

# **L A C O A L I T I O N**

**(ADDI – CAR – CDPA – UDS-Togo – UFC)**

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## **The state of implementing the 22 commitments into policy action; document submitted to the Evaluation Mission of the European Union**

1. The Government of M. SAMA has pledged the implementation of 22 commitments during the consultations of 14 April 2004 in Brussels at the European Union in the name and under the authority of late President General Gnassingbé Eyadema. This was done in order to remedy the democratic deficits and the violations of human rights to which the population of Togo has been exposed to since many years.

Fifteen months after the commencement of the consultations, the Coalition notes:

- That the Government did not adhere to the main part of the commitments entered into, in particular the two fundamental ones concerning the national dialogue and the electoral framework by mutual consent. And by that the little progress that had been achieved was put into a precarious situation in a certain number of fields; (I)
  - That the non-observance of the 22 commitments became particularly apparent at the time of the presidential polls of 24 April 2005. (II)
2. Vis-à-vis this contradictory situation, the question arises of how to make the Government to honour the commitments entered into in order to enable the population of Togo to fully enjoy the benefits of democracy, human rights and fundamental freedoms. (iii)

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### **Fifteen months of manoeuvring in order to evade the implementation of the fundamental commitments**

3. Two missions of the European Union visited Lome, the first in June 2004, the second in July 2004, to carry out an evaluation of the state of implementation of the commitments entered into by the Government of Togo.

Three political parties (CAR, CDPA, UFC) have, at the time of each of these missions, submitted documents to the delegation of the European Union containing their appreciation of the state of application of the 22 commitments.

In particular awareness was raised towards the manoeuvres undertaken by the Government to sidestep the two fundamental commitments, i.e. the national dialogue and the consensual electoral framework. Others were added thereafter.

4. Among the manoeuvres of dodging the commitments, six of them shall be highlighted in the following:
  - i. Consultations with the political parties and other organizations were foreseen to lead to a national dialogue.
  - ii. Also the installation of a Consultative Committee was planned, whose members were to be knowledgeable of the presidential elections, in order to work out an electoral framework by mutual consent.

- iii. It is by the same strategy of evasion that the Head of Government at the time, Mr. SAMA, has sought at two meetings (held on 25 August and on 10 September 2004) to start the national dialogue. He tried however to enforce a framework of his own making which could not be accepted by the Opposition CAR, CDPA, UFC.
- iv. He even declared at the meeting of 25 August 2004 that the Government would do without the application of commitment n°1-1, i.e. the national dialogue, since the 21 others could be implemented on their own. However, from its wording, commitment n° 1-1 is the precondition for solving all questions contained in the other 21 commitments, on the basis “ to ensure the full respect of democratic principles“.
- v. It was also wrong that the Prime Minister submitted a proposal aiming at putting on the agenda the formation of a transitory Government of national unity.
- vi. It was as well difficult to understand why the Prime Minister of the time, Mr. SAMA, submitted to the French National Assembly the modifications made to the electoral Code of 2003 without having sought beforehand the consent of the Opposition CAR, CDPA and the UFC.

It was undoubtedly in reaction to these manoeuvres to evade the two fundamental commitments that the Council of the European Union, meeting on 15 November 2004 in Brussels, decided, inter alia, to recommend to the Government of Togo:

- a. *“The implementation of the national dialogue within a structural and transparent framework in accordance with commitment n° 1-1;*
- b. *The revision (in the context of this dialogue) of the electoral framework guaranteeing a transparent and democratic process in accordance with commitment n° 1-3.”*

In view of the application of these recommendations, CAR, CDPA and UFC have, during a meeting held on 15 December 2004 with the Prime Minister, handed over a document containing their proposals for a revision of the electoral framework. The Prime Minister was requested to make these proposals part and parcel of the national dialogue once the definite framework was agreed upon. This however never materialised.

5. Against all expectations, the General Gnassingbé Eyadema made a turn about in announcing by an official statement of the Presidency of 15 January 2005 that he had withdrawn the version of the altered electoral code submitted to French National Assembly for appreciation.
6. It is in this deplorable state of implementation of the 22 commitments that, only a few months later, the presidential elections would be organised on 24 April 2005 for electing the successor of the Head of the State deceased on 5 February 2005. The national dialogue in which, inter alia, the electoral framework should be examined and approved upon, had not even begun, for lack of agreement on the methods.

The events that surrounded the polls have revealed that the improvement of the national political situation, sought through the 22 commitments, was and is a true failure.

**Exemplifying the non-observance of the 22 commitments  
during the presidential polls of 24 April 2005**

7. The presidential elections of 24 April 2005 illustrated the obvious failure of the implementation process of the 22 commitments by the Government.
  - i. The Government has, regardless of the stipulations of commitment n°1-3, repeated during this poll, and even on a greater scale, the frauds which characterised the presidential polls of June 2003 as follows:
    - a. Forging of the electoral registers by increasing the electoral rolls in the prefectures (constituency) favourable to the Government, and by omission of thousands of voters of the electoral rolls of the constituencies considered close to the Opposition;
    - b. Withholding of voter registration cards in areas considered close to the Opposition and handing-over of several voter registration cards for multiple votes in the areas favourable to the RPT;
    - c. Fraudulent handling and removal of the ballot boxes, operated sometimes by agents of the police force;
    - d. Harassment of representatives of the Coalition (Opposition) at the polling stations in particular at the time of examining the ballot boxes;
    - e. Forging of the official reports of voter counting;
    - f. Blocking of the transparency of the counting out operations by interrupting the communication facilities; etc.
  - ii. In contradiction of commitment n° 2-2, thousands of young people were stopped, imprisoned, pursued or forced into exile after having disputed the proclamation of the candidate of the RPT as winner of the polls by the CENI.
  - iii. In violation of commitment n° 2-1, more than 500 people were victims of extrajudicial executions, more than 2.000 others wounded, tortured, reported missing for political reasons;
  - iv. In spite of commitments n° 3-1 and 3-5, several newspapers close to the Opposition were closed down and national private radios and television stations as well as an international radio station were obliged to suspend their broadcasts; web sites were blocked.
  - v. Vis-à-vis these massive violations of human rights, the jurisdiction of Togo could not prove its impartiality that the Government had promised to ensure by commitment n° 2-7.
  - vi. The Sub-commission for Electoral Disputes of the CENI, the constitutional Court, the HAAC and the National Commission of Human Rights, have demonstrated in all cases their submissiveness towards the regime in power (commitments 1-3, 2-5, 2-7, 3-6)

In the light of the foregoing, the Government is fully responsible that the process of implementing the 22 commitments has been a complete failure.

### **Steps to put back on track the implementation process of the 22 commitments**

8. At the time of the present assessment of the implementation of the 22 commitments, it is advisable to search for measures likely to ensure an effective and unequivocal respect of the 22 commitments.
9. The Government is likely to worsen the situation more in case it seeks to hasten to new elections without making legal provisions for the improvement of the electoral framework. And by doing so it would be incurring a more explosive situation in the country.

It has to be stated that it is not the texts governing the elections that are the root cause of the crisis of Togo. When in 1998, in 2003 as well as in 2005 the elections did not lead to a change in government, it is for the simple reason that the political party in power, the RPT, had the control over all the government departments and the institutions that managed these elections or determined their fate.

The government that has just been formed is in the same position. The public announcements that make believe that this would be a Government of National Unity are pure propaganda and thus falling short of the truth. The political party in power, the RPT, was at best prepared to accept the formation of a Government "open" to its allies, i.e. the CPP, PDR and PSR.

10. Examining the composition of the Government of 20 June 2005, one notes that, just like in the past, the RPT allotted to itself all the key ministries for future elections to be manipulated and won: Ministry of Defence, Ministry of the Interior, Ministry for State Security, Ministry of Justice, Ministry for the Economy and Finances, Ministry of Foreign Affairs and International Co-operation, Ministry of Public Works and Telecommunications, Communication Ministry.
11. One hardly foresees how a Government composed in this way can organize regular and credible elections with acceptable results for all involved.

Actually, in a political context as ours where the party in power confiscates the State apparatus, it is illusory to achieve political change by the ballot box. One inevitably exposes the country to the repetition of massive frauds, the cyclic return of violent protests and new waves of severe repressions. Elections make only sense in an environment where one has adopted steps to temporarily "decontrol" the State by the political party in power (RTP). From this point of view, the formation of a Government of national unity constitutes the solution that proved effective in countries confronted with situations similar to ours.

12. For this reason it matters that a transitory Government of national unity precedes any future elections. Such Government would be formed at the end of a national dialogue.

This government would, inter alia, define and implement measures to appease the population, to promote an enabling climate of agreement between the various factions of the political community, in order to prepare and implement the electoral and institutional reforms, eventually leading to the organization of the next elections.

13. These measures are part of the whole process of the 22 commitments, which are based on commitment no. 1-1 "national dialogue", like we have explained already in point 4 above. (iv).

It is now time to take as point of departure commitment n°1-1 concerning the national dialogue as the formal approach, which so far the RPT Government had hijacked, in order to make it operational.

14. Incidentally, this solution emanates directly from the recommendations made by the African Heads of State at the mini-summit held in Abuja on 19 May 2005; which recommended “the setting-up of a framework of dialogue intended to bring the country back to normality and to allow the formation of a government of national unity representative of the entire political community.”

The recommendations of Abuja could not be applied for the moment because the party in power, the RPT, prefers a Government open (only) to its allies to a Government of national unity.

However, the interest of the country demands that the necessary sacrifices are made so that the scheme of Abuja can be implemented.

15. The Coalition considers that the organization of a national dialogue according to commitment n° 1-1 under the auspices of the African Union and the European Union with the assistance of a facilitator, and the formation of a transitory Government of national unity at the end of this dialogue, constitutes the only suitable measure for a peaceful outcome of the socio-political crisis of Togo.

Made in Lome the 14 July 2005

Signed for the Coalition:

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*(Unauthorised translation from French into English by Klaus D. Loetzer)*