

Globethics Repository

The logo for Globethics, featuring the word "Globethics" in white, sans-serif font centered within a solid blue rectangular background.

Politicians talk past each other as Togo's 2015 elections approach

This page was generated automatically upon download from the Globethics Repository.
More information on Globethics see <https://www.globethics.net>. Data and content policy
of Globethics Repository see <https://repository.globethics.net/pages/policy>.

Item Type	Preprint
Authors	Gnanguênon, Amandine;Toupane, Paulin Maurice;Gnamk, Esso-Wèdeou
Rights	With permission of the license/copyright holder
Download date	2026-07-09 10:19:52
Link to Item	http://hdl.handle.net/20.500.12424/224707

ECOWAS Peace & Security Report

Politicians talk past each other as Togo's 2015 elections approach

Introduction

While the presidential election in Togo is scheduled for the first quarter of 2015, politicians have still not reached agreement on the implementation of the policy reforms of the 2006 Global Political Agreement. The events of recent months illustrate the seriousness of the political impasse on these issues, which are central to the governance of the country.

While the presidential election in Togo is scheduled for the first quarter of 2015, politicians have still not reached agreement on the implementation of the policy reforms of the 2006 Global Political Agreement. The events of recent months illustrate the seriousness of the political impasse on these issues, which are central to the governance of the country.

On 30 June 2014, the National Assembly rejected the bill on constitutional and institutional reforms that had been tabled a week earlier by the Government.¹ This bill proposed limiting the presidential term to two five-year periods, allowing a two-round presidential election, creating a Senate, reforming the Constitutional Court, defining the prerogatives of the Prime Minister and instituting new eligibility criteria for the presidency.

This rejection reflects the failure of the so-called 'Togo Telecom' political dialogue, which ended in June 2014. The dialogue failed to reach consensus on the implementation of constitutional and institutional reforms, some of which concerned preparations for the 2015 election. For eight years, the conditions for implementing these reforms have regularly been put back on the agenda without any significant progress being observed.

On 1 October 2014, the vice president of the Episcopal Conference and representatives of the country's Evangelical, Presbyterian and Methodist churches denounced the status quo. The European Union (EU), France, Germany, the United States (US) and the United Nations Development Programme (UNDP), meeting as the G5, teamed up on 10 October to respond to his appeal. However, due to a lack of political will, it is possible that the measures provided for by the Global Political Agreement – and raised in successive dialogues – will not be applied.

This report, which is based on a series of interviews carried out between 25 May and 4 June 2014 in Lomé and telephone conversations conducted between July and September 2014, analyses the socio-political situation in Togo a few months before the presidential election. The following issues are discussed: the restructuring of Togolese political parties, the political deadlock in the country, fragile socio-economic progress, and the position of the international community.

Political landscape in a state of change

Two driving forces have marked the Togolese political landscape since Faure Gnassingbé came to power in 2005. The first is the creation of the Union for the Republic (Union pour la république, or UNIR) by Faure Gnassingbé in 2012, which replaced the Rally of the Togolese People (Rassemblement du peuple Togolais, or RPT), founded in 1969 by his father, Gnassingbé Eyadéma. The second is the formation of new parties and alliances, which has altered the dynamics of the opposition over the past four years. In view of these two driving forces, the current divisions in the opposition mean that it is not possible to shift the balance of power, which remains in favour of the presidential party.

From the RPT to the UNIR: what changes have occurred?

Many politicians claim that there has been no real change in the country, given that ‘the same clan and the same family have governed the country for 47 years’. However, the UNIR cannot simply be regarded as an extension of the RPT. Certain changes began to take place well before the UNIR was formally established, and include, in particular, the presidential party’s new image, embodied by Faure Gnassingbé, and the gradual extension of its electoral base since 2007. However, despite these changes, the president’s critics accuse him of being primarily motivated by an ‘instinct to preserve power’, like his father.

Despite some opposition from the founding members of the RPT, many of whom are conservatives, Gnassingbé has gradually distanced himself from the traditional image of the party. The EU’s final report on the 2010 presidential elections stated that Gnassingbé has adopted a different political style that appeals to new voters. This desire to break with the old system resulted in the creation of the UNIR on 14 April 2012, with the aim of projecting the image of a modern president, eager to please investors and foreign partners. Unlike his father, who exploited ethnic differences for political purposes, Gnassingbé seeks to expand his electorate.

The RPT’s electoral base had gradually expanded after 2007, before which the party had been located primarily in the Kara region in the north of the country (the Kozah prefecture), home of the Kabyè, the ethnic group of the late president. After Gnassingbé took over as president in 2005, the results of subsequent elections confirmed this local presence. The north/south voting pattern has nevertheless decreased over the past decade.

In 2007 the RPT obtained 50 of 81 seats in the National Assembly, mostly through the support of the majority of voters living in the north (or that of voters coming from the north but living in the central and southern areas of the country). In 2010, the incumbent received over 90% of the vote in the Kara, Central and Savanes regions. Gnassingbé also won votes in the coastal region, where the capital Lomé is located, and in the plateau region. In 2013, the UNIR, which had replaced the RPT a year before, won 62 of 91 seats. This was the first time the party had gained this

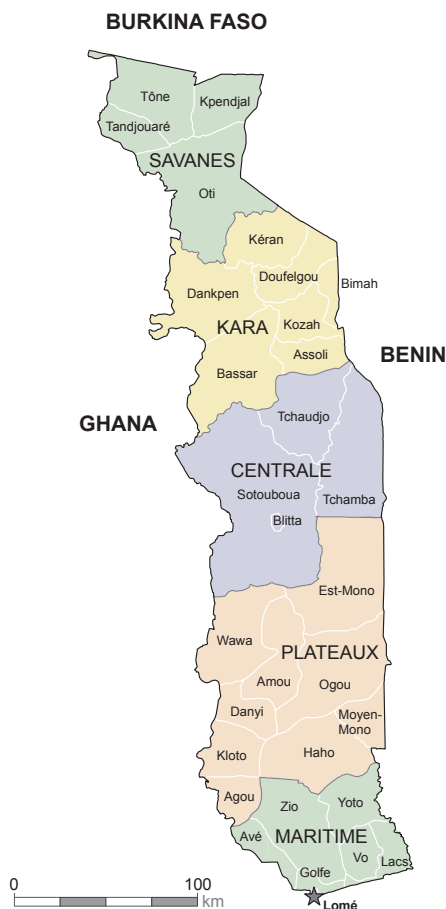


Figure 1: Map showing the different regions and prefectures of Togo

many seats since the 1990s, and the presidential party now has elected representatives in all the districts of the country, except for the Yoto prefecture. In the plateau region, previously considered an opposition stronghold, the UNIR won 22 of the 25 seats.

Three socio-economic factors account for the current popular support for the presidential party. Firstly, some population groups continue to vote based on their ethnicity. Gnassingbé's mixed ethnic heritage, with a Kabyè father and an Ewe mother, could account for his coming ahead of the Union of Forces for Change (Union des forces pour le changement, or the UFC) in 2010, then the main opposition party in the Agou prefecture (plateau region), from where his mother hails. Secondly, highway and sanitation infrastructure works undertaken by the government since 2009 in Lomé increased the president's popularity in the coastal region, especially in the capital, while the RPT's traditional support base was rural. Finally, the presidential party's presence can be felt throughout the country, the result of a vote-winning strategy implemented for several years nationwide and based on the mobilisation of the state apparatus.

Beyond the changes arising from the transition from the RPT to the UNIR, a certain continuity remains in place, as shown by the regime's determination to hold on to power. Gnassingbé has inherited a state apparatus locked in favour of the presidential party, following the 2002 amendment to the Constitution. This amendment strengthened the powers of the president at the expense of the prime minister. The president now holds all executive power and the right to dissolve Parliament, to which he is not accountable. This constitutional amendment also removed the clause limiting the presidential term, allowing the president to stand for more than two consecutive terms. The UNIR's stranglehold on the bodies that play a role in the electoral process (the Independent National Electoral Commission [INEC], the Constitutional Court and the High Authority for Audiovisuals and Communications [Haute autorité de l'audiovisuelle et de la communication, or the HAAC]) also reflects its desire to prevent state reform.

Moreover, while RPT and UNIR representatives have participated in the successive political dialogues – more than 20 since March 1991 – they are not committed to political reforms. Their participation consists mainly of offering pledges of goodwill to the opposition and the international community. All attempts at institutional change have been blocked, such as the National Assembly's rejection of the bill on political reforms in June 2014, even though it had been proposed by the government. In a context marked by both developments and a lack of openness from the presidential party, new driving forces have emerged among the opposition.

New driving forces among the opposition

Of the 93 political parties that were registered with the Ministry of Territorial Administration, Decentralisation and Local Government in December 2010, three opposition parties have undergone major developments since 2010 and now dominate the national opposition – the UFC, the National Alliance for Change (Alliance nationale pour le changement, or ANC) and the Action Committee for Renewal (Comité d'action pour le renouveau, or CAR). They can be distinguished from one another to varying degrees by their age, the positions of their leaders and the results obtained in the various legislative and presidential elections.

The UFC was founded in 1992 by Gilchrist Olympio, son of the first president, Sylvanus Olympio, who was assassinated in 1963. Considered until 2010 as the main opposition party, the UFC was born from the merger of eight political parties.² Its leader consistently refused to compromise or share power with the RPT. The UFC relies on a southern support base and has not managed to win many votes in the northern regions, where the party is poorly represented. After having boycotting all parliamentary elections, the UFC participated for the first time in 2007. It won 27 seats in the National Assembly thanks to votes from the coastal (60,37%) and plateau (40,19%) regions. The same year, Olympio refused to let the UFC participate in the national unity government. However, in May 2010, in what was a defining moment in the party's history, Olympio agreed to join Gnassingbé's government and the UFC signed a power-sharing agreement with the RPT, upon which it received seven ministerial positions. This agreement continued after the creation of the UNIR. In 2013, the UFC, which had only three MPs (two in the savannah region and one in the plateau region), received three ministerial posts. The merger of the UFC and the RPT has divided the party and led to the departure of several key members, including its secretary-general, Jean-Pierre Fabre.

Fabre created the ANC on 10 October 2010, with the support of some activists, MPs and members of the UFC's national office. Their departure was due to a disagreement with Olympio on party guidelines and Fabre's appointment as the UFC candidate in the presidential election of March 2010, when Olympio could not take part due to an accident. While he was still a member of the UFC, Fabre ran as a candidate for the Republican Front for Alternation and Change (Front républicain pour l'alternance et le changement, or FRAC), a coalition of five opposition parties founded in February 2010,³ and obtained 33,93% of the vote. The creation of the ANC challenges the UFC's position as the main opposition party. Indeed, it draws much of its support from UFC activists who disagree with the agreement signed with the RPT. In the parliamentary elections of 2013, in which the UFC

won only three seats, the ANC ran under the banner of the 'Sauvons le Togo' Rally (Collectif sauvons le Togo, or the CST), founded on 4 April 2012, and obtained 16 of the 19 seats won by the coalition. In view of these results and in accordance with the status of the opposition, Fabre became its leader.

The CAR was founded by Yawovi Agboyibo on 30 April 1991. It is considered a well-organised party that has taken part in several elections and has sufficient logistical and financial resources. Since 1994 its political clout has been particularly significant in the Yoto district, a stronghold of its founder. However, in 2006, Agboyibo's acceptance of the post of Prime Minister resulted in a drop in his popularity. The 36 seats the CAR won in 1994 dropped to just four in 2007. In 2013, of the six parliamentary seats obtained by the Arc-En-Ciel coalition, founded in 2012 and of which CAR is a member, the latter won five, including one by Paul Apévon in the Grand Lomé district. Secretary-general of the party since 2008, Apévon is also the leader of the opposition in Arc-En-Ciel.

*Pudiatquo et aut voluptate proreperibus
imin cus dolupta tiunt, ommod maio
explatem dolorestem de aboria cum*

As the 2015 election approaches, the dynamics within the opposition are characterised by the isolation of the UFC and the disagreement between the CAR and the ANC over the nomination of a single candidate. Given the divisions among the political leaders, the coalitions do not seem strong enough to take on the presidential party.

Divided coalitions versus the presidential party

The representatives of the opposition have all come to the same conclusion: uniting is the only way to achieve victory against the presidential party. Hence, groupings of parties have multiplied since 1992: the UFC in 1992, the Pan-African Patriotic Convergence (Convergence patriotique panafricaine, or the CPP) in 1999, the Coalition of Democratic Forces (Coalition des forces démocratiques, or the CFD) in 2002, FRAC in 2010, and the CST and the Arc-en-Ciel coalition in 2012. In spite of these coalitions, the balance of power remains in favour of the UNIR. This situation can be explained by the voting system, electoral boundaries and rivalries within the opposition. Added to this is the potential issue of the UFC standing with the UNIR in the next presidential election.

Analysis of the results of recent elections shows that the voting system and electoral boundaries favour the presidential party. In 2007, the RPT won 50 seats with 40,4% of the vote, while the UFC with 38% only won 27. In 2013, the UNIR won

62 seats with 44% of the vote, while two coalitions combined (CST and Arc-en-Ciel) only won 25 seats with 38% of the vote. The incompatibility between the boundaries of and distribution of seats among constituencies has created unequal representation in the National Assembly. This imbalance is strengthened by the choice of closed lists with the 'highest average' proportional system for allocating seats, a method that favours bigger parties such as the UNIR.⁴

In addition, the presidential party took advantage of rivalries over positions among opposition leaders, which made the opposition alliances ineffective. Fabre, nominated on 10 October 2014 by the ANC and named the CST presidential candidate, opposed Apévon, nominated on 27 July 2014 by the Arc-En-Ciel coalition. The disagreement over the appointment of a single CST and Arc-En-Ciel candidate, which had already prevented the filing of a joint list in the 2013 parliamentary elections, became apparent during the coalitions' conclave from 1 August to 14 October 2014. Although it was decided to name a single candidate following these discussions, the CAR and other parties abstained from signing the final document. This rivalry could derail the proposed union between the opposition parties.

Finally, Olympio's decision to form an alliance with the UNIR could weaken coalitions within the opposition in 2015. This would be an added advantage for the incumbent, especially in a context where political reforms are not implemented.

Political deadlock in run-up to 2015 presidential election

Togo is facing a political deadlock with the failure to apply the undertakings of the Global Political Agreement, which provided the necessary reforms to create a climate of trust among politicians. Attempts to reach consensus during the last so-called 'Togo Telecom' political dialogue have also failed. Just months before the presidential election, the electoral framework continues to cause controversy.

Unimplemented reforms since the signing of the Global Political Agreement

The Global Political Agreement of 2006 – the result of yet another attempt at inter-Togolese dialogue since the 1990s – seemed to give a new impetus to the settlement of the multiple political crises marring the democratic process in Togo. A list of reforms, subject to consensus from politicians and civil society, had been agreed upon. Nevertheless, differences about how to bring about these reforms (i.e. the establishment of a government of national unity, a permanent framework for dialogue and consultation, and a monitoring committee) ultimately prevented the implementation of the agreement's recommendations.

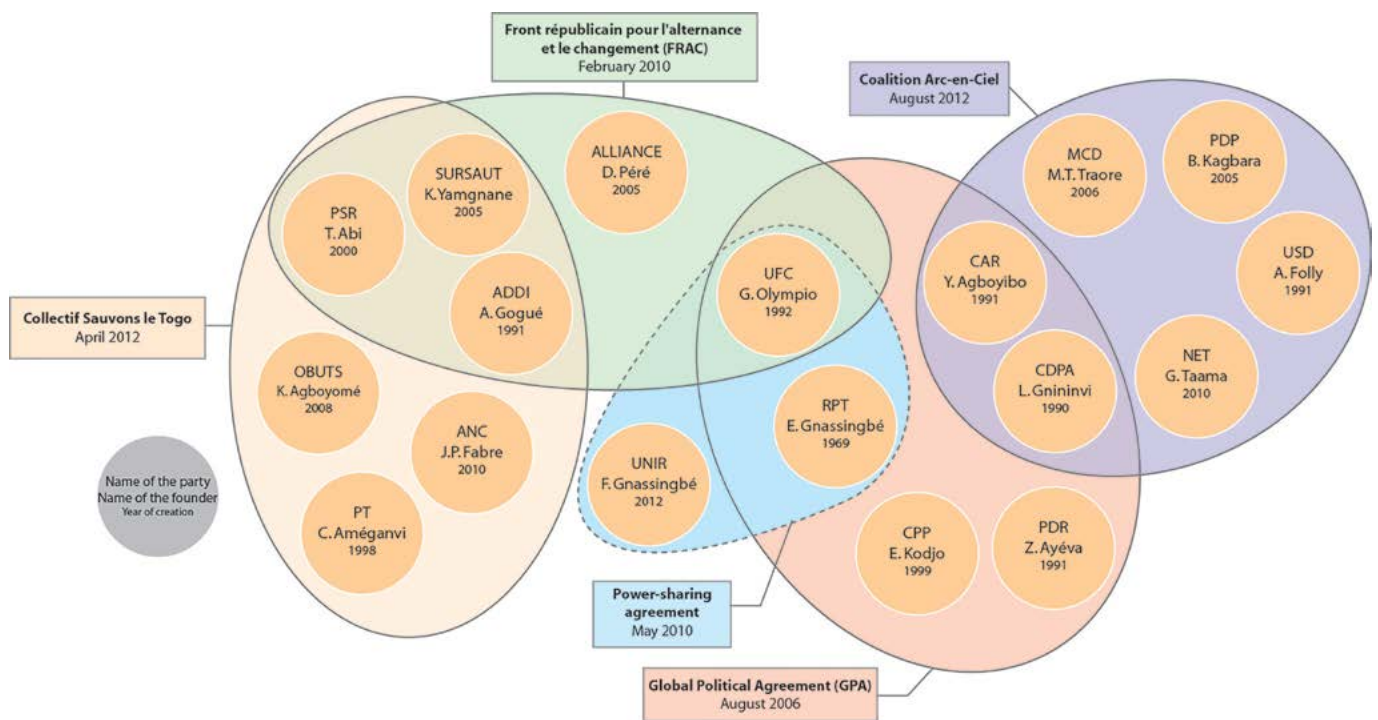


Figure 2: Coalitions and agreements between political parties

The Global Political Agreement should be seen in a context characterised by two major events. Firstly, the 22 commitments adopted on 14 April 2004 between the EU and the Togolese government heralded the resumption of cooperation, suspended since 1993. Moreover, the irregularities revealed during the 2005 presidential election and the harshly repressed demonstrations showed Togolese stakeholders the need for political dialogue following Gnassingbé's election. This led to the signing of the Global Political Agreement in Lomé on 20 August 2006.

Under this agreement, politicians and members of civil society⁵ agreed on four points that needed special attention: the establishment of a new National Assembly; measures relating to security, human rights, refugees and displaced persons; the continuation of the constitutional and institutional reforms necessary to consolidate democracy, the rule of law and good governance; and the formation of a national unity government. Without going into the details of each of these items, it should be borne in mind that although the agreement eased tensions and helped with the organisation of the 2007 parliamentary elections, the signatories have not fully complied with its final provisions. In particular, the agreement provided for the establishment of three bodies to monitor the reform process.

First the national unity government, one of whose main functions was 'implementing decisions taken during the dialogue',⁶ was boycotted in 2007 by the UFC, then the main opposition party. The UFC objected to the appointment of Agboyibo as Prime Minister while Olympio had been tipped for the post. If this appointment was interpreted as a manoeuvre by those in power to divide the opposition, Olympio's decision not to participate in the government not only undermined the political consensus but also revealed the continuing distrust between the main actors in the opposition. This situation has had an impact on the national unity government's descriptions of the assignments, composition and operating procedures of the permanent framework for dialogue and consultation.

List of acronyms

- ADDI:** Alliance of Democrats for Integral Development
- ANC:** National Alliance for Change
- CAR:** Action Committee for Renewal
- CPP:** Pan-African Patriotic Convergence
- CST:** 'Sauvons le Togo' Rally
- FRAC:** Republican Front for Alternation and Change
- MTD:** Togolese Movement for Democracy
- PDP:** Pan-African Democratic Party
- PDR:** Party for Democracy and Renewal
- PDU:** Democrats for Unity Party
- PSR:** Socialist Covenant for Renewal
- RPT:** Rally of the Togolese People
- UFC:** Union of Forces for Change
- UNIR:** Union for the Republic
- UDS:** Union for Democracy and Solidarity

In addition, the presidential party has not hesitated to change the rules, particularly those of the permanent framework for dialogue and consultation. Founded on 4 February 2009 and initially restricted to the parties represented in Parliament (the RPT, the UFC and the CAR), the RPT unilaterally extended the framework to other actors. This second, so-called 'updated' version of the permanent framework, created on 14 September 2011, was boycotted by part of the opposition because of its new composition and the powers of appointment conferred on the head of state. Although this new structure has enabled proposals to be formulated on key reforms under the Global Political Agreement, the government has yet to implement them.

The monitoring committee, which is responsible for ensuring the implementation of the Global Political Agreement, first met on 13 November 2006 in Ouagadougou. Chaired by the facilitator of the inter-Togolese dialogue, Burkina Faso's President Blaise Compaoré, it consists of one representative from each party to the dialogue, as well as representatives of the Economic Community of West African States (ECOWAS) and the EU. Although the committee met several times, its scope was ultimately limited by the inability of the politicians to reach consensus on the composition of the national unity government and the permanent framework for dialogue and consultation, as well as by some political parties' absence from these bodies. The monitoring committee mainly served to remind politicians to fulfil their commitments.

The process of implementing reforms under the Global Political Agreement is incomplete due to a lack of political will and mistrust among the various parties' representatives. Thus, eight years after its signing, the main points of the agreement are still unresolved. They relate to constitutional reforms, namely the nature of the political regime and the appointment and prerogatives of the Prime Minister, the eligibility criteria for the president, the duration of and limit to the presidential terms, and the voting system. They also have to do with the reform of institutions such as the Constitutional Court, the HAAC and the army, and the creation of the Senate. In addition to these nine points, improving the electoral framework, the organisation of a municipal election and measures to ease the political climate were discussed at the 'Togo Telecom' dialogue.

Togo Telecom dialogue: a predictable failure

The talks on constitutional and institutional reforms resumed at the Togo Telecom headquarters after a meeting on 5 March 2014 between Gnassingbé and representatives of the opposition, namely Zeus Ajavon, the CST coordinator, Aimé Gogue, president of the Alliance of Democrats for Integral

Development (Alliance des démocrates pour le développement intégral, or the ADDI), Abi Tchessa, president of the Socialist Covenant for Renewal (Pacte socialiste pour le renouveau, or the PSR) and Fabre, president of the ANC. This dialogue, held from 19 May to 3 June 2014, was intended to prepare the ground for consensus prior to the implementation of reforms. Some of the actors must have foreseen the failure of this latest attempt, given the palpable tensions following disagreements over the voting system, limiting the number of presidential terms, and the format of the dialogue.

With regard to a limit on the number of terms, Article 59 of the 2002 Constitution states that the president 'shall be elected by direct, secret universal suffrage for a term of five years. He can be re-elected.' According to the Constitution, nothing prevents the president from running for a third term. The application of this provision has, however, been contested. The Global Political Agreement and the permanent framework for dialogue and consultation have resulted in consensus being reached among stakeholders on limiting the presidential terms to two, as enshrined in the 1992 Constitution. The problem is that they never managed to agree on the conditions for implementing this measure.

*Pudiatquo et aut voluptate proreperibus
imin cus dolupta tiunt, ommod maio
explatem dolorestem de aboria cum*

At first the opposition was unanimous on retroactively including the current president's previous two terms (2005–2010 and 2010–2015), which would bar him from participating in the next presidential race. Failing this, some parties would be willing to accept a political compromise granting the president a final candidacy in 2015, in which the law would only apply to his current term, allowing him to run for a 'second' term.

Even within the UNIR, this issue is under debate. While some former RPT members are against limiting the number of terms, the newer generation that has emerged within the UNIR would be willing to accept reform without making the law retroactive. However, despite this internal debate within the party, the National Assembly's rejection of the bill (which had been proposed by the government in June 2014) confirms the political strength of the former RPT leaders within the UNIR and leaves little doubt about their determination to retain power. It is in this context, marked by the absence of a consensus on limiting the number of presidential terms, that Gnassingbé's candidacy in the next election was announced on 11 October 2014.

The voting system in the presidential election is the second issue behind the deadlock in the dialogue. The opposition parties demand a return to the 1992 Constitution, as set out in the Global Political Agreement. Article 60 of this Constitution provides that 'the President of the Republic shall be elected by means of a first-past-the-post, two-round system'. However, since the constitutional revision of 31 December 2002, the president is elected by means of a first-past-the-post, one-round system. Analysis of the results of the 2013 parliamentary elections gives a better understanding of the reasons why this reform is so contentious.

In the 2013 parliamentary elections, the number of votes obtained by the opposition parties exceeded those for the presidential party (900 000 votes versus 880 000 for the UNIR). These results demonstrate that, numerically, a united opposition may get more votes than the presidential party. Thus, in the context of the presidential election, if the UNIR candidate does not win in the first round and if all the votes for the other parties go to a single opposition candidate, a second round would increase the opposition's chances of victory, provided these parties have the necessary financial, human and logistical capacity to campaign nationally. This could explain the reluctance of the ruling party to implement the reform amending the voting system in the presidential election.

The dialogue format is the third point that led to the failure of the Togo Telecom discussions. With the organisational conditions being similar to the previous ones, most national and international stakeholders could foresee the outcome of the dialogue. The talks have often been criticised because the form of the debate often outweighs its substance, particularly due to the lack of trust and confidentiality. Despite being a closed-door debate, the matters under discussion are almost always publicised, to discredit political opponents and denounce opportunistic mergers. Each party has also tended to stick to its position for the sake of preserving its partisan interests, rather than seeking to make concessions that it would then have to justify publicly.

However, the usefulness of inter-Togolese dialogues cannot be denied. A dialogue restricted to political parties remains an ideal setting.⁷ Without addressing the substantive issues, some dialogues have helped to ease tensions and to organise elections, such as the dialogue on 8 July 2013, held under the auspices of Archbishop Nicodemus Barrigah-Bénissan, former president of the Truth, Justice and Reconciliation Commission (Commission vérité justice et réconciliation, or the CVJR) and the US Ambassador to Togo, Robert Whitehead. However, with the presidential election scheduled for 2015, politicians still need to overcome their differences regarding the electoral framework.

Differences over electoral framework

In accordance with Article 61 of the Constitution, 'the poll must be open between 75 and 60 days before the expiry of the term of the current president'. As Gnassingbé took the oath on 3 May 2010, the next election should be held between 19 February and 6 March 2015.⁸ As this deadline approaches, there are still differences over the electoral framework as provided for by the Constitution and the electoral code. Opposition parties continue to denounce the lack of neutrality in terms of the composition of the bodies involved in the electoral process, namely the INEC, which organises and oversees the elections; the Constitutional Court, which ensures their regularity and adjudicates disputes; and the HAAC, which ensures the media's impartiality.

The talks have often been criticised because the form of the debate often outweighs its substance

Even though the law states that INEC members shall be appointed based on their competence and probity,⁹ the essentially political composition of this structure has an impact on the proper conduct of its activities. The commission is made up of 17 members, five of whom are appointed by the parliamentary majority and five by the parliamentary opposition. The National Assembly also elects three members from extra-parliamentary political parties and three from civil society, with one member being appointed by the administration. Thus, despite the agreement on the renewal of INEC members' appointments on 17 September 2014, two issues are under dispute: the criteria for allocating posts reserved for parliamentary opposition groups, and the status of the UFC, which, although it has signed an agreement with the presidential party, claims to be part of the opposition. The issue of the criteria for appointing INEC members is therefore particularly significant, since the distribution of posts is based on a clear distinction between the majority and the opposition. In view of the lack of trust among political parties, a more 'technical' INEC composition, made up of experts and lawyers, could have been considered.

The independence of the Constitutional Court has also been called into question by the opposition, whose parties represented in Parliament boycotted the renewal session of six members on 15 September 2014. If the re-election of some Constitutional Court members has been used to justify the boycott, the means of appointment remains the main point of discord between the opposition and the government.

Important dates

27 April 1960: Independence of Togo

13 January 1967: Coup d'état by Gnassingbé Eyadéma

8 July 1991: Sovereign National Conference

27 September 1992: Adoption of the constitution by referendum

19 June 1999: Signing of the Lomé Framework Agreement

31 December 2002: Amendment to the constitution of 1992

14 April 2004: Signing of 22 commitments with the European Union

5 February 2005: Death of Gnassingbé Eyadéma

4 March 2005: Election of Faure Gnassingbé

20 August 2006: Signing of the Global Political Agreement

25 February 2009: Creation of Truth, Justice and Reconciliation Commission

30 May 2010: Signing of power-sharing agreement between UFC and RPT

25 May to 4 June 2014: Togo Telecom II dialogue

30 June 2014: National Assembly rejects the draft law establishing constitutional and institutional reforms

The Constitutional Court consists of nine members elected for a renewable period of seven years, three of whom are appointed by the president, three by the National Assembly and three by the Senate by a majority of two-thirds,¹⁰ pursuant to Article 100 of the Constitution. In addition, the reappointment of the president of the Court by Gnassingbé in September 2014 has reinforced fears of bias among the opposition, even though it is allowed by law. Statements by the president of the Constitutional Court,¹¹ Aboudou Assouma, on 7 October 2014 reinforced the opposition's doubts about its neutrality. Assouma announced that the National Assembly's rejection of the bill in June 2014 concluded discussions on the implementation of political reforms before 2015.

Finally, the HAAC, an independent administrative authority and the guarantor of the freedom of the press, is the third body involved in the electoral process. Although its role is necessary for the consolidation of democracy, its impartiality has also been questioned by the opposition. In 2010, the EU observation mission stated in its final report on the presidential election that 'the HAAC was biased in [its] application of the law. It was passive towards media groups closest to the RPT candidate, and by contrast, responsive when stigmatising media groups that were not aligned with the authorities.'¹² Another factor that counts against it, according to the opposition, is that the HAAC president, Kokou Biossey Tozoun, is a former member of the RPT's political office.

The politicisation of the three main institutions involved in the electoral process has spawned a lack of trust among opposition parties vis-à-vis these bodies, which are suspected of being manipulated by the government. This situation could lead to the mobilisation of the population as a means of challenging the results of the 2015 poll. The political debate also continues to overshadow other social and economic tensions that could undermine the country's stability in the medium and long term.

Unstable security situation, despite economic and social progress

Togo has experienced some economic and social progress over the past decade. Its real gross domestic product (GDP) rose from 4,1% in 2010 to 5,6% in 2013. According to the World Bank, growth is expected to be 6% in 2014 and 6,3% in 2015.¹³ However, these figures must be viewed in perspective, in a context where latent social conflicts persist. In this uncertain socioeconomic environment, social cohesion in Togo is weakened by the force of opposition's lack of power and inadequate regulators of social tension.

Uncertain socioeconomic environment

Togo continues to suffer the consequences of the political and institutional crisis, which obscures social tensions over impunity, land disputes and youth unemployment.

Impunity remains a problem, despite reforms in the justice system. However, the creation of the CVJR, following investigations into the election violence in 2005,¹⁴ marked a major breakthrough. Its mission was to shed light on the political violence committed between 1958 and 2005 and to make recommendations to combat impunity and strengthen national reconciliation. In its report, submitted to the president in April 2012, the commission stressed the need to take effective measures to address impunity.¹⁵ However, despite the adoption of the 'livre blanc' in

April 2014, the document through which the government took ownership of the CVJR's findings, these findings have not yet been implemented. The continuing sense of injustice is causing frustration among victims and undermines national reconciliation.

In addition, the CVJR report highlights an age-old phenomenon, namely that of land disputes,¹⁶ which the Togolese government has not been able to regulate and which continue to lead to confrontations between communities. These localised conflicts are also illustrated by the phenomenon of double or even triple sales of plots of land. Expropriation by the mining industry also accentuates land issues, as displaced persons – sometimes entire villages – are not always compensated or relocated.

Pudiatquo et aut voluptate proreperibus
imin cus dolupta tiunt, ommod maio
explatem dolorestem de aboria cum

The problems associated with mining have an impact on the agricultural sector, which accounts for 38% of the GDP.

Finally, employment is a critical issue, especially among young people, in a country where 75% of the population is aged under 35. Despite the adoption of the strategic plan for the promotion of youth employment in 2013, 20,5% of young people are underemployed and 8,1% are unemployed.¹⁷ This is accentuated by the widespread poverty in the country: with a human development index of 0,459 in 2012, Togo ranks 159th out of 186 countries. The UNDP has classified it in the 'low human development' category, with 52,7% of the Togolese population living below the minimum threshold of US\$2 a day. This economic and social insecurity weakens Togolese society.

Weakened society

Civil society, the media and traditional leaders are meant to act as the forces of opposition or the regulators of social tension, but most still lack the means or are politicised.

Civil society has developed in a context where the political class has lost much of its credibility among the population because of the 'dialogue of the deaf' in which it constantly engages. Civil society organisations have therefore invested in the social and political life of the country to try to respond to common concerns among the population (cost of living, human rights, justice, etc.). The most notable progress has been made in preventing electoral violence and observing the electoral processes. In 2013, Citizen Synergy for Democratic

Elections in Togo (Synergie citoyenne pour les elections démocratiques au Togo, or the Togo-SYCED), comprising 35 civil society organisations, was involved in monitoring the entire electoral process. However, apart from such initiatives, which have received support from mostly international stakeholders, other associations have been criticised for their lack of neutrality.

One phenomenon that is particularly noticeable in the pre-election period is that some civil society organisations form closer ties with political parties. Civil society's increased activities have brought about the need for greater human, logistical and financial resources. Political parties have thus sought to capitalise on their positive image in exchange for providing such resources, in particular funding.

Civil society organisations are not the only stakeholders that have been politicised. Despite the progress made regarding freedom of expression, confirmed by the decriminalisation of press offences in 2006, the Togolese media is very polarised. The dramatic increase in media outlets, which corresponds to the emergence of political parties in the 1990s, has not been accompanied by the funding needed to assure their independence. Difficulties finding private investors and advertisers have created financial dependence on the state and political parties. It was stated during interviews that journalists tend 'to hold partisan political debates, rather than inform'. The national conference on the media, held in Kpalimé from 30 June to 2 July 2014, had the theme 'The challenge of professionalisation', an essential condition to enable the media to contribute to the consolidation of democracy.

The traditional authority structures in Togo also appear to be weakened in their role as social regulator. Political powers in search of local contacts are often involved in the process of appointing traditional leaders. As a result, there have been occasions when the appointment of traditional communities' leaders have been questioned. In its report, the CVJR drew attention to the fact that such appointments must respect the procedural and substantive laws and customs in place in each locality.¹⁸ The partisanship of traditional leaders suspected of being subservient to those in power has gradually led to a loss of legitimacy.

Togo's political, economic and social fragility increasingly requires that the international community remains involved, even if it sometimes seems caught in the middle.

International community: caught in the middle

While some Togolese politicians and civil society stakeholders believe that the international community should play a role in

tackling the political and institutional crisis, the effectiveness of the G5 and ECOWAS, with the support of the International Organisation of La Francophonie (IOF), still remains as dependent on the will of Togolese politicians and open to the risk of manipulation as ever.

*Pudiatquo et aut voluptate proreperibus
imin cus dolupta tiunt, ommod maio
explatem dolorestem de aboria cum*

Representatives of the G5 (France, Germany, the US, the UNDP and the EU), with the intention of proposing coordinated action, have held regular discussions with all politicians. These sessions aim to provide a closed-door debate in which the political issues that divide the country are discussed openly. In 2013, when the opposition threatened to boycott the parliamentary elections, talks organised with the involvement of the G5 and Archbishop Barrigah-Bénissan enabled the organisation of elections with the participation of the opposition. In addition to its support for political dialogue, the G5 is committed to the democratisation process through technical and financial support for electoral preparations. During the 2013 parliamentary elections, members of the G5 and experts from ECOWAS and the IOF formed an electoral process monitoring committee.

Since the 2005 crisis, ECOWAS has remained engaged with civil society and the government for the implementation of the Global Political Agreement and constitutional and institutional reforms. In 2007 and 2010, ECOWAS sent an electoral security observation mission (Mission d'observation électorale sécuritaire, or the MOSC) to the country. Nearly 150 senior officers from the MOSC gendarmerie and police were deployed in 2010 and helped to create favourable conditions for the conduct of the election. The IOF was mainly involved in the organisation and monitoring of the electoral process to help build trust between institutions and politicians. Around 10 observers were deployed in 2010.

Despite some progress, international stakeholders face two recurring challenges: their inability to impose reforms in the absence of political will, and the risk of international action being manipulated for political purposes. Firstly, due to internal blockages, external partners are often viewed as the only ones able to put pressure on the president to implement reforms. The National Assembly's rejection of the bill in June 2014 is a reminder that no reforms are possible without the will of the presidential party. The Togolese president has also not hesitated to overrule certain decisions.

An example of this external pressure is the financing of the parliamentary elections in 2013, when the EU suspended its financial support because of the government's non-compliance with some of the commitments it had entered into in 2004, such as the organisation of local elections within a year. These local elections, which were last held in 1986, have still not taken place. International stakeholders are also aware that their actions can be criticised and manipulated by politicians and civil society representatives, who, unwilling to make concessions themselves, often seek a scapegoat.

As the internal political situation becomes more deadlocked, so have the expectations of the international community grown. Nevertheless, these representatives have little leeway – although they can lobby for the establishment of a framework conducive to dialogue, they cannot themselves impose change.

Conclusion

Six months ahead of the presidential election, the Togolese stalemate persists. Politicians have failed to reach consensus on limiting the number of presidential terms and on the voting system. The dialogue's focus on these two issues is representative of a trend characteristic of the entire Togolese political class, namely the lack of trust between representatives of different political parties, and their unwillingness to make concessions in order to implement the agreements they have signed. In addition, in the absence of constitutional and institutional reforms, the balance of power remains in favour of the presidential party, whose position could be strengthened by the confirmation of an alliance with the UFC. The political scene has been recast since 2010, in particular through the creation of coalitions, but their inability to nominate a single presidential candidate remains a divisive factor.

In the current political context, one of the main concerns is to ensure transparency and the proper conduct of the elections, in order to prevent the risk of results being contested through demonstrations, which could lead to violence. Disillusionment among Togo's citizens about the ability of the political class to meet their expectations, however, may turn the next election into a non-event. Therefore, one of the main challenges for the country is the creation by politicians – beyond mere speeches – of conditions conducive to the consolidation of democracy, which should be understood as a social project that takes the needs of Togolese people into account. In an already unstable West African environment, it is in Togolese politicians' best interests to play the stability card by engaging in structural reforms in the political, economic and social spheres, with the support of the international community.

Notes

- 1 The results of the vote leading to the proposed reform being rejected are as follows: 63 votes against, 27 in.
- 2 Togolese Unity and Reconciliation (UTR), the Togolese Movement for Democracy (MTD), the Democrats for Unity Party (PDU), the Union for Democracy and Solidarity (UDS), the Party of Forces for Change (PFC), the Togolese Alliance for Democracy (ATD), the Togolese Social Democracy (SDT), and the Front for the Conquest and Defence of Democracy in Togo (FCDDT).
- 3 The Alliance of Democrats for Integral Development (ADDI), the Democratic Alliance for the Fatherland (Alliance), the Socialist Covenant for Renewal (PSR), Sursaut-Togo and the UFC.
- 4 Election Observation Mission of the EU in Togo, *Final report: 2007 parliamentary elections*, 6, 52–53.
- 5 These are: RPT, CAR, Democratic Convention of African Peoples (CPDA), Patriotic Pan-African Convergence (CPP), the Party for Democracy and Renewal (PDR), UFC, Group of Reflection and Action for Women in Democracy and Development (GF2D), Network of African Women Ministers and Parliamentarians (RFAMP).
- 6 Global Political Agreement, Appendix 2.
- 7 The Togo Telecom dialogue was even more restricted, as only parties represented in Parliament could attend.
- 8 Article 2 of the ECOWAS Protocol on Democracy and Good Governance, providing that ‘no substantial reform of the electoral law should occur in the 6 months preceding the election without the consent of a large majority of politicians’, will be effective from 6 September 2014.
- 9 Electoral Code, Article 12.
- 10 Pending the establishment of the Senate, members supposed to be appointed by senators are appointed by the National Assembly.
- 11 See <http://www.lomeinfos.com/2014/10/togo-la-page-des-reformes-est-tournee/>
- 12 Election Observation Mission of the EU in Togo, *Final report: presidential election*, March 2010, 43.
- 13 African Development Bank (AfDB), Organization for Economic and Development Cooperation (OECD), United Nations Development Programme (UNDP), *African economic outlook*, 2014, 2.
- 14 The election violence in 2005 caused between 400 and 500 deaths, according to the UN Investigation Commission; 150 according to Amnesty International; and 811 according to the Togolese League of Human Rights.
- 15 CVJR, *Final report*, Vol. I, October 2012, 253.
- 16 *Ibid.*, p. 258.
- 17 AfDB, OECD, UNDP, *African economic outlook*, 2014, 2.
- 18 CVJR, *Final report*, Vol. I, October 2012, 257.

Recommendations

1 The proximity of the 2015 elections and the political deadlock complicate and even prevent the implementation of the reforms planned since 2006. Thus, ECOWAS, with the support of the G5, should remain committed to ensure the implementation of the reforms necessary for the proper conduct of the elections. If this precondition is not met before the election, ECOWAS may, at a later stage, challenge the Togolese authorities regarding compliance with their commitments (mainly the implementation of constitutional and institutional reforms).

2 The lack of trust between opposition parties and the electoral institutions may have an impact on preparations for the presidential election. In order to limit this distrust, ECOWAS, the G5 and the IOF could propose the creation of a framework consisting of representatives of the international community, the INEC, the Constitutional Court, the HAAC, political parties and civil society. This framework would aim to monitor the electoral process, while involving each of the stakeholders in the development of common solutions to any shortcomings identified.

3 Election periods serve as a sounding board for the frustrations of the people. Although most Togolese are disillusioned about the possibility of change in 2015, the risk that electoral tensions will be expressed through violence cannot be ruled out. It is essential that Togolese civil society stakeholders commit to taking all necessary preventive measures and remain neutral. In particular, ECOWAS, the G5 and the IOF could provide support through the organisation of national awareness campaigns for these stakeholders.



Donateurs



IDRC | CRDI

International Development Research Centre
Centre de recherches pour le développement international



This report is published through the support of the Hanns Seidel Foundation (HSF), the International Development Research Center and the French Foreign Affairs Ministry. In addition, the Institute for Security Studies (ISS) is grateful for the support of the following core partners: the governments of Australia, Canada, Denmark, Finland, Japan, the Netherlands, Norway, Sweden and the United States.

Contributors

ISS-Dakar

Dr Amandine Gnanguênon
Paulin Maurice Toupane
Esso-Wèdeou Gnamke

Contact

Conflict Prevention and Risk Analysis Division
ISS Dakar
Ouakam Road,
Atryum Building,
4th floor, PO Box 24378
Dakar, Senegal
Tel: +221 33 8603304/42
Fax: +221 33860 3343
Email: dakar@issafrica.org

ECOWAS Peace & Security Report

The *ECOWAS Peace and Security Report* series seeks to provide the decision makers of the Economic Community of West African States (ECOWAS) with analysis on critical and topical human security situations in West Africa. It results from a partnership between the ISS and the ECOWAS Commission (Regional Security Division). The objective is to produce independent, field-based policy research in a timely manner to inform ECOWAS decision-making processes or alert its governing structures on emerging issues. The *ECOWAS Peace and Security Report* series include analyses of country situations and other thematic issues with recommendations. It is circulated, free of charge, both electronically and in hard copy, to a diverse audience in West Africa and beyond. The *ECOWAS Peace and Security Report* is produced by the Conflict Prevention and Risk Analysis Division (CPRA) in ISS Dakar with the support of CPRA staff in ISS Addis Ababa, ISS Nairobi and ISS Pretoria.

www.issafrica.org

© 2014, Institute for Security Studies

Copyright in the volume as a whole is vested in the Institute for Security Studies, and no part may be reproduced in whole or in part without the express permission, in writing, of both the authors and the publishers.

The opinions expressed do not necessarily reflect those of the ISS, its trustees, members of the Advisory Council or donors. Authors contribute to ISS publications in their personal capacity.

ECOWAS
Peace and Security Report
Issue 10

ISSN 1026-0404



9 771026 040004