



Supreme Court of the Maldives

Male' Maldives

Speech by Chief Justice of the Maldives, Ahmed Muthasim Adnan at the closing ceremony of the event commemorating the 50th anniversary of the Constitution of the People's Republic of Bangladesh and the Supreme Court of Bangladesh

أَلْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ. وَالصَّلَاةُ وَالسَّلَامُ عَلَى أَشْرَفِ الْأَنْبِيَاءِ وَالْمُرْسَلِينَ. وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ.

"Honourable Chief Justice of Bangladesh, Justice Obaidul Hassan; Honourable Justices of the Supreme Court of Bangladesh; Excellencies; Ladies and Gentlemen,

السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ.

I am sincerely privileged and humbled to be the Chief Guest of the closing ceremony commemorating the 50th-anniversary of the Constitution of the People's Republic of Bangladesh and the Supreme Court of Bangladesh. I would like to extend my heartfelt congratulations to the Chief Justice of Bangladesh and the Justices of the Supreme Court of Bangladesh on this momentous occasion.

Honourable Justices, Excellencies, Ladies, and Gentlemen,

Traditionally and historically, our countries have enjoyed a close relationship. We share many similarities and face similar challenges. We share much in common through our values, traditions, trade, and faith.

As members of the United Nations, the Organization of Islamic Cooperation (OIC), the Commonwealth, and the South Asian Association for Regional Cooperation (SAARC), we work to promote, respect, and protect fundamental rights and liberties, and uphold the rule of law. We believe in preserving a rule-based international order and deterring any form of terrorism or international aggression. We agree that terrorism, violent extremism, and radicalization must be addressed to achieve regional security, prosperity, stability, and peace.

As low-lying countries in the Indian Ocean, ways to tackle climate change are among our mutual priorities. Sea level rise, coastal erosion, extraordinary wave action, extreme weather conditions and loss of biodiversity are clear consequences of climate change. These changes, and the resulting human and economic impact are of significant concerns for us. We share a common policy in limiting the effects of climate change and in the development of a Blue Economy.

The Maldives has a long history of trade with Bangladesh. For decades, the bulk of Maldivian imports have been from Bengali ports. Today, we acknowledge Bangladesh's significant contribution to the Maldives in the areas of health, higher education, human resource development, and defence.

The faith of Islam has played a substantial role in our cultures. I remain convinced that a better code of life can never be found at any time in the history of mankind.

Honourable Justices, Excellencies, Ladies, and Gentlemen,

The Constitution of Bangladesh, which came into effect on 16 December 1972, was framed by its Constituent Assembly under the guidance of the father of Bangladeshi independence, Bangabandhu Sheikh Mujibur Rahman.

It was his visionary leadership and unwavering commitment to justice that led to the birth of Bangladesh in 1971. While realising the dream for a sovereign and independent state is no easy feat, Bangabandhu Sheikh Mujibur Rahman was indeed an uncompromising advocate of freedom and democracy.

The six-point program by Bangabandhu Sheikh Mujibur Rahman laid the foundation of Bangladesh's independence and provided the underlying values of its constitution. The legacy of Bangabandhu Sheikh Mujibur Rahman will never be forgotten. He will always remain a source of inspiration for the generations to come.

Honourable Justices, Excellencies, Ladies, and Gentlemen,

In the Maldives, the story is different. It was a movement of political reform among the young leaders who returned to the Maldives after completing their studies abroad that led to the proposal of introducing a written constitution. The young reformers proposed the introduction of a constitution to check the powers of the prime minister and to solve the issue of succession to the throne.

The colonial power Britain took great interest in the reform movement and offered help in drafting a constitution. At the request of the Maldivian government, the Acting Governor of Ceylon, Sir Bernard Bourdillon, visited the Maldives in March 1931 and recommended that the most appropriate form of government for the Maldives was a government administered by a Council of Ministers, with a Prime Minister. Following the recommendation by the Acting Governor of Ceylon, King Mohamed Shamsuddin established a Constituent Assembly (Majlis) on 19th March 1931 to formulate a constitution appropriate to the Maldives. The royal decree, which conferred the mandate to the Majlis, contained specific instructions from the King. The King insisted that the Constitution:

- (a) Should not violate Islamic Shari'ah;
- (b) Should consider the longstanding local customs;
- (c) Should be within the means available to the state;
- (d) Should not cause hardship to the people;
- (e) Should not infringe the Protection Agreement signed between Britain and the Maldives in 1887.

King Mohamed Shamsuddin ratified the first Constitution of the Maldives on 22 December 1932. The constitutional government was short-lived. Organizational and administrative difficulties presented by the Constitution and resistance to constitutional rule from senior public officials threw the whole government into complete disarray and confusion. The discontent over the Constitution, which began among public officials, soon spilled over to the public, and within less than a year after its adoption, people gathered in front of the Square in front of the

King's Palace and literally tore up the Constitution. Since then, over the decades, we have adopted twelve different constitutions.

Honourable Justices, Excellencies, Ladies, and Gentlemen,

I do not consider this moment opportune or fitting to dwell at length on the past constitutional history of the Maldives. But I do feel that it is important to mention that the Maldives adopted its present constitution in 2008. The work on the present constitution began in the People's Special Majlis in June 2004 and took four years of political wrangling to complete. Despite the difficult political environment within which the Constitution was drafted, the 2008 Constitution contains the necessary ingredients to make the Maldives a fully democratic nation. It provides for the separation of powers, a multi-party system, several independent commissions, and increased protection of human rights by entrenching a new Bill of Rights into the Constitution. Eight decades after our first Constitution, with public opinion inclined towards more accountability and the rule of law, we are moving in the right direction.

Honourable Justices, Excellencies, Ladies, and Gentlemen,

In December 2021, I had the privilege of meeting the Prime Minister of Bangladesh, Her Excellency Sheikh Hasina, during Her Excellency's visit to the Maldives. We discussed issues of mutual concern, particularly the issues relating to the administration of justice. I was very impressed by her dynamic personality and farsightedness. I am sure that under her able leadership, Bangladesh will become a splendid monument of wisdom, prosperity, peace, and liberty.

Again, I would like to extend warm felicitations on the 50th anniversary of the Constitution of the Peoples's Republic of Bangladesh and the Supreme Court of Bangladesh. May the Court, under the Constitution, continue playing its pivotal role in the progress and growth of Bangladesh.

Thank you and may Allah *Subhanahu Wa Ta'ala* bless us all."