

National communication policies and legal frameworks affecting pluralism in the Maldives

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**National Communication Policies And
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By

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Media Pluralism in The Maldives is not an easy subject to discuss, mainly because there is very little scope for such a discussion. The Maldives is unique in that it has a homogenous population of one religion, one race, speaking the same language. Press pluralism, according to the UNESCO definition is the existence of the greatest possible number of newspapers, magazines and periodicals that reflect the widest possible range of opinions, socio-cultural, religious and economic backgrounds of the community. Perhaps the relevant issue here, in a Maldivian context, is the question of different socio-economic backgrounds.

The gap between the social and economic "upper-class", so to speak, and the middle or low income groups is not wide enough to warrant treatment of any such group as a pressure group or as an interest group, in a socio-economic or political sense. On the whole, the main social classification could be that of the ruling or governing elite and the rest of the community. The governing elite takes very seriously, the responsibility of meeting the hopes and aspirations of the people. This is not mere rhetoric, as is evident that most of those in positions of influence and decision-making are the young, educated who feel a deep commitment to sharing the knowledge and expertise they have been privileged to obtain. The commitment is towards national-development.

It is against this background that we must address the question of press pluralism in The Maldives.

1. The Legal Framework

The issue of press pluralism cannot be divorced from that of freedom of the press. Constitutionally, The Maldives enjoys freedom of the press on a par with most developed societies. Article 13 of the constitution categorically states that "so long as the express provisions of the Shariath and the Law are not contravened, every person shall have the freedom to speak and write expressing his/her thoughts and ideas."

Freedom of expression and the exchange of knowledge are enhanced further by the provisions of Article 14 of the Constitution, which states that "All persons shall be free to acquire knowledge and impart into others if it is done in a manner that does not contravene Shariath or the Law."

Maldivian nationals are, by Law, Muslims of the Sunni sect. The preaching of any other religion is prohibited by Law. In a purely constitutional sense, therefore, and if one were to be pedantic about a legal definition of pluralism, press pluralism cannot exist in such a society.

As evident from the quotations from Article 13 and 14 of the constitution, the question of freedom of expression is closely related or dependent on the provisions of the Islamic Shariath. The Maldivian legal system is based on the Shariath. Press pluralism and freedom of expression are, therefore, guided by the Shariath as interpreted by the judicial system of the country.

The important question here is that of the parameters and the legal boundaries within

which such freedom can be exercised. The publishing of any material that could in any way diminish or detract from the noble and holy tenets of Islam is prohibited. By definition, the Maldivian people are moderate Muslims. The freedom exists, therefore, to preach and criticise all other forms and practices of Islam that, for example, espouse extremism and fundamentalism.

But such a restriction to what is called moderation must be viewed positively, rather than negatively, in a Maldivian context.

The very nature of the population, numbering some 280,000, does not allow for divisions along religions, social and political lines.

Maldivians feel deeply the need for such unity. Any restriction or obstruction to the existence of a pluralistic press must therefore be viewed as a consequence of the need felt both by the government and the people to maintain national unity and harmony at all costs. The reasons for such deep-rooted sentiments are many but this is not the most appropriate forum to address the issue. Paramount among those factors that demand cohesion and social harmony is that any fragmentation within the tiny population could impede the development process. The Maldives is poor in natural resources and this, the proper management of available resources, natural and borrowed, must remain a national priority.

The extent of freedom that exists in most plural societies could, therefore, be viewed as a possible deterrent to national development in the Maldives.

The legal context

Laws and regulations governing the press in the Maldives centre upon the themes of protecting the rights of the individual, the upholding of the sacred tenets of Islam and the restriction of foreign ownership of the Maldivian media and publishing.

While the press and publication are not governed by any law in the constitution except, perhaps the ones pertaining to freedom of expression and the exchange of information, there is a stringent set of regulations numbering some 30 clauses that guide the functioning of the media and the publishing industry.

Legally, restrictions on the media are on the use of any medium in the wilful and malicious character assassination of any individual, the discussion or publishing of any information or material that could endanger national security or detract from or diminish any way the eminence of the Muslim religion.

Again, freedom of the press is closely aligned with that of a pluralistic press. The expression of ideas and thoughts that do not contravene the teachings of Islam is not restricted in any way. A further encouragement towards the development of the media is that there are no taxes or levies on the earnings of the media, in fact, much of the press is subsidised by the government and registration fees are only nominal.

In addressing the question of whether pluralism exists in the Maldives or not one has to emphasise that there are no absolutes, rather it is more a question of the degree in which exists.

Pluralism exists to the extent that the tenets and principles of Islam are not contravened or diminished in any way. Whether this is viewed positively or negatively must always be ^{withly} ~~viewed~~ in a national context and not generally.

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