and Sex, 2003 - 2010," Ministry of Planning and National Development, <http://planning.gov.mv/YearBook2011/yearbook/Population/3.11.htm>, accessed April, 19, 2012; "Infant Deaths by Age and Sex, 1980 - 2003," Ministry of Planning and National Development, http://www.planning.gov.mv/publications/25yearsstats/25stats_tabs.htm, accessed April, 19, 2012; "Life Expectancy - Maldives," The World Bank, <http://data.worldbank.org/indicator/SP.DYN.LE00.IN/countries/MV?display=graph>, accessed April, 19, 2012.

⁶ Jacob A. Bonofe, "The Challenges of Democracy in the Maldives," *International Journal of South Asian Studies* 3, no. 2 (2010), 439.

⁷ Bonofe, "The Challenges of Democracy in the Maldives," 439–440.

⁸ The Maldives military celebrated its 120th anniversary on 21 April 2012.

governance. The Maldives military currently faces additional challenges, including defining its role in the democratic consolidation process and meeting various internal and external security threats.

There was a short honeymoon period for the new government. With the new-found freedom of expression granted in the constitution, the public started demanding more from the government, forcing the government to use state institutions beyond their capacity and at times outside their traditional roles. One of the institutions the government relied on heavily was the military—Maldives National Defence Force (MNDF). MNDF, one of the oldest state institutions, and least battered by the reform process, was tasked by the executive to take an assertive role in a host of government-mandated activities outside its traditional role. At times, the military was employed for policing duties, infrastructure development projects, running government offices, and arresting individuals. Some of these roles turned out to be inconsistent with the law and the constitution, causing people to question the appropriate use of the military in a democratic system.

In the past decade, radicalization and gang violence have increased. On the radicalization front, transnational terrorist groups operating in neighboring countries have successfully infiltrated Maldivian society and are recruiting Maldivians for terrorist operations. Some recent examples include a radical group exploding a homemade bomb in Sultan Park, a tourist attraction in the capital city of Male', on 29 September 2007, injuring a dozen foreigners including British, Japanese and Chinese tourists.⁹ Soon after, a confrontation on the island of Himandhoo on 7 October 2007 between security forces and a small radicalized group that rejected state-appointed authorities.¹⁰ The arrest of nine Maldivians undergoing terrorist training in the tribal region of Pakistan in 2009 illustrates the growing terrorism threat within the Maldives.¹¹ The participation of a

⁹ "Sultan Park Bombing is a Deliberate Terrorist Attack: Minister of Home Affairs [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/52636>, accessed February, 24, 2012; "Sultan Park Bombing Incident: Some Tourists Released After Treatment [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/52633>, accessed February, 24, 2012.

¹⁰ "Himandhoo Confrontation: Security Forces Arrest 63 People from Himandhoo [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/53064>, accessed November, 24, 2012.

¹¹ "Maldives Releases the Alleged Maldivian Terrorists Arrested in Pakistan [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/86334>, accessed February, 24, 2012.

Maldivian national named Ali Jaleel in the suicide attack on Inter-Services Intelligence (ISI) headquarters in Lahore, Pakistan, on 27 May 2009, and the subsequent release of a video in which Jaleel urged other Maldivians to join the fight, also shows the influence of transnational terrorist groups in the Maldives.¹²

Furthermore, the last five years have brought an explosive increase in gang-related crimes. Worrying trends include gang related killings and robberies, along with the occasional kidnaping of individuals for money. Police records show that in 2009, there were 589 robberies, while in 2011, the number increased to 721. There have been about 13 gang related homicides per year for the last three years. These crime statistics are extremely high for a country with population of just 350,000.¹³

Lastly, the Maldives has witnessed a number of seaborne threats to its security in recent years. On 27 March 2012, an Iranian merchant ship with 23 crew members was captured by Somali pirates within the Maldivian exclusive economic zone.¹⁴ At present the security forces have 40 alleged Somali pirates in custody from eight different incidents dating back to 2003.¹⁵ The pirates were found drifting in territorial waters or washed ashore in small dinghies, most likely sent from their mother ship to search for hijacking targets. As a vast swath of Maldives territory is unguarded sea, mafia groups use it for smuggling operations. Among the most high-profile cases is the 16 May 2007 discovery in the Maldives waters of the ship *Sri Krishna*, a gunrunner supplying the Liberation Tigers of Tamil Elam (LTTE) in their fight against the Sri Lankan

¹² Animesh Roul, "Jihad and Islamism in the Maldives Islands" The Jamestown Foundation, [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=36036&tx_ttnews\[backPid\]=7&cHash=f218d5b027](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=36036&tx_ttnews[backPid]=7&cHash=f218d5b027), accessed March, 24, 2012.

¹³ "Crime Statistics," Maldives Police Service, <http://www.police.gov.mv/statisticscrimes>, accessed May, 11, 2012.

¹⁴ "Pirates Take the Hijacked Ship Away from Maldives Territory [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/118983>, accessed April, 24, 2012.

¹⁵ "We are Trying to Send 40 Somali Individuals Back: Minister of Defence [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/128692>, accessed October, 15, 2012.

government.¹⁶ The 2008 discovery of waterproof bags containing 1.6 tons of heroin hidden in a reef confirms the presence of sea-going drug-related gang activity.¹⁷

Given the current political and security climate in the Maldives, it is imperative that the military remain free from domestic partisan politics in order to focus on its missions and objectives. It is also important that the military contribute and play a positive role in democratic consolidation without compromising its mission, integrity, and independence. The best way to mitigate such contradictory demands requires that the Maldives avoid a CMR crisis and develop a democratic system of CMR as it moves in the consolidation process.

This thesis aims to contribute on two fronts. First, given the fact that civil-military literature on the Maldives is virtually non-existent, this thesis documents and provides an academic perspective on the history, formation, and current practices of CMR in the country. This historical perspective provides a context for the current situation and a basis for understanding and analyzing current CMR challenges. Additionally, since the Maldives is one of the smallest countries in the world, the findings of this thesis will contribute towards a framework and literature for better understanding the CMR challenges unique to democratic consolidation in small and less-developed countries.

C. PROBLEMS AND QUESTIONS OF CMR IN THE MALDIVES

Healthy CMR is a crucial element for any consolidating democracy due to the unique role entrusted to the military in the transition to democracy. The military is required to be an impartial instrument in a situation where its interests are also at stake.

The Maldives is currently at an important juncture, making this an appropriate time to evaluate whether the country is moving forward in establishing a healthy CMR.

¹⁶ In this incident, the Sri Krishna fired upon a local fishing vessel and the Coast Guard was called in. After a two day standoff, the Coast Guard sank the ship. Investigations revealed that the ship was an Indian fishing vessel that was hijacked by the LTTE for smuggling arms. See “An Unidentified Vessel Fires Upon a Local Fishing Boat [in Dhivehi],” *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/46991>, accessed October, 24, 2012; “Maldives Sinks Suspected Tamil Tiger Vessel [in Dhivehi],” *Haveeru Daily*, <http://www.haveeru.com.mv/news/15399>, accessed October, 24, 2012.

¹⁷ A local fishing vessel discovered the heroin packed and hidden in the lagoon of Dhiffushi island in Male’ Atoll at a depth of 30 meters, on 22 April 2008. Although the perpetrators were never captured, investigations established that the drugs were not destined for the Maldives. See “Sacks Containing Suspicious Items Found in Lagoon [in Dhivehi],” *Haveeru Daily*, <http://www.haveeru.com.mv/news/9742>, accessed October, 24, 2012.

President Nasheed resigned in a televised event on 7 February 2012, just three years into his tenure as the first-ever democratically elected president. The next day he accused the military and the police of forcing him to resign, characterizing his resignation as a coup orchestrated by the opposition and the security forces. Because the former president continued to accuse the security forces of participating in a coup, and since there is no independent mechanism to verify the claims, his successor, President Waheed, appointed a presidential commission to investigate the events. The commission consisted of five members and two independent advisors: four Maldivians (three nominated by the government and one nominated by former President Nasheed); three foreign nationals (a retired judge of the Singapore Supreme Court as the co-chair, a retired Court of Appeals judge from New Zealand nominated by the Secretariat of the Commonwealth to serve as a judicial expert, and a Canadian law professor nominated by the United Nations to serve as a legal expert. On 28 August 2012, following a six-month investigation, the commission concluded that there had been no coup. Rather, Nasheed resigned as a consequence of a series of illegal actions taken by the government using the security forces. The report also laid blame on the security forces for violating the rule of law and human rights.¹⁸

Additionally, three separate investigations by the Human Rights Commission of the Maldives concluded that the events leading to the collapse of the first democratically elected government include gross violations of the constitution, rule of law, and international obligations by the security forces and the executive.¹⁹

How is it that the security forces and the executive violated the constitution and the rule of law? Why did President Nasheed accuse the security forces of orchestrating a coup? What led to the collapse of cooperation between the military and the civilian government? Why couldn't other state institutions intervene when the president and the

¹⁸ Ismail Shafeeu and G.P. Selvam, "Report of the Commission of National Inquiry, Maldives," (Commission of National Inquiry, 2012), 2.

¹⁹ HRCM, "Investigative Report on the Human Rights Violations Occurred During the Events of 6 and 7 February 2012 [in Dhivehi]," (Male': HRCM, 2012), 1–70; HRCM, "Investigative Report on the Arrest of Criminal Court Judge Abdullah Mohamed by Maldives National Defence Force on 16 January 2012 [in Dhivehi]," (Male': Human Rights Commission of the Maldives, 2012), 1–33; HRCM, "Investigative Report on the Human Rights Violation Occurred in Male' and Addu City on 8 February 2012 [in Dhivehi]," (Male': Human Rights Commission of the Maldives, 2012), 1–43.

security forces violated the rule of law and constitution? The answers to these questions are found in the past and current civil-military relations.

With only three years of democratic consolidation behind it—and questions about the breadth and depth of reform swirling around the first president’s resignation—the Maldives faces a number of unsettling questions with regards to CMR. What is the real CMR in the country? Does the current state of CMR in the Maldives fit the norms and best practices of a democratizing society? Does the Maldivian state have civilian control of the armed forces? What are the challenges to reconstituting and properly defining CMR in accordance with the new constitution? What oversight institutions are needed to monitor the behavior of the military? Is the military a professional organization?

This thesis hypothesizes that the Maldives’ history of authoritarian governance, sole control of the military by the executive, and the institutional configuration of CMR institutions together make it unusually difficult to reconstitute CMR in the Maldives. More specifically, due to the lack of appropriate legal frameworks and institutional capacity within the CMR institutions the military is unable to break from its past single-stakeholder mentality to become subservient to the legally enacted control and oversight institutions.

D. THESIS OVERVIEW

This thesis consists of six chapters. The introductory chapter establishes the importance, theoretical framework and methodology of the thesis. Chapter II and Chapter III provide the context and historical roots. Chapter II provides a brief overview of the political history and political developments leading up to the democratic transition. Chapter III provides the corresponding military history of the Maldives. Together, these two chapters identify the antecedent conditions that gave rise to the present CMR régime in the Maldives.

Chapter IV is divided into three parts. It analyzes and discusses the variables of democratic civilian control: institutional control, oversight, and professionalism. As part of institutional control, the Ministry of Defence and National Security (MoDNS), National Security Council (NSC), National Security Advisor (NSA) and parliamentary

committees are analyzed. As part of oversight, the type and nature of executive oversight, parliamentary oversight, judicial oversight and the role of the media are discussed. In considering professionalism, the chapter looks into recruitment, training and promotion of the military officer corps. This chapter provides a snapshot of the current system of CMR, together with its strengths and weakness.

Chapter V discusses the systemic CMR challenges the country faces. Chapter VI provides the conclusion and recommendations for restructuring and overcoming the current challenges faced by the Maldives in CMR reformulation.

E. LITERATURE REVIEW

Democratic transition and its discontents are a new phenomenon to the Maldives, so there is no specialist literature on democratic consolidation or CMR in relation to Maldives. The lack of published literature on Maldives is also due to the fact that the country was under autocratic rule until 2008, so publication of materials critical of the government was taboo. Consequently, the Maldives lacks well-established research institutes and peer-reviewed journals.

A search for literature on democratization and CMR specific to Maldives in popular international journals—*Armed Forces and Society*, *Journal of Democracy*, *International Journal of Inclusive Democracy*—does not reveal any publications. Similarly, a search in the academic data bases yields minimum research. Therefore, this thesis draws from the general CMR and democratization literature to formulate a framework for analysis.

1. Defining CMR

“Civil-military relations” means different things to different scholars. CMR is often defined as a professional relationship and interaction between the officer corps and the civilian leaders;²⁰ a relationship between the armed forces and the society;²¹ a

²⁰ Samuel P Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Massachusetts: Harvard University Press, 1957). 2–3; Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Illinois: Free, 1960). 7–13,

mechanism of preventing coups and maintaining civilian supremacy over the armed forces.²² The existence of varying explanations as to what CMR constitutes is due the fact that researchers of different fields see the phenomenon of CMR through different lenses.²³ For the purpose of this study, CMR is defined as a process of interaction between the armed forces and various state institutions (executive, legislative and judicial actors) and non-state institutions (NGOs, media and the civil society) within a country.²⁴ This definition is selected because it provides a holistic approach to CMR.

2. The Civil-Military Challenge

The challenge of CMR arises from what Peter Feaver terms the “civil-military problematique”—the dilemma that a military powerful enough to defend a state is also powerful enough to take it over.²⁵ In other words, the rationale of CMR is that the military must protect the polity from enemies while not harming the society it is tasked to protect.²⁶ While the civil-military problematique is an overarching paradox for any democratic society, for consolidating democracies, it presents additional challenges.

First, as most countries begin their journey to democracy, there is a colossal demand to reconstitute all state institutions, including the military, according to democratic ideals. Second, the democratizing phase itself is chaotic and is often plagued with unregulated infighting between the various branches of government, political parties, independent institutions, and media, all trying to maximize their share of power in the new system.²⁷ In the absence of a clear arbiter to manage the infighting, it is often

²¹ James Burk, “Morris Janowitz and the Origins of Sociological Research on Armed Forces,” *Armed Forces & Society* 19, no. 2 (1993): 178–79; David R Segal, “Civil-Military Relations in the Mass Public,” no. 1 (1975), 228.

²² Jendayi Frazer, “Conceptualizing Civil-Military Relations during Democratic Transition,” *Africa Today* 42, no. 1/2 (1995), 40.

²³ Peter D. Feaver, “Civil-Military Relations,” *Annual Review of Political Science* 2(1999), 211.

²⁴ “Civil-Military Relations: USAID’S Role,” in *Technical Publication Series* (Washington, D.C.: Center for Democracy and Governance, Bureau for Global Programs, Field Support and Research, U.S. Agency for International Development, 1998), 2–3.

²⁵ Feaver, “Civil-Military Relations,” 214.

²⁶ Peter D. Feaver, “The Civil-Military Problematic: Huntingdon, Janowitz, and the Question of Civilian Control,” *Armed Forces & Society* 23, no. 2 (1996), 152–53.

²⁷ Gavin Cawthra and Robin Luckham, *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies* (London: Zed Books Ltd, 2003), 18.

the military that is called upon to be an impartial player, independent arbiter, or power broker in the consolidation phase of democracy. The challenge for the military is that it has to be independent at the same time fight for its institutional power and resources. Furthermore, in addition to being tasked to serve as arbiter, the military often must assume additional nontraditional missions (such as policing and internal security duties and nation building) which may be detrimental to CMR.²⁸ Depending on the level of instability and the length of the democratizing phase, there can be lasting consequences for CMR and the health of national democratic institutions. Therefore, it is vital for any consolidating democracy to begin developing CMR consistent with democratic ideals while managing the chaos of the democratic transition.

The Maldives, as a consolidating democracy, currently faces the dilemma discussed above. As there is virtually no published material on the CMR of the Maldives, we must look elsewhere for an appropriate analytical framework to identify CMR challenges. At the same time, there is a need to understand how the current relationship developed historically. Therefore, the challenge is two-fold: identifying factors that contributed to the development of existing CMR, and finding a path to reconstitute and stabilize CMR in a democratizing setting such as the Maldives.

3. Civil-Military Frameworks for Analysis

While the study of the relationship between the armed forces and the state is an old tradition, the beginning of CMR as a separate field of study is generally attributed to Samuel P. Huntington's 1957 book *The Soldier and the State: The Theory and Politics of Civil-Military Relations*.²⁹ Huntington proposes the concept of "objective control" as the mechanism for improving civilian control and preventing any threat from the military to the society. According to Huntington, the heart of objective control is military professionalism. To achieve professionalism, civilian leaders must recognize the military as a separate profession and must refrain from intrusive meddling into military affairs.³⁰

²⁸ Cawthra and Luckham, *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*, 19–25.

²⁹ Feaver, "Civil-Military Relations," 212.

³⁰ Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, 82–86.

In short, Huntington's argument rests on a causal chain, which assumes that "autonomy leads to professionalization, which leads to political neutrality and voluntary subordinations, which leads to secure civilian control."³¹ Huntington's theory dominates the field of CMR, and scholars and practitioners continue to use the objective control mechanism to explain and conceptualize CMR.

When the third wave of democratization started with the emergence of states from colonial rule and the collapse of the Soviet Union, it became clear that Huntington's assertion of objective control alone was not enough to maintain a healthy CMR. The vast number of *coups d'état* in democratizing countries—the ultimate breakdown of CMR—forced CMR theorists and practitioners to give further thought to CMR.³² With the field of CMR dominated for so long by Huntington's theory, there has been very little theoretical development outside the lines of Huntington's work.³³ For this reason, researchers have not produced enough solid theoretical frameworks for politicians and practitioners to analyze and develop CMR in democratizing societies.³⁴

The biggest problem is that the early CMR research is based primarily on mature democracies. These works do not capture the new dimensions experienced by the military in consolidating democracies and the complexities that arise due to the role played by militaries in the democratizing phase. Politicians in developing countries noticed the frequency of coups in the third wave of democratization and began looking for ways to maximize civilian control of the armed forces.³⁵ Countries have made progress in control aspects at the expense of efficiency and effectiveness of the military: enacting laws and amending their constitutions for the sole purpose of controlling the armed forces, thus

³¹ Feaver, "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control," 160.

³² "Coups Since 2000," Infoplease, <http://www.infoplease.com/ipa/A0933947.html>, accessed May, 08, 2012.

³³ Paul Bracken, "Reconsidering Civil-Military Relations," in *U.S. Civil-Military Relations In Crisis or Transition?*, ed. Don M Snider Miranda A Carlton-Crew (Washington, D.C.: Center for Strategic & International Studies, 1995), 145.

³⁴ Rebecca L. Schiff, "Civil-Military Relations Reconsidered: A Theory of Concordance," *Armed Forces & Society* 22, no. 1 (1995), 10–14.

³⁵ Frazer, "Conceptualizing Civil-Military Relations during Democratic Transition," 39.

essentially legislatively handicapping the armed forces. Some countries underfund the armed forces as a control measure, making their militaries virtually ineffective for national defense.³⁶

Because most military coups occur in emerging or newly democratized countries, in the last two decades CMR theorists began focusing more on emerging democracies and a new body of literature developed. This literature rejects the idea that professionalism is the only variable that underlies CMR, and includes a number of other institutional control mechanisms. The new literature also tries to correct the tendency to overemphasize control in the management of CMR. The most important aspect of the recent literature is the effort to conceptualize a solid framework for analyzing and developing CMR that can be applied to democratizing as well as to already democratized societies.³⁷

A noteworthy work with regard to consolidating or newly democratized countries is the work by Bruneau and Matei. According to the authors, in democratizing societies the role of military is very different from its traditional function. Given the enormous demands made on the state during the process of democratization, and especially when the military in a democratizing society is not actively engaged in armed conflict, the state may employ its armed forces in uncharted territories. This carries the potential for damaging the military's professionalism and its primary mission.³⁸ According to Bruneau and Matei, militaries in developing countries undertake six major categories of mission:

(1) Fight and be prepared to fight external wars, (2) fight and be prepared to fight internal wars, (3) fight global terrorism, (4) fight crime, (5) provide support for humanitarian operations, (6) prepare for and execute peace support operations.³⁹

³⁶ Cawthra and Luckham, *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*, 16.

³⁷ See Bruneau and Matei, "Towards a New Conceptualization of Democratization and Civil-Military Relations,"; James Burk, "Theories of Democratic Civil-Military Relations," *Armed Forces & Society* 29, no. 1 (2002), 1–3.

³⁸ Thomas C Bruneau and Florina Cristiana Matei, in *Handbook of Civil-Military Relations*, ed. Thomas C Bruneau and Florina Cristiana Matei (Routledge 2012), 2.

³⁹ Bruneau and Matei, "Towards a New Conceptualization of Democratization and Civil-Military Relations," 917.

In addition to contextualizing the dynamics of the military missions in democratizing societies, the authors draw on their experience to propose a framework for developing CMR in newer democracies. The framework focuses on three major components: democratic civilian control of the armed forces, the effectiveness of the security forces fulfilling their mission, and the efficiency in the use of resources. The following diagram conceptualizes the argument by the authors.⁴⁰

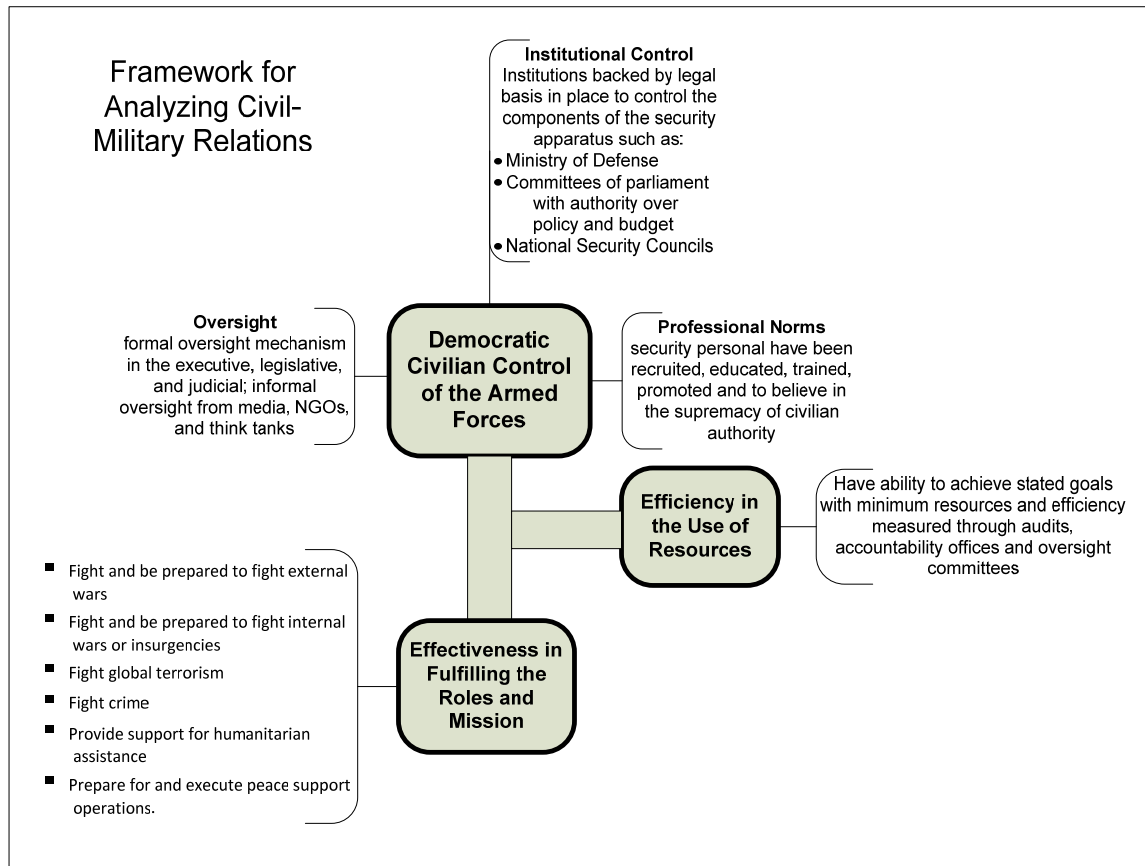


Figure 1. Conceptual framework for analyzing civil-military relations (Bruneau and Matei, 2008)

This thesis uses this framework as the theoretical basis for its analysis. It is selected first, for its simplicity, and second, for its utility and applicability to the Maldives as a consolidating democracy.

⁴⁰ Bruneau and Matei, "Towards a New Conceptualization of Democratization and Civil-Military Relations," 912.

E. THE MALDIVES AS A CMR CASE STUDY

This thesis adopts a single case study method as the research design and uses theory testing and institution analysis as the analytical approach to identify and discuss the challenges the Maldives faces in reconstituting its CMR. Case study research design is ideal because the methodology enables an in-depth analysis of the phenomenon under study.⁴¹ Hence, a case study permits an in-depth look at the CMR institutions and legislation in the Maldives. In addition, as the analysis of CMR calls for understanding the social dynamics of the CMR institutions, a case study is appropriate as it allows understanding of social process in organizations.⁴² The country's challenges are documented by an in-depth inquiry into the social dynamics of CMR in the Maldives and an analysis of CMR institutions using the CMR framework selected in the literature review. The following diagram conceptualizes the approach taken in this thesis.

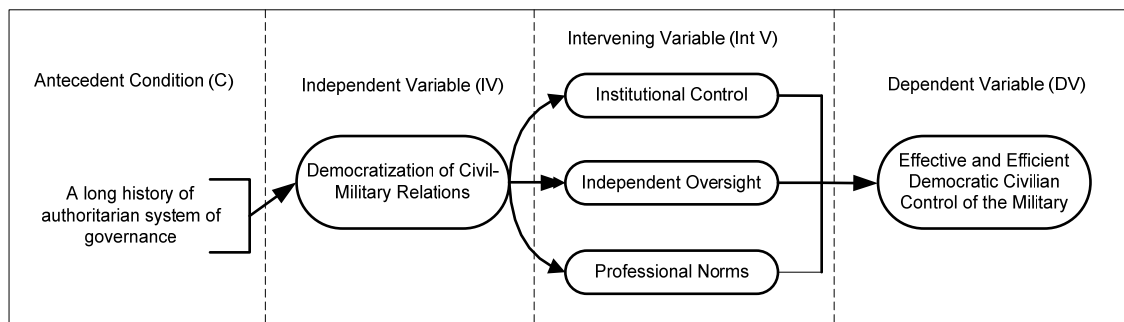


Figure 2. Concept diagram of the thesis

The diagram should be read as follows:

Following a long history of authoritarian governance (C), democratization of CMR (IV) requires changes to institutional control (Int V₁), oversight mechanisms (Int V₂), and professional norms (Int V₃) to achieve effective and efficient civilian control

⁴¹ Thomas W Lee, *Using Qualitative Methods in Organisational Research* (London: Sage Publication, 1999), 54.

⁴² Jean Hartley, "Case study research," in *Essential Guide to Qualitative Methods in Organizational Research*, ed. Catherine Cassell and Gillian Symon (London: Sage Publications, 2004), 323.

(DV). This study focuses on analyzing the antecedent conditions and the intervening variables to determine how it has affected the independent and the dependent variable in the Maldives.

In the absence of the published CMR literature on Maldives, this thesis uses government publication, websites, organizational documents, policy papers, reputed newspapers to understand the CMR dynamics in the Maldives. This thesis also draws from the general CMR literature and CMR studies of other countries for theoretical and conceptual parallels to the Maldives.

II. POLITICAL HISTORY OF THE MALDIVES

Settlements in the Maldives date back about two millennia. In the last several centuries, the political system of the Maldives has gone through two distinct phases: an era of monarchy and an era of republican government. The written history of Maldives began in 1153 A.D. after King Theemuge Maha Kalaminja (later named Sultan Muhammad bin Abdullah or famously referred as Dharumavantha Rasgefaanu) accepted Islam and declared it to be the religion of the Maldives.⁴³ Prior to his conversion, the monarchs were called kings or queens. After the conversion, the monarchs were referred to as sultans and sultanas.⁴⁴ The Maldives has been ruled by a sultan until 1968 when it became a republic, except for 17 years of Portuguese rule in the 1500's and brief period of president rule in 1953.⁴⁵

Even though Maldives established its second republic with a presidential system of government, the elements of monarchical rule remained part of the governing system. The president had absolute power on all matters involving the executive and judiciary, and had considerable influence in the legislature. This system continued until the Maldives established a democratic system in 2008. Despite its democratic consolidation, centuries of monarchical rule and the authoritarian presidency continue to shape the political and CMR landscape of the Maldives.

A THE CONSULTATIVE MONARCHY

The earliest history of monarchical rule is not clearly defined in the Maldives' written history. Documents dating back to the twelfth century describe a system that resembles a consultative monarchy.⁴⁶ Political power was vested with the monarch, who

⁴³ Mohamed Ameen Didi, *Moments of Maldives History [in Dhivehi]* (Male': Novelty Press, 2002), 35–37. King Theemuge Maha Kalaminja changed his name to Sultan Muhammad bin Abdullah, and is most often known as Dharumavantha Rasgefaanu.

⁴⁴ H.C.P. Bell, *The Maldive Islands: Monograph on the History, Archaeology and Epigraphy* (Colombo: The Ceylon Government Press, 1940), 19.

⁴⁵ Clarence Maloney, *People of the Maldive Islands* (Bombay: Orient Longman, 1980), 188–195.

⁴⁶ "Constitutional History," Permanent Mission of Maldives to the United Nations, <http://www.un.int/maldives/histcon.htm>, accessed August, 25, 2012.

appointed committees of advisors to help him run state affairs. The following diagram summarizes the monarchical system of governance.

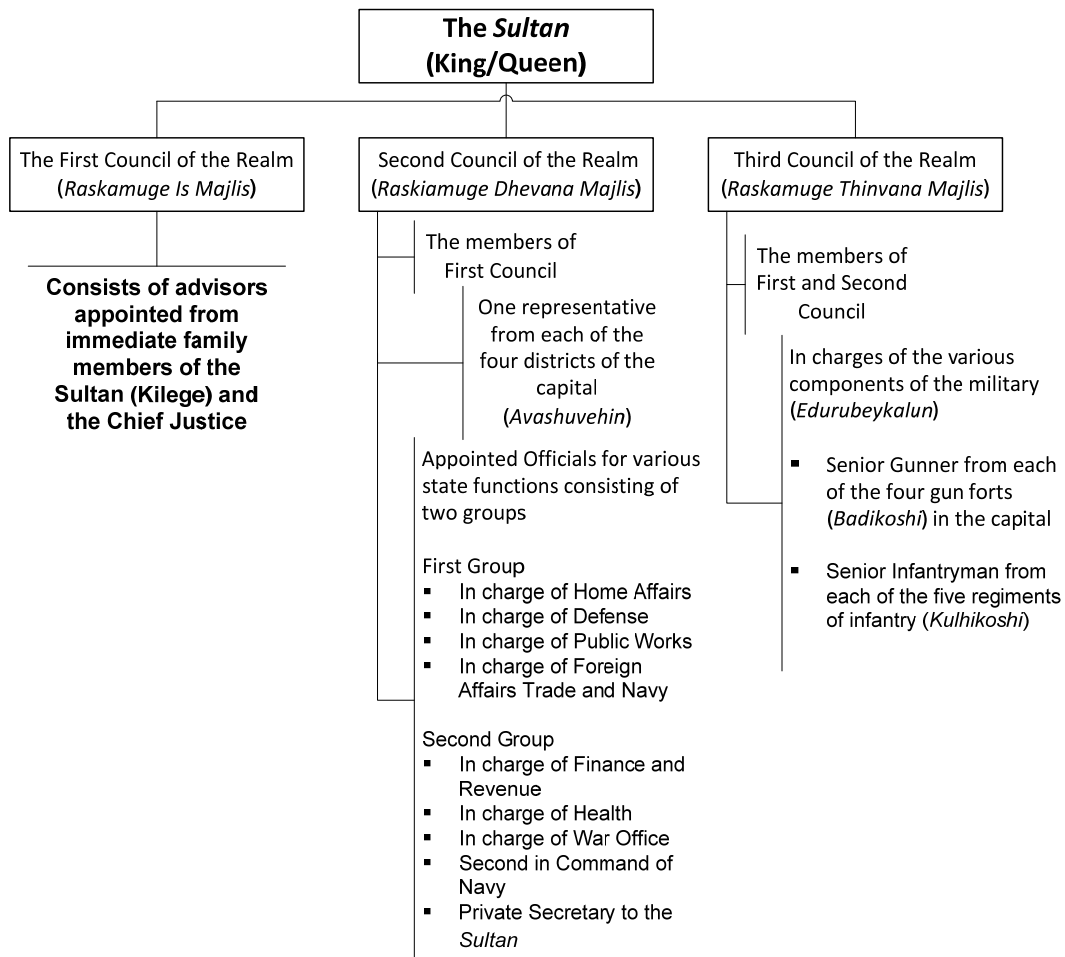


Figure 3. Political structure of early sultanate (Permanent Mission of Maldives to the United Nations, 2012)

According to the historical record, the monarch's advisory system was made up of three councils, the First Council of the Realm (Raskamuge Is Majlis), the Second Council of the Realm (Raskiamuge Dhevana Majlis) and the Third Council of the Realm (Raskamuge Thinvana Majlis).⁴⁷

⁴⁷ Department of Information and Broadcasting, *Maldives Constitutional History* (Male': Department of Information and Broadcasting, 1990), 5.

- The First Council of the Realm, the most senior among the three, consisted of the Sultan, the Chief Justice and the Sultan's closest confidants, mostly family members. The function of this council was advising the sultan on important issues.
- The Second Council of the Realm consisted of members of the first council and representatives from the four administrative divisions of the capital along with members appointed by the king to oversee vital functions of the government. The representatives appointed to run bureaucratic functions were divided into two groups. The first group includes the officers in charge of the home and provincial affairs, defense, public works, and foreign affairs, navy and trade. The second group included the officers in charge of finance and revenue, health, war office, the second in command of the navy, and the sultan's private secretary.
- The Third Council of the Realm consisted of members of the second council, the officers in charges of the four gun forts (Badi Koshi), and the officers in charge of the five martial arts regiments (Kulhi Koshi).

Although there was an elaborate system of consultative committees, and what appears to be an organized system of governance, the transfer of power in the Maldives was not smooth and at times was filled with violence. History is rife with sultans deposed by coups, and counter coups orchestrated by family members of the monarch and other powerful clans and dynasties.⁴⁸ The lack of continuity in the transfer of power explains why, although technically a hereditary monarchy, the Maldives history includes 94 monarchs from six different dynasties.

The Maldives maintained a formidable military capable of defeating or fending off foreign powers like the Portuguese and the Malabar kingdoms from the fifteenth century until the country signed a protectorate agreement with British on 1887. One of the most interesting observations with regard to CMR in the era of consultative monarchy is that despite sometimes chaotic power transfers, the military never took over the polity, and the Maldives never had a military dictatorship. On the other hand, the large number of appointees in the councils relevant to the military shows that the monarchs co-opted

⁴⁸ Maloney, *People of the Maldive Islands*, 198–195.

the military leadership. It was beneficial for the military to maintain the status quo and leave the political infighting for the monarchs and their families. The most likely reason for the absence of a military dictatorship is that in the monarchy, military benefits were sustained by whoever was in power irrespective of how they came to power. Additionally, because the councils included the monarch's family members and close friends, the monarchs could keep the military under strict control.

B. THE CONSTITUTIONAL MONARCHY AND THE FIRST REPUBLIC

The Maldives experienced a volatile political period between 1930 and 1952, during the constitutional monarchy and the first republic. The requirement for a constitutional monarch grew out of a conflict among the family members of the sultan Mohamed Shams-ud-deen regarding the succession to the throne. This issue resulted in a conflict between the sultan and his chief minister Abdul Majeed Rannabandeyri Kilegefaanu, who was married to the king's sister.⁴⁹ The British, with an interest in Maldives, got involved and indirectly forced the sultan to write a constitution.⁵⁰

An agreement signed on 16 December 1887 between the British Crown and the sultan specified that the Maldives would become a British protectorate. The terms of this agreement dictated that the Maldives relinquish all matters relating to international relations to the British, who in return left all domestic affairs to the sultan.⁵¹ The process of writing the constitution began in 1931 with a visit by the acting governor general of Ceylon, Sir Bernard Henry Bourdillon.⁵² The governor met with the sultan and his close associates and urged them to write a constitution stipulating the mechanism for succession to the throne. Sultan Shams-ud-deen appointed a committee of 12 elites to

⁴⁹ The People's Majlis, *Law History of Maldives* [in Dhivehi] (People Majlis, 1981), 14.

⁵⁰ The People's Majlis, *Law History of Maldives* [in Dhivehi], 14–15.

⁵¹ Maloney, *People of the Maldivian Islands*, 128.

⁵² The People's Majlis, *Law History of Maldives* [in Dhivehi], 17–18.

write the constitution.⁵³ The prime minister, Abdul Majeed, was appointed to chair the committee. The British administration in Ceylon was heavily involved in making suggestions about the content of the constitution.⁵⁴

When the constitution was finished, it made the sultanate into an elected position and transferred most of the executive powers to the prime minister. It also created a two house system—the people’s council (People’s Majlis) and legislative council (Ganoon Hadhaa Majlis). People’s Majlis consisted of forty-four members elected for a one-year term from different administrative regions of the Maldives. The legislative council consisted of 28 members, of which 17 were appointed from the People’s Majlis, seven members were appointed by the sultan, and four members were appointed from the four districts of Male’.⁵⁵

An important aspect of the constitution related to the security of the Maldives. The constitution clearly stated that the Maldives would not have “any dealings with a foreign country other than the British” and named the Maldives a “tribute paying British protectorate.”⁵⁶ The constitution did not stipulate any role or mission for the military.⁵⁷

As this constitution was created mainly to address a power struggle between elites, the constitution strengthened the power of the prime minister at the expense of sultan and further diluted the power of the sultan through the legislative bodies. It was alleged that the British wanted the prime minister to hold more authority because they found it easier to deal with him.⁵⁸

⁵³ The committee appointed to write the first constitution included the following individuals: (1) Al-amir Abdul Majeed Rannabanderi Kilegefaanu (2) Al-amir Ahmed Dshimeynaa Kilegefaanu (3) Al-amir Ali Kuda Rannananderi Kilegefaanu, (4) Al-gazee Hussain Salaahudeen Untthama Fandiyaaru Manikufaanu (5) An-nabeel Mohamed Didi (6) Al-amir Mohamed Fareed Didi (7) Ibrahim Manippulu (8) Al-faalil Hussain Hilmy Didi (9) Al-faalil Ibrahim Ali Didi (10) Al-faalil Ahmed Kaamil Didi (11) Al-sheikh Ibrahim Rushdy Al-azharee, (12) Al-sayyid Abdullah Doshi Seedee. See The People’s Majlis, *Law History of Maldives* [in Dhivehi], 12.

⁵⁴ Mohamed Ameen, *The Constitutional History of the Maldives* [in Dhivehi] (Male’: Novelty Press, 2003), 29–31.

⁵⁵ The People’s Majlis, *Law History of Maldives* [in Dhivehi], 61–62.

⁵⁶ Constitutional Assembly, *Constitution of Maldives* [in Dhivehi] (*Maldives Gazette* 1932), 7.

⁵⁷ Constitutional Assembly, *Constitution of Maldives* [in Dhivehi], 6–7.

⁵⁸ The People’s Majlis, *Law History of Maldives* [in Dhivehi], 13–31.

The new system under the first constitution was not very stable and did not last long. In 1934, Sultan Shams-ud-deen was accused of violating the constitution and was replaced with Sultan Nur-ud-deen.⁵⁹ In the Maldives there was a tradition that if the public wanted to protest some matter, they gathered in the arena called Gulaha Kulhey Fashgandu and forwarded their demands. With enough popular support, their demands were respected by the rulers. Seven years into the constitutional monarchy, on 30 January 1940, a mob gathered in the Gulaha Kulhey Fashgandu, tore up the constitution, and declared it inapplicable to the situation of Maldives at the time. A new constitution was adopted in 1942. However, again by popular demand, Sultan Nur-ud-deen was declared unfit and was deposed by the People's Majlis.⁶⁰

Then a well-respected royal élite, Majid Didi, was elected as sultan. He was residing in Colombo, and never returned Maldives to assume power, staying in Colombo until his death in 1952.⁶¹ During this period, affairs of state were run by the chief minister, the British educated aristocrat Mohamed Amin. Following the death of the sultan elect, the People's Majlis chose Amin as the next sultan. He rejected the offer, telling the parliament that if he was to govern the country he would want to establish a republic, and asking that a referendum be put to the general public. The referendum was held and Amin was elected as the first President of the Maldives on 1 January 1953 by 96 percent of the votes (the participants of the referendum were limited to the residents of Male' and the locals on ships anchored in Male' Harbor at that time). Subsequently Amin enacted a new constitution giving him unprecedented powers.⁶²

Nine months into his presidency, while on an official visit to Sri Lanka, Amin's vice president Ibrahim Didi orchestrated a coup and overthrew him. Amin unknowingly returned to Male', and was arrested and detained on a nearby island. With the help of few supporters, he secretly landed on Male' and entered the Security Force Headquarters

⁵⁹ Maloney, *People of the Maldiv Islands*, 200.

⁶⁰ Maloney, *People of the Maldiv Islands*, 200.

⁶¹ Maloney, *People of the Maldiv Islands*, 200.

⁶² Maloney, *People of the Maldiv Islands*, 201.

looking for support. A mob stormed the premises, dragged him out, and beat him severely. He was tried and banished to a nearby island, where, he died from his injuries on 19 January 1954.⁶³

The country was run by a council elected by the People's Majlis until 7 March 1954, after which the republic was abolished and the sultanate reestablished. Mohamed Fareed Didi was designated as sultan. In 1957, he appointed Ibrahim Nasir as the prime minister. Nasir has been involved in many triumphs and controversies in the political history of Maldives. His major legacy is that he negotiated with the British to end the 1887 treaty and grant full independence for Maldives on 26 July 1965.⁶⁴

From the first constitution through the initial days of the second republic was a volatile political period. Beginning in 1887 and the protectorate agreement with British, the military became increasingly irrelevant, eventually deteriorating into an extremely weak ceremonial force with no clear mandate or legislation governing its tasks, roles and mission. Therefore, during the political infighting among the royal elites, the military was forced to remain on the sidelines as a spectator.

C. THE SECOND REPUBLIC

When the British relinquished authority over the Maldives, the People's Majlis announced a referendum to decide the nation's political future. For a second time the public decided to establish a republic. A new constitution was drawn up and Ibrahim Nasir was elected to serve a four-year term as the first president of the Second Republic on 11 November 1968. Under the constitution, political power was vested with the president, the prime minister, the cabinet, and the People's Majlis.⁶⁵

In 1972, the constitution was amended to extend the term of president to five years and to provide for the election of the prime minister by the Majlis. Nasir was elected for a second term in 1973 and the Majlis elected Ahmed Zaki as the prime minister. However, after an alleged attempted coup against Nasir, Zaki was arrested and

⁶³ Maloney, *People of the Maldiv Islands*, 200–201.

⁶⁴ Maloney, *People of the Maldiv Islands*, 201.

⁶⁵ Maloney, *People of the Maldiv Islands*, 201.

banished to a remote island. Consequently, the constitution was further amended in 1975 to abolish the post of the prime minister and consolidate all power in the hands of the president.⁶⁶ While the Maldives was technically a republic, the constitution did not provide for a democratic system of government. There was no separation of powers. There was no independent judiciary. The legislature was extremely restricted by the overwhelmingly powerful president. Political parties were not allowed. The republic wore the features of a monarchy.

Following ten years of oppressive and autocratic rule by President Ibrahim Nasir, Maumoon Abdul Qayoom was appointed as the second president on 11 November 1978. The political structure and authoritarian system of government continued throughout his 30-year rule even though Qayoom enacted a new constitution in 1997. Until 2003, power was so centralized that the executive held the portfolios of the president, commander in chief, the minister of finance and minister of defence. Also, the president was the supreme authority for judicial review and had the power to appoint eight members in a 52-member legislature.

Additionally, legislators were not forbidden to hold dual jobs, most government ministers ran for legislative seats and got elected. As a result, the executive had almost total control of all three branches of government until the 2008 constitution.

Between 1932 and 2008, the Maldives enacted seven different constitutions, most between 1932 and 1978, and enacted major amendments to five of the seven (the exceptions are the 1997 and 2008 versions).⁶⁷ This highlights the volatile nature of the political situation in the Maldives at the end of monarchy and in the early years of the republic.

D. DEMOCRATIC REFORM IN THE MALDIVES

The pressure for real political reform started in early 2000 although the government refused to allow wide-ranging political reform until late 2004. The debate over political reform came to light in early 2001 when a group of 42 political and

⁶⁶ Maloney, *People of the Maldivian Islands*, 202.

⁶⁷ The People's Majlis, *Maldives Constitutions 1932 - 1998* [in Dhivehi] (Male': People's Majlis, 1998), 1–200.

business elites submitted a petition to register a political party to the Ministry of Home Affairs, which is mandated to register civic organizations. The matter was sent to the People's Majlis, which rejected the proposition overwhelmingly—43 out of 52 opposed it.⁶⁸

However, the signatories of the petition kept up their demand that the government allow political parties. At the same time, the elite reformers mobilized and captured the imagination of the youth, who had not seen a president other than President Qayoom.⁶⁹ Under pressure from the populace, Qayoom announced sweeping political reforms on June 2004 with the main goal of developing a multiparty democracy and a new constitution with a separation of powers between the executive, legislative, and judicial branches. The issue of political parties was again referred to the People's Majlis, but this time an overwhelming majority (46 out of 52) voted to allow the formation of political parties.⁷⁰ The first phase of the reform effort culminated in 2008 with the ratification of a new constitution on 7 August and the first ever multi-party elections on 8 and 28 October.

These democratic reforms brought unprecedented changes to the political system. They effectively ended the unrestrained power of the president and established the institutions of the executive, legislature and the judiciary with separation of powers. The new system further diluted political power by providing for an independent elections commission, judicial service commission, civil-service commission, anti-corruption commission, auditor general, and prosecutor general.

The following table summarizes the structure of political power in the Maldives' different political systems.

⁶⁸ "Formulation of Political Parties in the Maldives [in Dhivehi]," Elections Commission of the Maldives, http://www.elections.gov.mv/index.php?option=com_content&view=article&id=15&Itemid=8, accessed May, 18, 2012.

⁶⁹ The idea of political reform got traction when a drug offender named Evan Naseem died from a police beating in Maafushi Prison. As the news spread, prisoners started rioting, set fire to the cells, and attempted to take the prison armory. Security forces opened fire, killing 3 inmates and injuring 20. In response, rioting began in the capital, a number of police stations were torched, and security installations and government offices were damaged. The incident galvanized the public, and demands for political reform and rioting against the government became common in major population centers (President's Office, 2004).

⁷⁰ Formulation of Political Parties in the Maldives [in Dhivehi]."

Political Era	Executive Power	Legislative Power	Judicial Power	Media Freedom	Civic Organizations
Consultative Monarchy (prior to 1932)	Sultan	Sultan	Sultan	None	None
Constitutional Monarch (1932–1952)	Prime Minister appointed by an unelected legislature	Members appointed by Sultan	Sultan/Prime Minister/Chief Justice	None	None
First Republic (January–August 1953)	President elected without full suffrage	A mix of elected and appointed members	President/Chief Justice	None	None
Constitutional Monarchy (August 1953–November 1968)	Prime Minister appointed by an unelected legislature	A mix of elected and appointed members	Sultan/Prime Minister/Chief Justice	None	None
Second Republic (1968–2008)	President	A mix of elected and appointed members	President/Courts	Very restricted	Operated with the blessing of the government
Democratic Transition (since 2008)	President	Independently elected	Supreme Court/ Appellate Courts/ Trial Courts	Guaranteed freedom	Independent and active

Table 1. Institutions of political power in different political eras (The People’s Majlis, 1998)

From the discussion and the table above, it is evident that the Maldives’ political system was very much executive-centered and therefore did not allow adequate room for the development of a system of democratic CMR. This dynamic is further underscored in the Maldives’ military history, discussed in the next chapter.

III. MILITARY HISTORY OF THE MALDIVES

The Maldives has long maintained a military. As an island nation at the intersection of the east-west trade route, the Maldives faced continuous threats from both pirates and the kingdoms of South India. Its oldest known copper book, the *Isdoo Lomaafaanu* from 1194, describes a Maldives king who can muster an enormous army to protect a hundred thousand islands.⁷¹

The early military was born from colonial threats and wars with kingdoms in the Indian coast. The Maldives' military history went through two distinct periods: a citizen-soldier military organization in the early days, and a professional military organization that developed in the late nineteenth century. Despite the Maldives' volatile political history, the military never took over the polity. At first the military was busy fighting foreign invaders and did not have time to get involved in politics. From the late 1800s until the 1980s, the rulers purposely kept the military weak so it would not become a threat to them.

A. SOUTH INDIAN THREATS

Well into the eighteenth century, South Indian kingdoms posed a security threat to the Maldives. The threat took two forms: Indian kings trying to expand territory for economic gain, and deposed Maldivian kings offering tribute to India in exchange for their help regaining the throne. The first recorded war is an operation conducted by the Maldivian king in 1120 to regain control of two northern atolls that had been captured by an Indian king.⁷²

In the 1400 and 1500s, the Malabar kingdom on the Indian coast had several wars with the Maldives. The Malabar intervention began when the deposed sultan Kalhu Muhammad requested help from Kannanur Ali Rajaa of Malabar. Ali Rajaa sent a fleet of

⁷¹ The reference to a hundred thousand islands is probably because there was no way to count the more than 1100 Maldives islands in medieval times.

⁷² Jaufar Abdul Rahmaan, *Maldives Military History 1* [in Dhivehi] (Girifushi: MNDF Non-Commissioned Officers Academy, 2010), 6.

soldiers and reinstated Kalhu Mohamed as the sultan in 1494. He was deposed again in 1510 and came back, again with the help of Ali Rajaa, two years later.⁷³

During the 1512 voyage, Ali Raja's ships were captured by the Portuguese, but they joined forces when they learned that the ships were headed to the Maldives, as the Portuguese were looking for a foothold in the Maldives.⁷⁴ As a reward for their help, Sultan Kalu Mohamed allowed the Portuguese to build a depot in Male' and agreed to pay tribute to Ali Rajaa. When the Maldives stopped paying tribute to Malabar kingdom in the mid-seventeenth century, they attempted to recapture Male' on several occasions. In this struggle Malabar kings captured various parts of the Maldives, but each time was repulsed from everywhere except Maliku, the Maldives' northernmost atoll.⁷⁵

This harassment continued until the British captured the Malabar region in the late eighteenth century. When the British captured the region in 1792, the Maliku was under the Malabar kingdom, so it became part of British India and the Maldives lost the atoll permanently.⁷⁶

B. THE PORTUGUESE THREAT

The Maldives had trouble with the European colonial powers starting in the early sixteenth century. The first major European colonial power to show interest was Portugal, which eyed the trade route between the Indian subcontinent and the Arabian Peninsula. The Maldives was a mid-voyage resting harbor for ships and provided critical supplies such as coir ropes, blankets, and dried fish. Maldives workers were very advanced in wooden ship building and provided repair services to ships in port. The Maldives also traded valuable commodities like cowry shells, ambergris, and turtle shells.⁷⁷

With permission from Sultan Kalu Muhamad, the Portuguese started operating a depot in the Maldives in 1517.⁷⁸ Once they had a foothold, they started robbing the

⁷³ Maloney, *People of the Maldiv Islands*, 116.

⁷⁴ Maloney, *People of the Maldiv Islands*, 122.

⁷⁵ Maloney, *People of the Maldiv Islands*, 116.

⁷⁶ Maloney, *People of the Maldiv Islands*, 116–117, 126.

⁷⁷ Maloney, *People of the Maldiv Islands*, 154.

⁷⁸ Maloney, *People of the Maldiv Islands*, 122.

islanders and looting the docks without paying dues. This angered the locals, who burned down the Portuguese depot and killed all the Portuguese, ending the Portuguese trouble for a while. However, in 1552 when Sultan Hasan XI fled to Goa and converted to Christianity (changing his name to Don Manoel), he gave the Portuguese an opening by seeking their support.⁷⁹ The Portuguese started sending expeditions to demand payments in the name of Don Manoel, the Christian Sultan of Maldives. The locals considered his conversion disgraceful, refused to pay tribute, and attacked the ships, capturing some and killing all aboard. Eventually the Portuguese arranged a large expedition and conquered Male', killing the sultan Ali X. Portugal ruled brutally for 15 years. It looted the country and forced the locals to convert to Christianity. Finally, a local hero named Mohamed Thakurufaanu and his associates defeated them in 1573 after a prolonged seaborne guerilla campaign.⁸⁰ The Portuguese then sent several expeditions to recapture Male'. After fighting for three years, a treaty was signed specifying that the Portuguese would leave the Maldives and the Maldivians in exchange would pay a pension to the Christian king and use Portuguese passports for travel.⁸¹ The Portuguese tried again to capture the Maldives in the early seventeenth century, but all attempts were defeated.⁸²

C. THE STRUCTURE OF THE EARLY MILITARY

Given continuous threats to its sovereignty, the Maldives maintained a relatively strong military from the fifteenth century up until the mid-nineteenth century. The military had both a land and a naval component. The naval component consisted of locally built wooden ships fitted with cannons. The land component was divided into three regiments specialized in different fighting skills—a gunners regiment, a martial arts regiment and a sword regiment (Figure 4).⁸³

During this era, the primary mission of defending the country meant protecting the capital from falling into the hands of invaders. The Maldives, as a small island nation

⁷⁹ Maloney, *People of the Maldiv Islands*, 123.

⁸⁰Theodore L Stoddard, *Area Handbook for the Indian Ocean Territories* (Washington, DC: U.S. Government Printing Office, 1971), 259.

⁸¹ Maloney, *People of the Maldiv Islands*, 124.

⁸² Maloney, *People of the Maldiv Islands*, 126.

⁸³ Rahmaan, *Maldives Military History 1* [in Dhivehi], 5–8.

with limited resources, used its geography, and especially the treacherous network of atolls and reefs, to hide and launch surprise attacks on invading ships. Most famously, Mohamed Thakurufaanu used the maritime terrain to his advantage when he liberated the Maldives from the Portuguese. He hid his ship in natural harbors during the day and landed at night on islands where the Portuguese had detachments, attacking and escaping in the darkness. He used his superior navigation skills to escape pursuing ships in the networks of reefs.⁸⁴

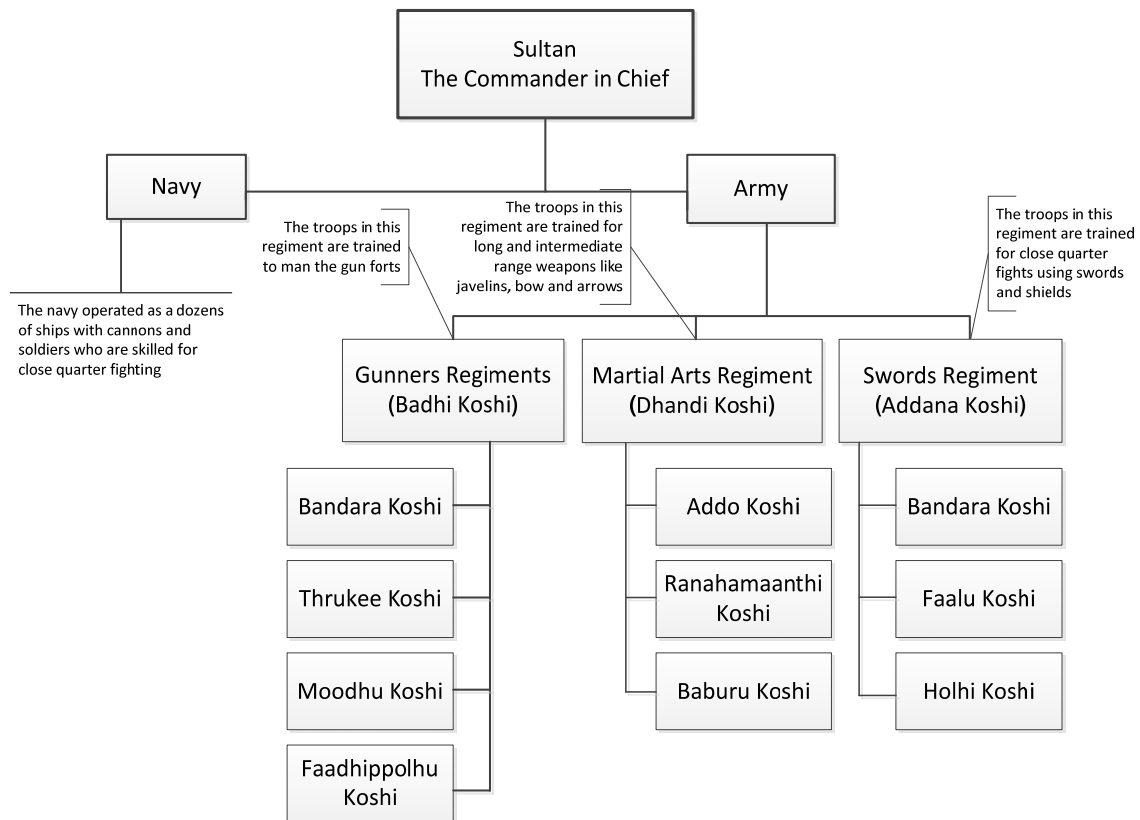


Figure 4. The early military structure and command relationship (Rahmaan, 2010)

Early defenses centered on protecting the capital. Successive sultans built an elaborate defensive structure in Male'. Even after the Portuguese were defeated, they and

⁸⁴ Most famously, Mohamed Thakurufaanu used Maldivian geography to his advantage when his ship Kaluohfummi, with the Portuguese fleet in pursuit, simply sailed right through the middle of the island of Komandoo. When the Portuguese arrived, the island was whole and they had to sail around it. By the time they navigated the vast swath of reef attached to the island, the Kaluohfummi had disappeared. Later researchers discovered that Komandoo is actually two islands separated by a very narrow but navigable channel. When seen from a distance, the vegetation disguises the channel and Komandoo appears as one island.

the Malabar continued attempts to overrun the Maldives in the 16th and 17th centuries. The military built a fort system around Male' so they could attack ships entering and within the harbor (Male' harbor at the time was a natural enclave encircled by reefs that offered protection from high seas). The defense of Male' reached its high point in the 1620s, when Sultan Mukarram Muhammed Imad-ul-deen surrounded Male' with a 20-foot high fortified wall, with gun forts and bastions, parts of which survived into the 1900s.⁸⁵

D. THE BRITISH THREAT

The Maldives faced no major threats after defeating the Portuguese. Concerned about frequent shipwrecks, the British started surveying the Maldives in the early 1800s. At first, they simply determined navigation routes and drew charts. However, as the Maldives was strategically located in the eastern trade route, the British wanted to insure that no other power gained control of the territories. They forced the sultan to acknowledge the British suzerainty on 18 December 1887.⁸⁶

Under the agreement, the Maldives gave up foreign affairs to the British and in return the British protected the Maldives against foreign aggression, leaving domestic affairs to the sultan.⁸⁷ With charts of the reefs allowing them to navigate through the islands, the British viewed the Maldives as a strategic backup location if the Japanese threatened British India and Sri Lanka.⁸⁸ They established temporary air strips on the north and south islands of Kelaa and Gan, and later developed Gan as one of the strongest Royal Air Force bases in the Indian Ocean. Although the British relinquished their authority in 1965, they kept Gan Air Force Base operational until 1976.⁸⁹

For the most part, the British did not interfere with internal affairs. However, the 1887 agreement had a significant impact on the Maldives' military. By the mid-1800s, the British had defeated the Dutch and consolidated their power in the Indian Ocean. The

⁸⁵ Maloney, *People of the Maldiv Islands*, 125.

⁸⁶ Maloney, *People of the Maldiv Islands*, 128.

⁸⁷ Maloney, *People of the Maldiv Islands*, 128.

⁸⁸ Maloney, *People of the Maldiv Islands*, 129.

⁸⁹ Maloney, *People of the Maldiv Islands*, 129.

Maldives had no real or perceived enemies and gradually lost its appetite to support a military. The protective wall around Male' and the gun forts became irrelevant and eventually were destroyed. The institutions dwindled and the military became a nominal force. Prior to the agreement with British, the Maldives had citizen-soldiers rather than a professional military organization. Early soldiers were paid mostly by sustenance, like rice; some senior appointments were rewarded with islands.⁹⁰

During the first half of the nineteenth century, the military was its most formidable, and yet it stayed out of politics. Various factors help explain this. Under the monarch, the military existed at the behest of the ruler, and going against him, irrespective of how he came to power, would result in negative outcomes to the military. Additionally, the military was well taken care of by whoever was in power. At during this time, the military as an institution was extremely busy defending the country from external threats and therefore did not have time or motivation to engage in domestic politics.

E. DEVELOPMENT OF MILITARY AS A PROFESSION

After a period of diminished importance and interest in the military among the ruling élite, the county began to re-develop its military when Sultan Ibrahim Nur-ul-deen observed a group of youth marching together in drills. He liked the activity, and created a permanent drill team in 1892.⁹¹ Initially eight individuals were selected, and they served as escorts for the sultan as he visited in Male'. The organization was slow to develop, and sixty years later had fewer than 50 soldiers.⁹² In the absence of an outside threat, the organization developed as a ceremonial military with mostly ceremonial and policing duties. When the Maldives faced intense political upheaval following the first written constitution in 1934 and during the establishment and collapse of the first republic in 1953, the military had no real clout and was only a spectator to the coups and counter coups.

⁹⁰ Rahmaan, *Maldives Military History 1* [in Dhivehi], 8.

⁹¹ Rahmaan, *Maldives Military History 1* [in Dhivehi], 11.

⁹² MNDF, *Developments to the MNDF 1978 - 2000* [in Dhivehi], ed. Jaufar Abdul Rahmaan and Ibrahim Naeem (Male': MNDF Media and Publishing Service), 7.

The first real military challenge in the twentieth century came when the three most southern atolls (Huvadhoo, Fuvahmulah, and Adhoo) started a secessionist movement between 1959 and 1964 led by an individual named Abdulla Afeef. The movement wanted to establish a separate state named United Suvadive Republic.⁹³ It was widely believed that Afeef had the implicit backing of the British, who were at Gan running the Royal Air Force Base. Fearing British involvement, Prime Minister Ibrahim Nasir sent emissaries to negotiate with the secessionists.⁹⁴ Once it was clear that Afeef and his supporters were in no mood to listen, Prime Minister Ibrahim Nasir decided to use the military to bring them under control, and the uprising was brutally crushed. Nasir led a contingent of soldiers on a merchant vessel to the island of Thinadhoo on 4 February 1962, arrested Afeef's supporters and ordered the inhabitants to leave the island by night fall of the next day.⁹⁵ This marked the first military use of lethal force since early 1900s. The island was declared an "uninhabited island" and torched, destroying houses and vessels, in one of the most brutal and controversial chapters in modern Maldivian history. Threatened with the same treatment, Addo and Fuvahmulah gave up the idea of a separate republic.⁹⁶

By this time the constitution gave all executive powers to the prime minister and the sultan was just a figurehead. The secessionist movement was viewed as a political rather than a military threat. The incident did not initiate change or development to the military, which continued to perform ceremonial duties and law enforcement.

The second major military challenge came when a Sri Lankan based terrorist group, the People's Liberation Organization of Tamil Elaam (PLOTE) attempted to capture Male' with the aid of a few locals with an early morning surprise attack on 3 November 1988. The Maldives had a different president, Maumoon Abdul Qayoom,

⁹³ The secessionist movement was formed to protest against the measures the government initiated to centralize power. When government ordered all the ships travelling to and from the Maldives to come to Male' for customs clearance and to pay custom duties, there were protests from people in the three southernmost atolls who traditionally travelled directly to Sri Lanka and India. The policy made their journey longer and became a burden. This led to the formation of a People's Council representing the three atolls; Afeef became the president of the United Suvadive Republic.

⁹⁴ Maloney, *People of the Maldiv Islands*, 204.

⁹⁵ Maloney, *People of the Maldiv Islands*, 205.

⁹⁶ Maloney, *People of the Maldiv Islands*, 205.

elected in 1978. After assuming power he instituted limited changes in the military, such as restructuring the Ministry of Defence and enlisting more educated youth into the services. However, the ceremonial and law enforcement mission of the military continued as its main focus. The terrorists attempted to capture MNDF Headquarters, the nation's only security installation at the time. If captured, the country would fall. After a gunfight lasting 18 hours, when they were unable to capture the installation, the terrorists and their coconspirators took two dozen civilian hostages and hijacked a merchant ship anchored off Male' and fled. They were captured on the high seas with the help of the Indian military.⁹⁷

The terrorist attack was a wakeup call that Maldives had security challenges. The government, with British help, began training soldiers in infantry and war fighting, opened an infantry training school in Girifushi, and through defense cooperation initiatives started sending officers and soldiers for training in other countries.⁹⁸

Military personnel, equipment and capabilities grew exponentially since 1988. However, there was no legislative development to commensurate with the institutional development of the military. No legislation governed the military—it operated under an executive order by the president. The executive order was derived from the authority in Act no 1/68 (official business) which empowered the president to create ministries.⁹⁹ Under this order, national defense was assigned to the Ministry of Defence and National Security, and the MNDF was tasked as the implementing agency of the MoDNS. This legal state of affairs continued until the People's Majlis enacted the Armed Force Act of 2008.

From a CMR perspective, the relationship between the executive and the military remained stable since military began developing as a profession. The military served under the sultan in the era of consultative monarchy, under the prime minister in the constitutional monarchy, and under the president in the republic. Until the 2008 constitution, national political power was largely in the hands of the executive, and all the

⁹⁷ Rahmaan, *Maldives Military History 1* [in Dhivehi], 16–23.

⁹⁸ MNDF, *Developments to the MNDF 1978 - 2000* [in Dhivehi], 76–83.

⁹⁹ *Official Business Law no. 1/68, (Maldives Gazette, 1968)*

CMR institutions reported only to the chief executive. Thus, the executive had unchallenged institutional and legislative power over the military. This history of executive power over the military institutionalized a single stakeholder mentality within the military and in the executive branch.

In summary, history shows that the military in the Maldives went from a formidable, highly professional, outward-oriented fighting force to an internally focused law enforcement agency. Since 1988, the country has been trying to reestablish a professional military.

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IV. STRENGTHS AND WEAKNESS OF CIVIL-MILITARY INSTITUTIONS

Having established the antecedent political and military history of the Maldives, it is important to examine how the nation's political and military history affected the formation of the democratic civilian control of the military. This chapter focuses on democratic civilian control variables: institutional controls, oversight, and professional norms.

A. INSTITUTIONAL CONTROLS

Institutional control in the CMR literature is defined as the capacity of civilian institutions and their officials to develop and implement defense and security policy in conjunction with the military.¹⁰⁰ Institutional control requires a state bureaucracy that has legislative mandates, adequate resources (including funding and knowledgeable staff) and leaders willing to exercise their authority for institutional control. It also requires military obedience to direction and guidance from the legally designated institutions in the executive or legislative branch.¹⁰¹

1. The Ministry of Defence and National Security

Until the 2008 constitution, direction of the Maldives military was solely by order of the executive, with no say from the legislative branch. As discussed in Chapters II and III, this is rooted in the history of the executive-military relationship throughout the history of the country. The executive held virtually unchallenged political power and there was no mechanism for the legislature to play an effective role in defense policy making.

A separate ministry to oversee the function of the armed forces came into existence only in 1932, under the country's first written constitution, when Sultan Shamsu-ul-din appointed his cabinet. Since the military at the time was very much

¹⁰⁰ Arjana Olldash, "Civil-Military Relations in Emerging Democracies as Found in the Articles of Armed Forces & Society" (Texas State University, 2002), 24.

¹⁰¹ Olldash, "Civil-Military Relations in Emerging Democracies as Found in the Articles of *Armed Forces & Society*," 24–25.

domestically focused, the first ministry of defense was called *Mahkamathul Aman Ammu* (Office of Public Safety), a name that continued through the dissolution of the monarchy, the establishment of the first republic, the return to monarchy, and the establishment of the second republic in 1968. The first president of the second republic, Ibrahim Nasir, kept the focus of the military as a domestic security force. He coupled the military with the country's only police force, which was functioning as an independent institution, on 13 March 1972, changing the name to the Ministry of Public Safety. This further consolidated the domestic focus as well as the power of the security institution under him.¹⁰²

Following the change of government in 1978, President Maumoon Abdul Qayoom kept the institutional structure and focus largely intact. However, when supporters of the previous president hired a group of ex-British SAS mercenaries and attempted a coup in 1980, Qayoom saw the need for the military to move beyond domestic law enforcement.¹⁰³ Hence, he started developing the police and the military as separate units within the larger umbrella of the National Security Service (NSS). To represent this change, he changed the Ministry of Public Safety to its current name, the Ministry of Defense and National Security.¹⁰⁴

Under Qayoom, the MoDNS underwent major changes. In 1992, the Department of Immigration and Emigration became part of the MoDNS. In 2004 the police function was separated and placed under the Ministry of Home Affairs, with a mandate to develop the police as a civil force. Likewise, following the Asian tsunami in December 2004, a National Disaster Management Center was created under the ministry. (After an initial response phase, this became an independent institution in 2008, and was reattached back

¹⁰² Jaufar Abdul Rahmaan, "History of the Ministry of Defence [in Dhivehi]," MNDF Magazine, <http://magazine.diteonline.net/2011/08/28/From-the-records/MOD/index.html>, accessed August, 04, 2012.

¹⁰³ The plot was led by a brother-in-law of President Nasir. The ex-SAS mercenaries came to Maldives as tourists with weapons smuggled inside scuba equipment. Although they had a perfect chance to carry out the plot, they refused to execute the plan. Testimony by the mercenaries later revealed that they flinched because they had been misinformed about the situation in Male'. They found that Qayoom was quite popular among the locals and the situation in Male' was calm and quiet, unlike what they had been told prior to their arrival.

¹⁰⁴ Rahmaan, "History of the Ministry of Defence [in Dhivehi]."

to MoDNS in 2012). The department of Immigration and Emigration was divested when the Immigration act of 2007 was passed by the People’s Majlis, making it an independent institution.

From a CMR perspective, it is important to highlight that the changes to MoDNS prior to the 2008 constitution were done by the executive with no role for the legislature. There was no distributive authority over defense policy making required for a democratic institutional control régime. As all changes were made through executive orders, the military lacked a strong legislative foundation to establish its permanency. The executive could change the structure and the mandate of the security force at will and without scrutiny.

Nevertheless, apart from the lack of distributive authority and scrutiny, the MoDNS had tight control over the military. This was accomplished mostly through budgetary control and direct involvement of the executive. The ministry with authority over the administration of the budget could fund or defund initiatives by the military at will. Additionally, except for Ibrahim Nasir, other presidents (President Ameen and President Qayoom) for most part kept the portfolio of the Minister of Defense for themselves, ensuring personal control.¹⁰⁵

Even though the MoDNS kept a strong hand in terms of control, the ministry lacked professional civilian staff trained in security and defense. Consequently, even now the MoDNS relies on the military to generate defense policy. This allows the military to monopolize the defense policy process, making it difficult for the MoDNS to really scrutinize the motives of the military. Overall, the MoDNS is a mixed bag when it comes to the features required to exercise effective institutional control. However, as the ministry is the oldest institution of control in Maldives, it has the most influence over the military.

¹⁰⁵ Rahmaan, "History of the Ministry of Defence [in Dhivehi]."

2. National Security Council and National Security Advisor

The National Security Council (NSC) is a new phenomenon in Maldives. It only came into being following the passage of the Armed Force Act of 2008—the first-ever legislation enacted to govern the military—as part of the reform initiative begun in 2004. According to Clause 13(a) of the act, there should be a National Security Council to advise the president on matters of national security. The NSC is made up of the President, the Vice President, the Minister of Defense, the Minister of Foreign Affairs, the Minister of Home Affairs, the Attorney General, and the Chief of Defense Force, along with anyone deemed by the president important enough to participate on a temporary basis.¹⁰⁶ The absence of an NSC-type arrangement prior to the 2008 legislation can be attributed to the fact that the military mostly operated in a personal relationship between the president and the military hierarchy. Qayoom stayed in power for 30 years and the military top brass remained fairly constant. Their mutual longevity fostered a personalized and clientistic relationship that made the executive comfortable with the counsel and advice provided by the military leaders.

The formation of NSC by legislative mandate is one of the most important challenges to the military monopoly on defense policymaking. In addition, the presence of all the crucial cabinet portfolios pertaining to security and foreign policy is a positive environment for developing a holistic security policy for the Maldives. While there are numerous positives to NSC, one of the most crucial elements is missing: a civilian National Security Advisor (NSA) or a secretariat to function as the brain of the NSC. Because the NSC consists mostly of cabinet ministers with their own portfolios to worry about, an NSA is required to do the background work and generate policy alternatives. A further weakness in the legislation is that it does not mention the frequency of the meetings or require publication of any defense or security related information for scrutiny by the other branches and the general public.

¹⁰⁶ *The Armed Force Act of 2008* [in Dhivehi], Law no. 1/2008 (*Maldives Gazette*, 2008)

To address this missing link, President Nasheed created a NSA office and appointed the first NSA on 10 December 2009 by executive order.¹⁰⁷ This could have strengthened the NSC, but according to the press, the NSA mostly operates as an independent entity from the NSC. Since its creation, the NSA has become very active—to the point that the press and opposition politicians question whether the NSA is taking over the function of the NSC and pushing security policy in various national security issues.¹⁰⁸ For example, between December 2010 and May 2011, the NSA office advocated policies relating to soldiers on peacekeeping missions, establishing a national security framework, and dealing with the growing number of expatriate workers in the Maldives. What became problematic at the time was that, according to the press, the main issues discussed in the cabinet were based on the policy papers submitted by the NSA office.¹⁰⁹ As these issues were highly controversial, it would have been better if these issues came to the cabinet as proposals from the NSC rather than NSA—after all, the NSC is the legislatively mandated authority to generate policy for the president.

The office of NSA was short-lived, as it was created by an executive order. The office continued to exist, but since the new president came to power on 7 February 2012, the position has remained vacant. The supposed brain function of the NSC is missing as there is no legislative mandate requiring an NSA. It is important to note that, because political appointees change frequently in a democracy, there is a huge requirement for permanent professional staff in the secretariat of NSC and NSA to provide history, context, continuity, and professional advice for political leaders who may lack security-related savvy when they assume office.

¹⁰⁷ The first National Security Advisor, Ameen Faisal, was Defence Minister until 9 December 2009. The president appointed him when he could not to secure enough votes from the parliament for confirmation as Minister of Defence. In the Maldives' system, the president appoints cabinet posts and the parliament confirms the appointees. Any appointee who fails to secure confirmation by majority vote of the parliament must resign from the post immediately.

¹⁰⁸ "Important National Security Decision Made by National Security Advisor's Office! [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/101918>, accessed August, 02, 2012.

¹⁰⁹ Important National Security Decision Made by National Security Advisor's Office! [in Dhivehi]."

3. The Parliament and Parliamentary Committees

Although Maldivian legislative history dates to 1932 and the first constitution, it is only since 2008 that the constitution provides for an independent legislative body. The initial legislative bodies were appointed by the sultan. When Maldives started electing legislatures by popular vote, legislators were permitted to hold dual jobs. Most cabinet ministers and senior government officials, with the advantage of office and their political capital, ran for the legislature and got elected. There was little separation of powers between the executive and the legislature.

Prior to the 2008 constitution, there were no permanent committees in the parliament. The People's Majlis had functioned simply as a lawmaking body, with virtually no oversight power. The Maldives has a unicameral parliament with 77 members. Legislators are elected by popular vote on the basis of 2 members for first 5,000 residents registered for each administrative district and an additional member for each additional 5,000 registered residents. All members are elected through a proportional representation system.¹¹⁰ The constitution bars members of the People's Majlis from holding any other public office.

The 2008 constitution gives considerable power to the elected representatives in influencing defense policy and structure. The constitution gives a clear mandate for the parliament to enact legislation that governs the structure and the principles by which all the security services should operate. According to Article 239(a) of the constitution, "the People's Majlis shall enact a statute on organization of and the principles pursuant to with each security services shall operate."¹¹¹ Additionally, under the current rules, legislation and amendments can be initiated by an individual member, by a committee or by the government through member representing the political party in power.¹¹² This is a stark difference from the previous practice in which only the government could initiate the process of amending and proposing new legislation.

¹¹⁰ The People's Special Majlis, *Constitution of the Republic of Maldives* (Maldives Gazette 2008), Article 71.

¹¹¹ The People's Special Majlis, *Constitution of the Republic of Maldives*, Article 239.

¹¹² The People's Special Majlis, *Constitution of the Republic of Maldives*, Article 239.

Additionally, the Majlis has two separate committees with power to shape the security forces. The constitution in Article 241 calls for a permanent committee in the parliament to manage the affairs of the security services. This is the only committee mandated by the constitution—all others were created by the Majlis itself. The constitution established the Security Services Committee (*Salaamathee Khidumathakaabehey Committee*), known as the 241 Committee. It has the privilege of being the principal agent in the matter of enacting legislation regarding security services. The current Armed Force Act was passed by People’s Majlis prior to the constitution of 2008 and is yet to be synchronized with the new system. When the People’s Majlis take up this legislation, they will have power to shape defense policy and institutions by legislative action. (For now, individual lawmakers and committees are able to propose new legislation and amendments.) In addition, the Finance Committee (*Maaliyath Committee*), which has the power to review and amend the annual budget submitted by the government, has the power to shape security policy through appropriations—the “power of purse.”¹¹³

Since 2008, the People’s Majlis have shown a willingness to confront the executive and the security establishment when they feel left out of major security and defense related decision making. For example, when an effort by the government to bring two Palestinian detainees from the Guantanamo Bay Prison to the Maldives for rehabilitation was leaked in the press in early 2010, the security related committees in the Majlis got involved. They conducted hearings and ultimately got a resolution passed by the full floor forbidding the executive from executing the plan to rehabilitate detainees in the country. They argued that doing so would bring unnecessary risk of terrorism and is not in the best interest of Maldives.¹¹⁴

¹¹³ The People’s Majlis, “Administrative Regulations of the Finance Committee [in Dhivehi],” http://www.majlis.gov.mv/di/wp-content/uploads/2_Maaliyath-Committy-hingumuge-Gavaidhu-_islaahu-2.pdf, accessed August, 05, 2012; The People’s Majlis, “Administrative Regulations of the Security Services Committee [in Dhivehi],” http://www.majlis.gov.mv/di/wp-content/uploads/5_241-Committee.pdf, accessed August, 05, 2012.

¹¹⁴ “Dr. Shaheed Hints that the Government Will Proceed in Bringing the Gitmo Prisoner [in Dhivehi],” *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/94244>, accessed November, 24, 2012; “Maldives Offer to Relocate Two Guantanamo Prisoners,” BBC, http://news.bbc.co.uk/2/hi/south_asia/8685158.stm, accessed September, 14, 2012.

Although the People's Majlis has the legislative mandate, a willingness to exercise power, and the power of purse, these strengths are overshadowed by the fact that the legislative body is starved for security related knowledge (in the current Majlis there is only one legislature who is retired military). Additionally, the legislative body does not have an independent research institution to provide objective and independent analyses of issues. This lack of security knowledge within the legislative body is further exacerbated by the fact that the committees of the Majlis also lack professional staffers to advise committee members. However, notwithstanding the knowledge gap, the People's Majlis appears to have adequate institutional control over the armed forces.

B. OVERSIGHT

Oversight is identified as actions by state institutions, as well as non-state actors, to make sure the security forces operate within the mandate provided to them by the elected political leaders. For effective oversight, the institutions should have legislative authority, the capacity and a willingness to exercise oversight, and a willingness to play by the rules among all concerned parties. The formal oversight of the military is exercised by agencies of the executive, legislative and judicial branches. Also, in a democratic CMR régime, oversight is exercised by civic organizations, a free press and research institutes.¹¹⁵

1. Executive Oversight

During the time of sultans, the military reported directly to the executive, so the sultan directly controlled all military affairs. It was a similar situation in the republic as well. For example, President Qayoom held the portfolio of Minister of Defense from 1978 until 2003. This arrangement allowed the executive to keep a close, personalized watch over the military. Today, the MoDNS controls the budget to the MNDF, allowing it to see how the allocated funds are used. Furthermore, the MoDNS functions as the liaison between the MNDF and all other government institutions, giving it control over

¹¹⁵ Bruneau and Matei, "Towards a New Conceptualization of Democratization and Civil-Military Relations," 916–917.

all the communication. Therefore, it can be said that there is tight executive oversight over the monetary and administrative aspects of the military.

2. Parliamentary Oversight

Parliamentary oversight is a completely new phenomenon, as the People's Majlis gained this power only with enactment of the 2008 constitution. It is one of the most contentious areas of CMR in the Maldives. According to Article 99 of the constitution, "the People's Majlis or any of its committees has the power to (a) summon any person to appear before to give evidence under oath, or to produce documents... ." ¹¹⁶ With this authority, the parliament established a number of permanent committees with oversight power that extends to all state institutions, including the power to subpoena institutions, individuals and documents. ¹¹⁷ At present, there are nine permanent government oversight committees of which three have oversight over the armed forces. From a CMR perspective, this is an extremely positive development, as all these committee have a legal mandate for oversight. The three relevant oversight committees are the Security Services Committee, the Finance Committee, and the National Security Committee.

The Security Services Committee (Salaamathee Khidumathakaabehey Committee) is the primary oversight committee on all matters relating to the functionality of the Maldives National Defense Force and the Maldives Police. Its responsibilities include conducting hearings on the various actions of the MNDF and the police. It is also the principal committee for legislation related to security services. ¹¹⁸

The Finance Committee (Maaliyath Committee) has oversight of matters relating to all financial transactions of the state. Its responsibilities include conducting hearings on the annual budget when the government submits it, monitoring whether the money is spent according to the budget passed by the parliament, and following up on reports by the Auditor General about financial dealings of state institutions. ¹¹⁹

¹¹⁶ The People's Special Majlis, *Constitution of the Republic of Maldives*, Article 99.

¹¹⁷ The People's Special Majlis, *Constitution of the Republic of Maldives*, Article 98, 99.

¹¹⁸ The People's Majlis, "Administrative Regulations of the Security Services Committee [in Dhivehi]."

¹¹⁹ The People's Majlis, "Administrative Regulations of the Finance Committee [in Dhivehi]."

The National Security Committee (Gaumee Salaamathaabehey Committee) has oversight of any matter relevant to national security. Its responsibilities include conducting hearings on national security issues and monitoring legislation that may affect national security. This committee has oversight over the Ministry of Defense and National Security, not over the MNDF itself.¹²⁰

These committees have considerable power to question and demand answers from the security services. For instance, according to statistics from the People's Majlis, the Security Services Committee conducted about 70 hearings on the military and the police between its inception in May 2009 and July 2012.¹²¹

Even though the committees are active and there is an elaborate oversight mechanism backed by law, the short history of legislative oversight in the Maldives has been contentious. The controversy began when the Chief of Defense Force (CDF), the highest-ranking military officer, refused to testify for the Security Services Committee. According to the committee, in July 2012 it twice requested that the CDF appear to clarify the actions of the MNDF following the mass cabinet resignation in late June 2010.¹²² The CDF excused himself, and the committee issued a subpoena. The CDF again refused to appear, arguing that the minister is the responsible authority who should answer to the parliament.¹²³ When the committee failed to persuade the CDF to appear, the issue was sent to the full sitting, and the Majlis voted to seek an advisory opinion from the Supreme Court. The Supreme Court issued a unanimous opinion that the

¹²⁰ The People's Majlis, "Administrative Regulations of the National Security Committee [in Dhivehi]," http://www.majlis.gov.mv/di/wp-content/uploads/9_Gaumee-salaamath-committee-hingumuge-gavaaidh.pdf, accessed August, 05, 2012.

¹²¹ The People's Majlis, "Minutes of the Committees [in Dhivehi]," http://www.majlis.gov.mv/di/minutes_committee, accessed August, 05, 2012.

¹²² Security Services Committee, "Report Submitted to the Floor of the Parliament to Make a Decision Regarding the Refusal of the Security Services to Appear Before the Security Services Committee " People Majlis, http://www.majlis.gov.mv/di/salaamathee_hidhmaithakaa_behey_committee_report, accessed August, 08, 2012.

¹²³ Security Services Committee, "Report Submitted to the Floor of the Parliament to Make a Decision Regarding the Refusal of the Security Services to Appear Before the Security Services Committee " 1-4.

Security Services Committee does have the power to ask the CDF to answer questions, thus settling the question of oversight authority once and for all.¹²⁴

The downside to the current arrangement is this. Given that the Maldives does not have large military, multiple committees could diffuse the focus of the oversight function. Also, even though the committee is legislatively powerful, as discussed in the section on institutional control, the committees lack security related knowledge due to the absence of professional staffers and an independent legislative research institute. Consequently, the parliamentary oversight function is also hindered by the knowledge gap.

3. Judicial Oversight

Judicial oversight is also a new phenomenon in the Maldives. Prior to the 2008 constitution, the highest authority for judicial review was the president. With the creation of an independent judiciary for the first time, the Supreme Court especially has played a very active role. Although the judiciary is independent, the country is faced with a shortage of qualified judges to fill positions on the court. Hence, incompetency prevails, especially on the lower courts. In addition to the general weaknesses resulting from personnel problems, the Maldives has a problem with implementing judicial decisions, especially when they are security related or against the government. Particularly between 2008 and 2011, there were numerous instances when the military simply disobeyed court orders and rulings, including rulings by the Supreme Court. Here are some examples.

The Interim Supreme Court that came to existence with the ratification of the 2008 constitution expired on 7 August 2010. When the parliament failed to appoint permanent judges to the court, the military locked the court on order of the government, preventing the judges and administrative staff from entering the building. The government argued that with the expiration of the interim deadline, the employment of the justices was no longer valid. This incident resulted in Attorney General Husnu Suood resigning and the Prosecutor General Ahmed Muizz pressing charges against the state

¹²⁴ Supreme Court of the Maldives, “Advisory Opinion Issued to People’s Majlis Under the Authority Vested with the Supreme Court by Article 95 of the Constitution [in Dhivehi],” (Supreme Court of the Maldives, 2010), 1–7.

seeking a temporary warrant for the release of the Supreme Court building keys.¹²⁵ On 9 August 2010, the Civil Court decided that the Interim Supreme Court should continue to exist until the parliament appointed permanent judges. The Court ordered the military to release the keys. However, the next day the military barred the justices from the building, allowed only the administrative staff to enter.¹²⁶ This dispute continued until the parliament appointed permanent justices the next day.¹²⁷

Another incident began on 15 July 2010, when the military detained Abdullah Yameen, an MP and President of the People's Alliance political party, in a military facility for nine days. When Yameen's lawyers filed a petition in the court claiming violations of fundamental rights and calling for his immediate release, the military rejected several orders to appear in court for hearings and refused to release him, claiming he was being held for national security reasons.¹²⁸ During his detention, the speaker of the parliament asked the MNDF to arrange for Yameen to participate in the sittings of the Parliament, a privilege granted to parliamentarians by parliamentary regulation, but the MNDF did not make the arrangements. As the political situation deteriorated, the United States Embassy got involved, and the U.S. Assistant Secretary of State for South and Central Asian Affairs, Robert Blake, asked the government to either bring charges against Yameen or release him.¹²⁹ Yameen was released on 24 July 2010 and no charges were pressed.¹³⁰

In another incident, the military arrested Abdulla Mohamed, a criminal court judge, on 16 January 2012 and detained him in a military facility citing a national

¹²⁵ "Maldives in Constitutional Turmoil as Interim Period Expires Unsettled," *Haveeru Daily*, <http://www.haveeru.com.mv/english/details/31189>, accessed June, 01, 2012.

¹²⁶ "Doors Closed for Supreme Court Justices," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/92571>, accessed June, 01, 2012.

¹²⁷ "Chief Justice and Justices of the Supreme Court Takes Oath of Office [in Dhivehi]," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/92606>, accessed February, 24, 2012.

¹²⁸ "MNDF Fails to Appear in Court for Yameen's Detention Hearing," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/91656>, accessed June, 01, 2012.

¹²⁹ "U.S. Send an Envoy to Mediate the Political Deadlock in the Maldives," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/91830>, accessed June, 01, 2012; "U.S. Ask the Government to Seek Assistance of a Mediator to Calm the Political Situation in the Maldives," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/91704>, accessed June, 01, 2012.

¹³⁰ "People's Majlis Urges MNDF to Obey the Constitution and the Rules of the Majlis," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/91788>, accessed June, 01, 2012.

security threat. The High Court issued multiple orders for the MNDF to appear in the court, which the military rejected.¹³¹ Subsequently, the High Court heard the case in absentia, and declared that the military has no legal basis for the arrest and detention of any individual, that issues relating to judges must be addressed by the People's Majlis and the Judicial Service Commission, and that the judge should be immediately released.¹³² When the military failed to obey the ruling of High Court, the Supreme Court heard the case and also ordered the military to release the judge immediately; again the military ignored the court order.¹³³ Abdulla Mohamed's detention continued until the collapse of the government on 7 February 2012.

These incidents illustrate that it is not enough to have legislative authority and courts willing to exercise their duties. Institutions at the receiving end also have to play by the rules and must adhere to the ideals and values of democracy. In the Maldives, although there is an independent judiciary by definition, judicial oversight did not function as it should. It is important to note that the military does not completely ignore all judicial decisions. Since the start of the democratic transition, a number of cases have been decided against the military and the military has complied with those decisions. The issues that became problematic involve a few cases in which the chief executive exerted influence as the commander in chief, and the military played along without thinking about the larger consequences.

4. The Role of Civic Society (Media and NGOs)

In the last eight years, Maldives has witnessed the rise of a strong civic society; citizens organize actively and protest against various government policies. Presently there are 1121 registered civil society organizations in the Maldives out of which 449 are based in Male' and 672 are based on other islands.¹³⁴ Among these there are 138 civic

¹³¹ "MNDF Fails to Produce Judge Abdulla Mohamed to the Court," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/116012>, accessed June, 01, 2012.

¹³² "The Supreme Court Orders Immediate Release of Judge Abdulla Mohamed," *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/115661>, accessed June, 01, 2012.

¹³³ The Supreme Court Orders Immediate Release of Judge Abdulla Mohamed."

¹³⁴ UNDP, "Comprehensive Study of the Maldivian Civil Society," (Male': United Nations Development Programme in the Maldives, 2011), 8.

organizations that directly promote democracy and human rights.¹³⁵ In most instances, civic organizations have been the quickest and most effective in protesting against various actions of the military.

The media in the Maldives also plays a crucial role in keeping the government and politicians in check. Prior to 2007, except for a few print and online newspapers, the media was government owned. When the government started licensing TV and radio for private broadcasters in 2007, a number of private/commercial TV and radio channels were created.¹³⁶ The People's Majlis enacted legislation to form an independent public TV and radio broadcaster managed by a board of directors appointed by the People's Majlis. The increase in the number of TV and radio channels representing multiple political perspectives and the press freedom granted in the 2008 constitution have enabled the media outlets to play a commendable role in reporting news in a timely manner.

The Maldives have a number of widely read and circulated daily Internet newspapers and weekly magazines and blogs. News about any institution, including the military, is disseminated spontaneously. However, as media freedom is a relatively new phenomenon, the media has not yet moved beyond reporting news into investigative journalism and the incorporation of analytical and policy perspectives in their reports. At present, the Maldives does not have any civilian research institutes or professional journals that publish on national security issues. Therefore, oversight by civil society is exercised only at the surface level. The long-term and policy aspects of the defense sector go virtually without scrutiny.

C. PROFESSIONALISM

In the CMR literature, professionalism is identified as the inherent and learned culture that exists within the military—it is apolitical, obeys the civilian authority, and truly functions as a servant of the nation. This ideal state of professionalism is achieved

¹³⁵ UNDP, "Comprehensive Study of the Maldivian Civil Society," 14–15.

¹³⁶ Ministry of Information and Arts, "Press Forward Maldives: Maldives Media," Ministry of Information and Arts, <http://www.maldivesinfo.gov.mv/home/upload/downloads/mbook.pdf>, accessed October, 17, 2012.

by military leaders' experience and prolonged specialized education.¹³⁷ The idea of military professionalism as a larger category includes universal values such as war fighting capabilities and selfless service, but in the CMR realm, the idea of professionalism must be derived from the culture and context of the particular polity and society the military serves.¹³⁸ When talking about military professionalism, the CMR literature mostly focuses on the officer corps.¹³⁹ To understand the level of professionalism it is important to understand how the officer corps is educated, trained and promoted through ranks, because officers are responsible as commanders to execute missions set by the political leaders.

1. Training and Promotion of Officers

Professional military training for officers is relatively a new endeavor for the Maldives. Before 1988, training was ad-hoc and focused on physical fitness and drill. Very few people went abroad for training. In a few instances, the military conducted training with instructors brought in from British Ceylon. In essence, the training system was dormant until the abortive terrorist attack by the PLOTE in November 1988. Soon after the attack, MNDF started building its military training. Since then, with the help of friendly countries, the MNDF has established various training schools. Currently, the training of MNDF is arranged under the Defense Institute for Training and Education (DITE) with five schools—the Marine Corps Training School, Coast Guard Training School, Special Forces Training School, Non-Commissioned Officer Academy, and Officer Training School. Even though there is an elaborate training structure within MNDF, most training is for Non-Commissioned Officers. The Officer Training School was inaugurated only in 2010 and is yet to establish itself.

As there was no officer training system in the Maldives before 2010, MNDF depended completely on foreign countries for officer training, and still does to a large

¹³⁷ Matthew Moten, "Who Is a Member of the Military Profession?," *Joint Force Quarterly* 3rd Quarter, no. 62 (2011), 15.

¹³⁸ Olldashi, "Civil-Military Relations in Emerging Democracies as Found in the Articles of Armed Forces & Society." 19–21.

¹³⁹ Olldashi, "Civil-Military Relations in Emerging Democracies as Found in the Articles of *Armed Forces & Society*." 18–20.

extent. Officer training includes commissioning training and career advancement training. MNDF trains its officers in India, Pakistan, Sri Lanka, Bangladesh, Malaysia, Britain and United States. This system has advantages and disadvantages in developing a professional officer corps. Given the range of countries MNDF relies on for training, officers trained in different countries come away with very different experiences and knowledge. The countries offering training have different value systems and approaches toward civil-military relations, and there is no unified understanding of what it means to be a professional officer. Because of this diversity, and the lack of an established in-country training institution to harness and synchronize the training offered by different countries, developing a professional officer corps suited to the Maldivian context is a daunting challenge for MNDF.

Until 2008, the Maldives had a single ladder system of promotion in which soldiers rose through non-commissioned ranks to become commissioned officers. In late 2008, MNDF established separate career paths for officers and non-commissioned officers. The MNDF has a published promotion manual detailing the criteria and training requirements for promotion to different ranks. The promotion of officers, including general officers, is the privilege of the Minister of Defense. The appointment of Chief of Defense Force and Vice Chief of Defense force falls under the president.¹⁴⁰ Unlike in many countries, there is no requirement for confirmation of service chiefs or officers by the legislature. While in theory this may not have a direct influence on professionalism, because the hiring and firing function is the prerogative of the executive, it does raise the possibility that military loyalty may become unbalanced. The military could be inclined towards the executive in the event of a clash between the executive and legislative branch. The requirement for the military to be impartial and operate according to the constitution rather than the wishes of any branch of government is especially important in newer democracies, because in consolidating democracies there is often contentious struggle between the executive and legislature. This struggle is more evident in the aftermath of an authoritarian regime, because there is always suspicion that the executive is trying to go back to the old days when the executive had a free hand in the affairs of

¹⁴⁰ *The Armed Force Act of 2008* [in Dhivehi], Law no. 1/2008 (*Maldives Gazette*, 2008) Clause 12, 13.

state. Maldives press reports after each controversial use of the military by the executive show that editorial narratives, as well as speeches by party activists, focus on the theme that the executive wants to use the military to intimidate the opposition or establish a dictatorship.¹⁴¹ If military is further used for controversial purposes, like arresting individuals or disrupting judicial proceedings, the military will hurt its professionalism and do damage to its professional image.

The strengths and weakness of the CMR institutions discussed in this chapter are summarized in Table 2.

¹⁴¹ “MNDF Takes over the Function of Department of Immigration and Send Employees Home [in Dhivehi],” *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/106605>, accessed June, 01, 2012; “Soldiers Takes Over the Function of Service Counters of the Ministry of Human Resources [in Dhivehi],” *Haveeru Daily*, <http://www.haveeru.com.mv/dhivehi/news/106615>, accessed June, 01, 2012.

Category of Control	Individual Variables	Strengths	Weaknesses	Overall Score
Institutional Control	Ministry of Defense and National Security (MoDNS)	• A long institutional history of functioning as a separate office • Minister of Defense has considerable powers under the Armed Force Act • MoDNS controls the budget of MNDF	• No independent legislation governing the MOD (except for references to minister of defense in the Armed Force Act of 2008) • Largely depends on uniformed staff for policy alternatives • Lacks civilian staff trained in defense and security	Moderate
	National Security Council (NSC)	• Armed Force Act of 2008 gives legal basis to function as an advisory body	• Legislation is weak as there are no clear mandates and roles for NSC in the Armed Force Act • NSA lacks the brain function (professional staff to do research and generate policy alternatives)	Weak
	National Security Advisor (NSA)	• None	• There is no legislation governing NSA • NSA is not appointed regularly	Weak
	Parliamentary Committees	• Has the power to enact and amend laws relating to military • Parliament has the power to pass and amend the budgets • Clear constitutional mandate for parliamentary committees to influence defense policy	• Once the budget is passed, little control over the administration of the budget • Parliament does not have professional staffers to aid legislators in defense policy making	Moderate
Oversight	Executive Oversight	• President is commander in chief • President appoints and dismisses the Chief of Defense Force and Vice Chief of Defense force at will • Promotion process is controlled by the executive (through Minister of Defense) • Executive has considerable control of the budget (via administration of budget through Ministry of Finance)	• Civilian institutions in executive branch have limited trained, professional, civilian staff to generate policy alternatives	Moderate
	Parliamentary Oversight	• A clear constitutional mandate for the parliament to oversee the military • Permanent parliamentary committees are tasked to execute oversight functions	• Too many committees looking into different aspects of the military means there is no comprehensive oversight • Conflicting legislation as to the exercise of oversight • No role in appointing and dismissing service chiefs • No role in officer promotion process • Committees does not have professional staffers	Moderate
	Judicial Oversight	• Constitution guarantees an independent judiciary • The country has a three tier court system	• Inadequate enforcement capability across the state • Severe shortage of qualified judges • Reluctance by the military to obey some judicial decisions (due to executive influence)	Weak
	Civil Society Oversight	• Spontaneous reporting of news • Views of different sides represented • Active civic groups and associations	• Reporting does not go beyond news • No professional civil institute researching security and defense • No professional journals related to security	Moderate
Professionalism	Recruitment and Training of Officers	• Institutionalized mechanism for recruitment and training • MNDF formed a separate school for officer training in 2010 (a work in progress)	• Officers trained mostly abroad; CMR and other value systems may be contrary to democratic CMR • Not enough in-country training institutions for officers	Weak
	Promotion	• Established and published procedures for promotion • In house promotion boards to scrutinize candidates for promotion	• Promotion system solely controlled by the executive branch • No outside mechanism to ensure promotions given in accordance with guidelines	Moderate

Table 2. Strengths and weakness of existing CMR institutions

V. SYSTEMIC CHALLENGES IN ESTABLISHING A DEMOCRATIC CMR REGIME

Having seen how the individual CMR variables developed over time and where they stand now, it is important to discuss the systemic challenges in the formation of the CMR and in moving forward. From Table 2 in the previous chapter, it is evident that there are many areas that need improvement. For instance, the executive has a much greater power over military than the legislature in terms of control and oversight. In a presidential system this is not necessarily a problem, but in the case of Maldives, it is evident that the executive has misused the military.

The use of the military for various questionable tasks in the name of national security, and judicial determination that such use is illegal or unconstitutional, has huge ramifications, not only for CMR, but for democratization overall. In the democratization literature it is well established that in the consolidation process, the military should be used judiciously for controversial tasks that may be viewed as political.¹⁴² According to researchers, when the military is used to consolidate power and institutionalize democratic change, a number of democratic deficits occur. First, this allows the military to leverage undue influence by becoming the savior of the executive. Second, democratization is a process that needs to be managed, and using the military for political purpose short-circuits the democratization process. The most dangerous and lasting damage, according to researchers, is that once the military is involved in the political process, it becomes very difficult to disengage.¹⁴³ Once the process begins, successive governments use the military to stay in power, since relying on the military is easier and more convenient than developing lasting democratic institutions.¹⁴⁴ This leads to a vicious cycle of unhealthy CMR based on *quid pro quo*. In addition, when the military is

¹⁴² J. Samuel Valenzuela, "Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions" (The Helen Kellogg Institute for International Studies, 1990), 5–6.

¹⁴³ Valenzuela, "Democratic Consolidation in Post-Transitional Settings: Notion, Process, and Facilitating Conditions," 5–10.

¹⁴⁴ J Samuel Fitch, "Military Policy and Democratic Consolidation," in *XVI International Congress of the Latin American Studies Association* (Washington 1991), 4.

used for political activities, it takes away the opportunity for other vital democratic institutions to perform their duties and grow within the system.¹⁴⁵

A number of examples of the dangers of using military during democratic consolidation are found in the literature. Among the clearest in South Asia are the cases of India and Pakistan. Both countries got their independence from the British at the same time. India consciously decided that it was not going to allow use of the military in the democratic consolidation process even though it faced many challenges with the consolidation. Hence, India did not have any coups or attempted coups, and the country was able to develop a democracy and a professional military.¹⁴⁶ On the other hand, Pakistan decided to let the military play a decisive role in the political process. After more than 60 years of independence, the military is enshrined in the political process, the country is plagued with coups, and Pakistan has been under military rule for almost half of its independent history.¹⁴⁷ As a result of military involvement, Pakistan is still unable to develop durable democratic institutions and a democratic CMR.¹⁴⁸ For the Maldives there is an important lesson to learn from these examples. In the last three years, the country has witnessed controversial uses of the military in the political process. If the political leaders keep solving political problems by using the military, there is a real danger that the military and the polity will establish a clientelistic relationship, with the military taking prerogatives that are inconsistent with democratic CMR. Moving forward, the country needs to break free from the past and refrain from substituting military action for political solutions.

In any consolidating democracy, and especially in a presidential system where the onus of meeting public expectations rest on the shoulders of the executive, there is always temptation to use whatever means necessary to deliver results. This temptation becomes stronger if there are contentious relationships among the institutions of government. However, in a democracy there is solemn duty for all the institutions to

¹⁴⁵ Fitch, "Military Policy and Democratic Consolidation," 4–10.

¹⁴⁶ Alistair McMillan, "Deviant Democratization in India," *Democratization* 15, no. 4 (2008), 740.

¹⁴⁷ Aqul Shah, "Pakistan's "Armored" Democracy," *Journal of Democracy* 14, no. 4 (2003), 20.

¹⁴⁸ Shah, "Pakistan's "Armored" Democracy," 35–40.

resist temptation and play by the rules even in times of inconvenience. In the case of the Maldives, soon after it began the consolidation process there were contentious and at times obstructionist politics, especially between the executive and the legislature. This chaotic consolidation process can be traced to a combination of factors that arose from a lack of legislative clarity and the inability of legislators to enact crucial laws in a timely manner.

A. CONTINUING LEGACY OF THE PAST: THE SINGLE STAKEHOLDER MENTALITY

There is an underlying and more subtle challenge in the organizational history and institutional memory of the MNDF. The Maldives has a roller coaster constitutional history with seven separate constitutions since 1933. The first clear provision for an armed force appeared only in the 2008 constitution. This means that the Maldives military have been under complete control by the executive for more than a century. Hence, it is safe to assume that the institution has enshrined a single stakeholder mentality in its organizational history. Additionally, as the military remained relatively dormant until it started developing as a professional organization in the late 1980s, the political system in which it developed—an autocratic system with an extremely powerful executive—has shaped the organizational memory. Under the constitutions of 1968 and 1997, the president is both chief executive and the highest authority for judicial review. These two constitutions further gave the president the power to appoint members of parliament (under the 1968 constitution, 8 appointed and 46 elected; under the 1997 constitution, 8 appointed and 44 elected).¹⁴⁹ Most cabinet members and senior government official were also elected to the parliament, further muddying the legislature with the executive power.

Unchallenged executive power has had an unquestionable impact on the institutional memory and the operating philosophy of the military. For instance, until 2008, the oath of office for soldiers read, “I swear in the name of Allah ... to be steadfast in defending the county with honor and integrity and protect the leaders (*verin*) from

¹⁴⁹ The People’s Special Majlis, *Constitution of Maldives* [in Dhivehi] (Maldives Gazette 1997); Constitutional Assembly, *Constitution of Maldives* [in Dhivehi] (Maldives Gazette 1968), 18.

enemies and traitors.” In this oath of office there is a heavy emphasis on protecting the leaders rather than the constitution. As an oath of office is derived from basic principles of an organization and its mission, the idea of protecting the *verin* became a long term element of indoctrination internalized by the organization and its people. In the Armed Force Act of 2008, the oath of office was modified to read, “I swear in the name of Allah ... to be steadfast in defending the constitution, religion of Islam and the Maldivian State with honor and integrity.” This marks a positive development in the philosophy of the military in a democratic society—defending the constitution and the state rather than elected officials or government.

However, the military has much to do to demystify the past and embrace the new ideal of a military that serves the state rather than the executive. For example, the MNDF Code of Ethics—one of the most basic statements of military principles still in use—states three basic commitments: to be faithful to the beliefs of Islam, to give selfless service to the nation, and to obey and assist the duly elected government.¹⁵⁰ The idea of obeying and protecting the government is not consistent with the democratic system, because in a democratic society the government is just one component of the state. Hence, the ideology of the military should be adjusted to give allegiance to the constitution rather than to individual components of the state.

B. LACK OF LEGISLATIVE CLARITY

As in most consolidating democracies, the Maldives needs legislation that clearly defines the privileges and boundaries of state institutions, including the actors in the realm of CMR. For instance, in the example highlighted in the discussion of parliamentary oversight, the refusal of the CDF to appear before the Security Service Committee was based on clauses 10 (e) and 11(e) of the Armed Force Act, where it states that the CDF is answerable to the minister and the minister is to be answerable to the President and the People’s Majlis.¹⁵¹ According to this article there is room to interpret

¹⁵⁰ MNDF, *Code of Ethics* [in Dhivehi] (Male’: MNDF Media and Publishing Service, 2002), 1–15.

¹⁵¹ *The Armed Force Act of 2008* [in Dhivehi], Law no. 1/2008, (*Maldives Gazette*, 2008), Clause 10, 11.

that the CDF does not have to answer to the parliament. However, Article 239 (b) of the constitution says, “The security services shall be subjected to the authority of the People’s Majlis.” Furthermore, Article 241 of the constitution says, “A committee of the People’s Majlis shall be established to exercise continuing oversight of the operations of the security services...”¹⁵² Additionally, Article 99 of the constitution says, “The People’s Majlis or any of its committees has the power to: (a) summon any person to appear before it to give evidence under oath or produce documents...”¹⁵³

In this case, with clear constitutional authority for subpoena of individuals and the subsequent Supreme Court advisory opinion, the matter was resolved. However, there are more contentious and pressing issues that are not legislatively clear. In padlocking the Supreme Court, the arrest of Yameen and the case of the Superior Court judge, the government argued that these actions were taken by the military for national security reasons. The government claimed that the Constitution and the Armed Force Act gives the president power to employ the military in matters deemed necessary for national security. Even though in all three cases the courts decided that the actions were unconstitutional and illegal, the government maintained, until its collapse in early 2012, that it has the right to act in such ways for national security reasons. These examples highlight the need for clear legislation governing the use of the military for internal security duties.

With the rapidly changing nature of threats to national security stemming from terrorism, gangs, and environmental calamities, countries around the world are experiencing a growing need to use their militaries for more than the traditional function of national defense from outside threats. The contemporary military may be employed for a wide range of functions:

¹⁵² The People’s Special Majlis, *Constitution of Maldives* [in Dhivehi] (*Maldives Gazette* 2008), Article 239, 241.

¹⁵³ The People’s Special Majlis, *Constitution of Maldives* [in Dhivehi], Article 99.

(1) fight and be prepared to fight internal wars (2) fight and be prepared to fight internal wars (3) fight global terrorism (4) fight crime (5) provide peace support for humanitarian operations (6) Prepare for and execute peace support operations.¹⁵⁴

The line between domestic law enforcement and the military is blurred. Well established democracies with robust legislation also struggle to clearly demarcate the line between military and domestic law enforcement. The issue is even more problematic in developing democracies that lack institutional as well as legislative clarity. Like many other nations, the Maldives is faced with the challenge of balancing the use of military for domestic law enforcement duties.

The challenge for the Maldives is twofold. First, because the military and police were joined together from 1971 to 2003—the period when the most development took place—there is an institutional history that bends the military towards law enforcement. This inclination is also due to the fact that the military developed with a heavy focus on internal security, so even after breaking into two different institutions in 2003, there is a temptation for the military to get involved and the executive to use the military for law enforcement. Additionally, due to the lack of resources and personnel, the police are not able to fully face all the challenges of law enforcement, especially when things get chaotic due to political rallies and rioting. Often the military have to be called in to assist in law enforcement. To facilitate the use of military for law enforcement, Clause 22 of the Armed Force Act of 2008 mandates that the military undertake internal security operations if requested by police or any other civil institutions for the purpose of maintaining peace and security.¹⁵⁵ Additionally, the Police Act of 2008 in Clause 71 stipulates that the police have the right to request military assistance in domestic law enforcement if it deemed necessary.¹⁵⁶ Accordingly, the military has been used extensively in domestic law enforcement. From press reports it can be seen that since the start of the political reform process in 2004, even before the legislation, the military has

¹⁵⁴ Bruneau and Matei, “Towards a New Conceptualization of Democratization and Civil-Military Relations,” 917.

¹⁵⁵ *The Armed Force Act of 2008* [in Dhivehi], Law no. 1/2008 (*Maldives Gazette*, 2008), Clause 22.

¹⁵⁶ *The Police Act of 2008* [in Dhivehi], Law no. 5/2008 (*Maldives Gazette*, 2008), Clause 71.

been used frequently for riot control. Consequently, employment of the military in law enforcement has become the norm rather than the exception.

However, the 2008 constitution, which was enacted after the Armed Force Act of 2008 and the Police Act of 2008, clearly intends that the police and the military be developed independently with very different emphases. For instance, Article 240 of the constitution states that “The security services shall be organized as two separate services, and shall operate independently of each other.”¹⁵⁷ Detailing what this means, the constitution further explains the focus of the military and police. According to Article 243 “(a) The primary object of the Military Service is to defend and protect the Republic, its territorial integrity, its Exclusive Economic Zone and the people.”¹⁵⁸ Additionally, according to Article 244, “the primary objects of the Police Service are: (a) to maintain public order and safety; (b) to protect and secure all people in the Maldives, and their property; (c) to investigate crime, conservation of evidence and prepare cases for disposition by the courts; and (d) to uphold the law.”¹⁵⁹

Even though there is a heavy emphasis in the constitution on separating the military and the police, and the current heavy use of military for law enforcement is evident, the People’s Majlis has not taken up the project of revising either the Armed Force Act or the Police Act to synchronize them with the intent of the constitution. Therefore, there is discontinuity between the constitution and the laws on the books for the military and the police. From a CMR perspective, this discontinuity has huge ramification for the professional aspect of the military. As a professional military is a key requirement for a healthy CMR régime, if the military is continuously drawn to and engaged in and domestic law enforcement, it will not have time to develop and train for its primary mission of war fighting and focusing on enduring threats such as international and domestic terrorism and various seaborne threats. To rectify the inconsistencies in legislation and in the use of the military and the police, the People’s Majlis must amend the laws, even though this may be difficult and time-consuming, and must provide

¹⁵⁷ The People’s Special Majlis, Constitution of the Republic of Maldives, 114.

¹⁵⁸ The People’s Special Majlis, Constitution of the Republic of Maldives, 115.

¹⁵⁹ The People’s Special Majlis, Constitution of the Republic of Maldives, 115.

funding for police development so that the need for military assistance in law enforcement becomes the exception rather than the norm.

C. SECURITY BLINDNESS

Across the board there is vacuum of security knowledge in the country. There are few civilian staff in the MoDNS educated on security. The legislators themselves have limited knowledge pertaining to security, there is no research arm in the legislature, and no professional staffers serve the legislative committees. In total there is no adequate mechanism to intelligently inform the political leaders on matters of security. This presents a perfect storm for security blindness among elected officials.

The lack of security knowledge is because, until 2008, anything related to security was a monopoly of the military. Writing about the military or questioning military activity was very much restricted. The People's Majlis had no role to play in the security sector. Prior to the democratic transition, civic organizations were not interested and there was no dissenting voices on security related policies. The cumulative effect of these factors is that there was hardly anyone outside the uniformed military with adequate security knowledge. This problem is further exacerbated by the fact that people join the military as a lifelong career and, as the military is relatively young, there is only handful of ex-military retired from the officer corps.

Therefore, moving forward there is a colossal requirement to improve the general security awareness among politicians. Furthermore, for the CMR institutions to function effectively, civilians must be educated on security and national defense. Without civilian security knowledge, it will be very difficult for the CMR institutions to exercise control and oversight, and provide independent guidance to the military.

VI. CONCLUSION

The Maldives have a volatile political history. The sultanate era was filled with deposing kings, coups and counter coups by political élites. A similar trend followed in the republic's early days, which were filled with élite squabbles and attempted power grabs. Throughout, however, the military did not attempt to take over the state. The absence of a military dictatorship in the Maldives can be attributed to two factors. First, prior to the 1900s, the military was busy defending the country from foreign aggression and was very much focused in its primary mission—war fighting. Second, when the Maldives agreed to become a protectorate of the British Empire in 1887, and the role of military was diminished, the rulers refocused the military on domestic law enforcement and kept it weak so that it did not become a threat to their rule. Only in the late 1980s did the government start developing the military and its capabilities.

Socioeconomic changes in the Maldives brought considerable development to the system of government and society. It is evident that the legislation, institutions and capabilities of CMR have shown some improvement over the years. However, these developments were in the context of an autocratic system with an extremely strong executive. Moving forward, the military needs to break free from the old mentality of being responsible only to the executive. In order to enact a full-fledged democratic CMR system and positively contribute to the fragile democratic consolidation process the country is going through right now, the armed force must reform itself to become accountable to other institutions like the legislature, the judiciary, the Auditor General, the media and the society at large.

At present, the CMR institutions in the Maldives are a mixed bag of strengths and weaknesses. The weaknesses in CMR result from a lack of appropriate legislation, improper institutional configuration and across the board lack of security related knowledge in the political and legislative realm. Table 3 summarizes the major findings of this thesis concerning control mechanisms.

Category of Control	CMR Institutions	Overall Score
Institutional	Ministry of Defense and National Security (MoDNS)	Moderate
	National Security Council (NSC)	Weak
	National Security Advisor (NSA)	Weak
	Parliamentary Committees	Moderate
Oversight	Executive Oversight	Moderate
	Parliamentary Oversight	Moderate
	Judicial Oversight	Weak
	Civil Society Oversight	Moderate
Professionalism	Recruitment and Training of Officers	Weak
	Promotion	Moderate

Table 3. Status of CMR institutions

All of the CMR variables analyzed require improvement to function effectively as a participant in a democratic CMR régime. In the matter of institutional control, MoDNS and parliamentary committees have considerable powers in terms of authority; however, this strength is mitigated by the lack of adequate civilian staff necessary for either of these institutions to effectively exercise their authority. The NSC and NSA are weak in terms of its legislation, authority, institutional configuration, and manpower. In terms of the oversight function, among the executive, legislature, judiciary and civil society there is a willingness to exercise this function. However, oversight efforts are hindered by unclear legislation and lack of security related knowledge among the policy makers, legislature, judges and journalists. Additionally, the judiciary is burdened by a lack of qualified judges, especially in lower level courts. The judicial oversight function is also challenged by the government's inability to enforce judicial decisions. In regards to professionalism, MNDF is still challenged by the task of breaking its law enforcement mentality. Furthermore, the effort to professionalize the military is hindered by lack of appropriate in-country indoctrination and professional training facilities for officers.

From the discussion in this thesis it is evident that the Maldives faces various legislative, structural and manpower challenges in implementing a democratic civil-military régime. There is an urgent requirement for the political and military leaders to do their part in transforming the security apparatus of the country to function effectively and

efficiently. Furthermore, the media and the civil society must take a more assertive role in educating the population about democracy in general and civil-military relations in particular. The following recommendations outline initiatives necessary if the Maldives are to develop proper civil-military relations.

- The executive and the legislature should come up with a short-term and long-term defense and security strategy for the country. This should be a joint effort as the strategy will be the first of its kind in the Maldives.
- The legislature must revise current security related laws and coordinate them with the constitution and the new security strategy. It should also clearly define the scope and structure of the security forces and clearly demarcate procedures for the domestic employment of the military.
- The People's Majlis must establish an independent research institute and begin employing professional civilian staffers for its committees to strengthen its understanding of security related issues.
- Education initiatives should begin to strengthen civilian understanding of the security sector for civilians working in the security related institutions. This includes the civilian staff at the MoDNS, the President's office, NSC, NSA, People's Majlis committees and journalists reporting on security related issues.
- The military should begin revising its principal documents, like the Code of Ethics, and start educating officers and the soldiers on the concept of civilian supremacy and the role of military in a democratic society in order to move beyond the current single stakeholder mentality. This includes developing new training doctrines and strengthening the in-country officer training system and professional military education.

Progress on these fronts will help the Maldives overcome many of its current CMR challenges and ultimately advance the national process of consolidating and deepening its democracy.

One of the main challenges with the potential to complicate CMR is the Maldives' current approach to developing its intelligence apparatus. Research has found that effective and transparent intelligence is a crucial element of the larger CMR régime because, among national security institutions, the intelligence apparatus tends to be the most secretive and hardest to reform.¹⁶⁰ In recent years, the Maldives saw an exponential growth in the need for intelligence to address its various security threats. For example, the threat of international and homegrown terrorism, the use of Maldives waters for international smuggling operations, the increase in gang violence, and the growing problem of drug trafficking are challenges that require an efficient and effective intelligence apparatus for domestic and foreign intelligence. The Maldives' current efforts to develop its intelligence function are built on thin legal grounds, mostly passing references in recently enacted legislation. The Armed Force Act of 2008, the Police Act of 2008, and the Customs Act of 2011 all make reference to intelligence. These references are mostly just one sentence or one clause that basically gives power to the institutions to "collect and analyze information" necessary to perform their assigned duties.¹⁶¹

The current arrangements for intelligence fall far short of the threshold stipulated by CMR researchers in terms of legislation, oversight and accountability.¹⁶² The intelligence agencies are fragmented and there is no centralized mechanism for intelligence. There is no comprehensive legislation governing the mandates, authorities, types, and boundaries of intelligence agencies. There is no parliamentary committee to

¹⁶⁰ Thomas C Bruneau, "Intelligence and Democratization: The Challenge of Control in New Democracies," Partnership for Democratic Governance and Security, <http://www.pdgs.org/pon-bruneau.htm>, accessed August, 11, 2012.

¹⁶¹ The Armed Force Act of 2008 Clause 7(i) gives power to collect information and intelligence necessary to protect and defend sovereignty, independence and the national security of the Maldives. Clause 24 stipulates that MNDF should have a designated unit for intelligence collection and the collected information can only be given to the President, Minister of Defence, National Security Council, law enforcement agencies on a need-to-know basis, and to courts engaged in a trial. The Police Act of 2008 Clause 6(13) gives the power to collect, analyze and interpret information and intelligence necessary to perform the duties of the Maldives Police Service. The Customs Act of 2011 Clause 89 gives the authority to conduct surveillance within and outside Maldives to detect smuggling and contraband to and from Maldives, along with authority to conduct undercover and sting operations to apprehend smugglers

¹⁶² Thomas C Bruneau and Kenneth R Dombroski, "Reforming Intelligence: The Challenge of Control in New Democracies," The University of Warwick, www2.warwick.ac.uk/fac/soc/pais/people/.../bruneau.pdf, accessed August, 14, 2012.

scrutinize the behavior of intelligence agencies, and is no clear legislation on collecting, analyzing, and disseminating intelligence. If the country continues on the current path, it may become extremely difficult to reform the intelligence apparatus once the different agencies institutionalize and established their behaviors. For the sake of avoiding a looming crisis of CMR, there is an urgent need for the executive and the legislature to reform of intelligence and create intelligence agencies governed by law with appropriate oversight functions.

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