



**REPORT OF THE JOINT  
INTERNATIONAL REPUBLICAN INSTITUTE (IRI)  
IFES  
NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS (NDI)  
TOGO ASSESSMENT MISSION**

*March 15 – April 4, 2005*

## **I. EXECUTIVE SUMMARY**

In recent weeks Togo has witnessed the death of long-time President Gnassingbe Eyadéma, a military-backed coup d'état to install his son Faure Gnassingbe as President, subsequent widespread protests by Togolese and the international community, including the Economic Community of West Africa States (ECOWAS) and the African Union, Faure's resignation and the declaration of presidential elections on April 24. These tumultuous events come against the backdrop of years of authoritarian rule, which leaves the country void of a democratic political culture of tolerance and compromise.

In this context, a pre-election assessment team from IFES, the National Democratic Institute (NDI), and the International Republican Institute (IRI) visited Togo. The purpose of the mission, supported by USAID, was to:

- Provide an analysis of the current pre-electoral environment and prospects for a democratic transition in Togo;
- Determine the existing capacity of the Government of Togo (GOT) to conduct credible, participatory and fair elections;
- Provide recommendations and develop a plan for timely and strategic support to improve the electoral process; and
- Provide technical assistance to the ECOWAS team and key election stakeholders.

The team was welcomed by the Togolese authorities and was able to meet with a wide range of political parties, civic organizations, government officials and election authorities. Acting President Abbas met with the delegation and welcomed its work, stating that the delegation was free to go anywhere and meet with anyone it wished.

It is clear that, because of the death of President Eyadéma and the subsequent engagement of ECOWAS and other international actors in the Togolese political transition, a spotlight now shines on the country. Togo has the opportunity to demonstrate a commitment to advancing democratic political culture and institutions. During its visit the delegation saw some evidence of potentially encouraging signs of greater political openness and space for political opinions to be expressed. These include:

- Participation by opposition parties and candidates in the presidential elections;
- Considerable international focus on the situation, especially on the part of ECOWAS;
- The public presentation of Emmuanel Akitani-Bob, opposition presidential candidate of the six-party coalition;
- The brief return from exile of opposition leader Gilchrist Olympio, leader of the Union of Forces for Change (UFC);
- Coverage of these events by the government controlled written press, radio and television; and
- Significant public mobilization and interest in the upcoming presidential elections.

The team concludes, however, that while some positive steps are being taken and an election could be conducted by April 24, serious obstacles must be overcome for those elections to be viewed as free and fair. These include:

- Numerous deficiencies in the legal framework for elections;
- The short period of time for the election campaign, which has reduced the transparency of electoral preparations;
- The imbalance in the composition of the National Independent Electoral Commission (CENI) and local election commissions (CELIs);
- Widespread questions regarding the accuracy of the voter registry, which is to be updated and made available for public comment and revisions for eight days, beginning on March 28;
- the announcement by the Ministry of Interior of the deployment of 3,500 special security forces for the campaign and elections period, along with general concerns about the potential for violence; and
- lack of confidence in the independence of appeals courts and the Constitutional Court.

An issue of particular concern, which has driven protests by some supporters of the Togolese opposition, is the short timeframe for the electoral preparations and campaign. It will be challenging for political parties, CSOs, and international organizations to scrutinize the various stages of electoral preparations in this accelerated timeframe. The assessment team has taken this into account in outlining the steps that must be taken for free and fair elections to occur, regardless of the timetable.

Notwithstanding the timetable, the importance of these elections for the region demands that the Togolese authorities and the international community do the utmost possible to ensure the security and transparency of the process by building public confidence in the process; ensuring that misconduct is detected and addressed; and minimizing the potential for violence. Leaders throughout West Africa are looking to Togo to break the legacy of authoritarianism that has gripped the country. They will also pay close attention to the levels and forms of international support to the process in Togo as a sign of the importance assigned by the international community to democratic governance in West Africa. The stakes are high. If the Togolese electorate does not view the upcoming process as credible or reflecting the will of the people, prospects for stability and democratic progress in Togo will be seriously jeopardized.

A theme that repeatedly arose in meetings with Togolese stakeholders was that, without international support, little confidence will be placed in the process by the Togolese opposition or the Togolese people. The goal of international support to the electoral process should be to discourage the pursuit of politics by other means, which has so often been reverted to in highly polarized transitional environments with authoritarian legacies, as is the case in Togo. The following recommendations are reasonable steps that can be taken in the short and long term to heighten the chances of a legitimate democratic transition:

## **SHORT-TERM RECOMMENDATIONS**

**Examination of the Electoral Timetable.** Sufficient time must be allocated for a thorough revision of the voter register and a meaningful electoral campaign period. Given Togo's history of flawed and contested elections, extraordinary steps must be taken to enhance citizen confidence in these transitional elections. Should it become impossible to implement noteworthy confidence-building measures, particularly publicly accepted revisions to the voter register, in

time for the April 24<sup>th</sup> election, Togolese authorities should consider an immediate revision of the electoral timetable.

**Confidence-Building Measures.** Given the atmosphere of mistrust and polarization, all political parties, candidates, the government and the CENI should strive to immediately increase public confidence by making public assurances that they will take steps to ensure free and fair elections. For example:

- An institutionalized, formal and regular dialogue between election administrators and political parties (such as weekly meetings) could identify and redress grievances and defuse tensions;
- A code of conduct agreed to by all political parties and the CENI to establish agreed upon rules of the game for the campaign period and discourage resort to violence;
- Widespread education efforts by the CENI that inform the public of their rights and responsibilities in the electoral process, publicizing CENI decisions, and clarifying its role vis-à-vis state officials.

These combined measures would strengthen the CENI's ability to act independently, discourage misconduct and build public confidence in the process.

**Issuance of IFES/NDI/IRI Public Statement.** The team recommends that the CEPPS partners issue a pre-election assessment statement as soon as possible. Such statements are commonly accepted methods of providing unbiased and technically-based perspective on the state of preparations for the election. They typically contain recommendations on how improvements could be made to increase the possibility of a legitimate and transparent election. In the case of Togo such a statement would be particularly valuable given the short time frame for elections and the absence of other such analyses. In addition, the existence of such a document could help assist ECOWAS, which plans to sponsor an important observer delegation to the Togolese elections, to apply internationally accepted standards in assessing the election's legitimacy.

**Role of Security Forces.** In light of the military's action to install Faure Gnassingbé as President without an election, and its perceived partisan activity in previous Togolese elections, any military presence or activity around the polls would be viewed as intimidating by many Togolese and undermine the election's credibility in Togo and abroad. The government should reiterate its commitment to enforcing the provision of the Togolese constitution that requires members of the armed forces to be politically neutral, including throughout the election period. This should include a clarification on the role to be played by the 3,500 special security forces that are to be deployed throughout the election period by the Ministry of Interior. Furthermore, the government should ensure that the military remain in the barracks on polling day, and that police duties are undertaken without interference in election activities. These actions can play a positive role in encouraging citizen participation in the election process. The government should also welcome the presence of ECOWAS military observers, if offered by West African countries.

**Political Party Pollwatching.** Togolese law recognizes the right of contesting parties/candidates to observe all aspects of the electoral process. To ensure that they are able to fully exercise this right, political parties need and should receive assistance with the development of monitoring checklists and handbooks, and training of party agents. In the short lead time

between now and the presidential election, NDI proposes to organize a series of training-the-trainer seminars for political party agents representing the various parties and candidates. This activity would be undertaken in coordination with the European Union, which is providing funding through the UNDP for party agents to be deployed in the polling places on election day. Training material already exists from the 2003 presidential election, which would require only minor adaptation.

**Domestic Observers from Civil Society.** Throughout the world, including West Africa, election observation by domestic groups has served as an important means of providing transparency for election administration and as a crucial way to increasing public confidence in an election. In addition, such observers can help deter election abuses and detect them if they occur where observers are present. Over the longer term, domestic election monitoring can assist in the development of civil society operational capacity. The European Union is prepared to provide some funding for this initiative. NDI is willing to assist in the training and functioning of domestic observers. As Togolese law does not prohibit observation by domestic groups, the delegation expects that election authorities would honor requests for accreditation by recognized civil society organizations. Recognition of domestic groups' right to observe electoral processes is necessary to bring Togolese practice in line with West African standards observed in Benin, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, and Sierra Leone,

**Election Administration and Materials:** Some material improvements are needed. They could include printing of ballot papers with a numbered stub, the addition of seals to ballot box padlocks and the use of tamper proof bags inside the ballot box for the delivery of the statement and ballot papers to the CELI. Assistance to the CENI to implement the progressive reporting of preliminary results could preempt misinformation and help reduce tension. With sufficient funding in support of this recommendation, IFES could undertake such assistance.

**Supporting ECOWAS' Election Observation Mission.** The team welcomes the work of the ECOWAS, including the presence of a full-time delegation in Togo, and anticipates ECOWAS' applying internationally recognized standards in evaluating the presidential elections. To promote this process, CEPPS partners are willing to informally assist ECOWAS if required, by providing technical assistance to help facilitate ECOWAS activities relating to observation according to international standards, with particular emphasis on post-election complaint resolution.

In order to deter violence and raise public confidence, reduce the possibility of fraudulent voting by the members of the armed forces, ECOWAS should include in its observer delegation individuals with particular expertise in monitoring the role of security forces in elections.

Given the history of seriously flawed elections and the short time period, decisions on implementing the above recommendations must be made immediately. Needless to say, the success of national and international efforts to guarantee transparency in coming election will depend on swift action and resolute political will.

## **LONGER-TERM RECOMMENDATIONS**

The team also recognizes that the presidential elections, while of vital importance in and of themselves, also form part of a longer-term democratization process in Togo. If the elections timetable is successfully extended, some of these longer-term recommendations could be implemented prior to presidential elections. If presidential elections move forward on the present timetable, further assistance prior to the impending legislative and municipal elections will be critical. The following recommendations would be more appropriately undertaken in a case of a delayed presidential election or subsequent legislative and municipal elections.

**Multi-Party Dialogue.** The Togolese government, election authorities, political parties and civil society must engage in a broad and inclusive dialogue on how to increase the transparency of the electoral process. This could include, for example, a stakeholder conference on the various aspects of the electoral process in Togo. It could also consist of more institutionalized mechanisms, such as an inter-party advisory committee to the CENI or working groups on elections involving representatives of each of the institutions or sectors cited above.

**Election Administration.** Reforms should be undertaken to strengthen the independence and mandate of the CENI. Assistance should be provided for an in-depth revision of the legal framework, including the delimitation of constituencies for legislative and municipal elections. Assistance could also be provided to improve the design of electoral materials and develop a new voters register utilizing technologies used elsewhere in the region, such as Optical Mark Recognition (OMR) scanning.

**Civic/Voter Education.** Assistance should be provided to civil society to design and implement a civic education program, including a school component. Assistance to the CENI to design and implement a voter education program well in advance of each future election is critical. Civil society input into the content of CENI-sponsored voter education and assistance with distribution of materials would be important features of such a program.

**Political Parties.** Assistance for political party development, internal structure, party financing and internal democracy could be provided.

**Resolution of Electoral Disputes.** Reforms must be undertaken to heighten the capacity and credibility of the Appeals and Constitutional Courts.

## **II. BACKGROUND**

### ***Political Context***

Within hours of the announcement of the death of President Gnassingbé Eyadema on February 5, 2005, the Togolese military swore allegiance to his son, Faure Gnassingbé. The National Assembly then deposed its sitting President Natchaba Ouattara, reinstated the younger Gnassingbé as a member of the legislature, elected him as its leader and presented him to the Constitutional Court, which swore him in as President. Despite a ban on constitutional amendments during the transition period, the Assembly also modified the constitution to allow Gnassingbé to serve out the rest of his father's term of office, ending in 2008.

These developments further complicated a longstanding political crisis in Togo. Ongoing efforts to promote meaningful dialogue over a series of reforms to broaden political space and enhance prospects for legitimate and credible elections were relegated to the background. All attention turned to the more immediate crisis of overturning the de facto coup d'état. Under intense pressure from Togolese democrats, (ECOWAS), the Africa Union (AU) and other members of the international community, Faure Gnassingbé finally stepped down on February 27. Abass Bonfoh, Vice President of the National Assembly, was sworn in as Interim President and announced a presidential election for April 24. A small ECOWAS team, composed of a Special Envoy and three technical experts, was deployed to provide technical assistance and oversee the election preparation process.

Togo's history of flawed elections provides the context for the 2005 presidential election. Since the return to multiparty rule in 1991, elections in the country have been characterized by military intimidation and partisan administration of the process. Over the years, opposition parties and civil society groups have repeatedly expressed concerns about issues such as the legal framework, unequal access to the media, the validity of the voters list, the announcement and tabulation of results and efforts to prevent party agents and nonpartisan domestic observers from monitoring and reporting on the process.

For the 1998 presidential election, with EU observers deployed throughout the country, the voting itself appeared to have taken place according to international standards, under the oversight of an independent electoral commission. Before the final results could be independently confirmed, however, the government halted the counting process, dismissed the election commission, and declared Eyadema the winner with 52 percent of the vote. In response, the EU renewed its suspension of aid to Togo, while the U.S. issued critical statements and scaled back its presence. A combination of domestic and international pressure led Togolese political leaders to undertake an internationally facilitated series of negotiations aimed at normalizing the country's political climate after the 1998 election. In July 1999, Eyadema and six opposition leaders signed the *Accord Cadre de Lomé* (ACL) – The Lomé Framework Agreement, which created structures and processes for resolving the country's political disputes and eventually lifting international sanctions. The Accord called for:

1. A consensus-based electoral code;
2. The creation of a new independent national election commission, with equal representation by opposition and pro-government forces; and
3. A timetable for fresh legislative elections to replace the Rally of the Togolese People (RPT)-dominated National Assembly.<sup>1</sup>

The ACL process became bogged down in unwieldy decision-making procedures, technical deficiencies, and a legacy of mistrust. Significant delays ensued, frustrations rose, and the process eventually collapsed. The RPT-led government unilaterally modified the electoral code and called legislative elections which were boycotted by the traditional opposition, which includes the current coalition comprising the *Alliance pour la Démocratie et le Développement Intégral* (ADDI), *Comité d'Action pour le Renouveau* (CAR), *Convention Démocratique des Peuples Africains* (CDPA), *Parti Socialiste pour le Renouveau* (PSR), *Union des Forces de Changement* (UFC) and *Union pour la Démocratie et la Solidarité* (UDS). In place of the opposition, a handful of new, government-sanctioned opposition parties emerged in the final weeks of the pre-election period. On October 27, 2002, these new parties participated in the election alongside the RPT, eventually winning eight of the 81 seats in the National Assembly, along with one independent candidate. The RPT took the remainder. Government sources claim that 67 percent of Togo's voting-age population cast ballots in the election, a figure vigorously denied by the traditional opposition.

In December 2002, the RPT-dominated National Assembly eliminated the two-term limit on the presidency, allowing Eyadema to run again in 2003. In addition, the electoral framework was altered to replace the two-round election process with a single-round contest. A one-year residency requirement for presidential candidates was also added, with the practical effect of barring opposition leader Gilchrist Olympio from running. Of Togo's sixty-two parties, five participated in the June 2003 presidential elections. The proclaimed results, vigorously contested by the opposition, were: Rally of the Togolese People (RPT) – 57 percent; Union of Forces for Change (UFC) – 34 percent; Action Committee for Renewal (CAR) - 5 percent; Socialist Pact for Renewal (PSR) – 2 percent; and Panafrican Patriotic Convergence (CPP) - 1 percent. In the aftermath of the election, a new attempt was made, under pressure from the European Union (EU), to secure democratic reforms in Togo. Consultations between the Togolese government and the EU resulted in 22 commitments including: the resumption of meaningful dialogue with

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<sup>1</sup> The opposition had boycotted the previous legislative elections.

the traditional opposition and civil society; the release of political prisoners; reforms to the electoral code to enhance prospects for transparent elections; equitable access to the media; and new legislative elections.<sup>2</sup>

Preparations for legislative elections in mid 2005 were underway when the death of President Eyadema brought a new dimension to the longstanding crisis. The upcoming presidential election should therefore be seen as a new and unanticipated opportunity for a first step in a reform process that has yet to take place. The people of Togo and the international community now hope that the April 24 polls will present an opportunity to begin turning the page on almost 40 years of autocratic rule.

### ***The Assessment Team and its Work***

In response to these developments a joint IFES, International Republic Institute (IRI) and National Democratic Institute for International Affairs (NDI) team visited Togo between March 15 and April 4. The objectives of the assessment were to:

- Provide an analysis of the current pre-electoral environment and prospects for a democratic transition in Togo;
- Determine the existing capacity of the Government of Togo (GOT) to conduct credible, participatory and fair elections;
- Provide recommendations and develop a plan for timely and strategic support to improve the electoral process; and
- Provide technical assistance to the ECOWAS team and key election stakeholders.

In working towards these objectives, the assessment team undertook the following:

- A critical analysis of legal and procedural impediments to free and fair elections;
- a review of the preparations being made by the Ministry of the Interior for voter registration and polling;
- an examination of the ability of political parties to equitably compete in the electoral process;
- an examination of the capacity of Togolese civil society organizations to engage in the electoral process; and
- the identification of feasible areas for assistance to political actors (independent and government agencies, civil society organizations, and political parties) to support the electoral process and the strengthening of the democratic state in the post-election period.

The team included:

IFES - Theophane Noel, Project Director for IFES-Kenya; Bakary Fofana, Director of Programs for IFES-Guinea; and Nicholas Matatu, Program Assistant for IFES-Washington.  
IRI - James Viray, Deputy Director for Africa.

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<sup>2</sup> A copy of the 22 commitments made by the Togolese government is in Appendix xx.

NDI - Edward McMahon, former Director for Africa; and Sef Ashiagbor, Senior Program Manager, Africa.<sup>3</sup>

During its time in Lomé, the team met with Acting President Abbas Bonfoh, the Ministers of Foreign Affairs and the Interior, other representatives of the government, members of the *Commission Electorale Nationale Indépendante* (CENI), the ECOWAS Special Envoy and its three technical experts, members of the diplomatic community based in Lomé, members of an assessment team deployed by the *Union Interafricaine des Droits de l'Homme*, representatives of various political parties, the media, civil society, and religious leaders.<sup>4</sup> The assessment team greatly appreciates the hospitality extended to it by each of these individuals and their organizations. The team could not have accomplished its task without the cooperation and openness of those with whom it met.

### **III. DESCRIPTION AND ANALYSIS OF THE LEGAL FRAMEWORK**

#### **1. Electoral System**

##### ***1.1. National Elections***

The Togolese electoral system changed from an absolute majority (either in a first round or a second round) system to a simple majority system (first past the post) following the 2000/2003 revision to the *Code Electoral*. This revision applied to both the presidential and National Assembly elections. Both the President and representatives in the National Assembly are elected for five year terms at different intervals. Representatives are elected from single member constituencies.

##### ***1.2. Local Elections – Prefecture and Municipal Councils***

Councils are elected for five year terms under a closed-list proportional system, whereby party lists cannot be altered and seats are allocated following the order on the list. Seats are allocated using the prefecture's quota system and the highest remainder formula.

#### **2. Election Management**

Revisions to the *Code Electoral* in 2002, 2003, and 2005 created an election management structure consisting of two separate bodies:

- Articles 6, 11, 12, 13 of the *Code Electoral* provide for the creation of a permanent independent administrative body known as the *Commission Electorale Nationale Indépendante* (CENI) to ensure that elections and referenda are conducted in accordance with the law; and

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<sup>3</sup> Brief bios for the team members can be found in Appendix xx.

<sup>4</sup> For a full list of the team's meetings, please see Appendix xx.

- The Election Administration (EA) situated in the Ministry of the Interior is responsible for organizing elections.

### **2.1. *Mandate***

The CENI and its subordinate organs, the Local Independent Electoral Commissions (CELIs), were established and mandated to ensure that elections are conducted in accordance with the *Code Electoral* (Article 4). It is particularly responsible for supervision and regulation of the electoral process to ensure transparency in coordination with the Ministry of the Interior and other state agencies. It must also guarantee freedom of expression for voters and candidates. The CENI convenes during elections or referenda; up to forty-five days after the announcement of results; during revisions to the legal framework; and during the annual revision of the voters list. The CENI is assisted in its work by the Local Independent Electoral Commissions.

The Ministry of the Interior's Electoral Administration (EA) is charged with organizing elections and referenda.

### **2.2. *Authority of the CENI***

According to the *Code Electoral*, the CENI has administrative and operational autonomy. The State is responsible for ensuring that the CENI has adequate funds to carry out both its daily operations and its mandate during elections. The CENI drafts its own budget in coordination with the Ministry of Finance and is entitled to manage its operational and election budgets. The CENI cannot accept financial assistance of any sort without the consent of the state.

### **2.3. *Composition of the CENI***

Following revisions to the Code Electoral, the number of CENI members has been reduced from twenty to thirteen. Members are appointed for five year terms. The CENI is composed as follows:

- One member from the Court of Appeal nominated by The Supreme Council of the Magistracy;
- five members from the ruling party;
- five members from the opposition; and
- two members from civil society.

No mechanism to nominate members (from political parties and civil society) is explicitly stated in the *Code Electoral*, but the members are typically nominated by various parties and organizations and then appointed by the National Assembly.

The thirteen members of the CENI elect a chairperson, a vice chairperson, a secretary and a deputy secretary.

Of the 13 members in the current CENI, nine share the same political views: the magistrate, the five government (RPT) appointees, two of the appointees of opposition parties widely thought to

be sympathetic to the government, and one of the appointees from civil society. These nine members are likely to control decisions (quorum of seven) made by simple majority. This composition can limit the room for open debate and decision making. The imbalance in the CENI also has an impact on the composition of each CELI.

#### **2.4. Composition of the CELIs**

Each CELI is composed of five members appointed by the CENI. The Chairperson is appointed by the cabinet based on recommendations from the CENI. Each CELI is composed as follows:

- One Judge from the local tribunal;
- four representatives of political parties, two from the ruling party and two from the opposition.

Each CELI is also assisted by a Technical Committee composed of:

- A representative of the *préfet* or, for the territory of Lomé, the mayor;
- the Commander of the police force or a high ranking officer;
- the Commanding officer for territorial security;
- the Chief of the telecommunication services or the post office; and
- a representative of the traditional chief.

#### **2.5. Structure of Election Management**

The CENI is assisted by a Permanent Administrative Secretariat headed by a Permanent Administrative Secretary appointed by the Council of Ministers, and a Deputy Secretary appointed by the Minister of Interior. The Permanent Administrative Secretariat reports to the Chairperson of the CENI during election periods and to the Ministry of the Interior at other times. The Council of Ministers determines the the Secretariat's organizational structure as well as its operational rules.

Tasked with organizing elections and referenda, the Ministry of the Interior establishes an Electoral Administration (EA). This body establishes an Administrative Commission in each *préfecture* and the commune of Lomé. For each *préfecture* the Administrative Commission is composed of:

- The *préfet* chairperson;
- The General Secretary of the EA;
- An IT person or a statistician appointed by the EA; and
- A teacher appointed by the EA.

For the commune of Lomé, the Administrative Commission is composed of:

- The General Secretary of the commune;
- An IT person or statistician appointed by the EA; and
- A magistrate appointed by the EA.

The Administrative Commission establishes an Administrative Committee, composed of four members appointed by the EA in each polling station to revise the list of voters or conduct the registration of voters. Polling stations are also determined by the EA.

Since independence and in keeping with the French model of election management, the Togolese Ministry of the Interior has organized and managed the electoral process. The success of this system depends on the presence of three factors: the rule of law, an independent judiciary, and a neutral public service. None of these factors are currently present in Togo. As long as these factors remain absent, opposition political parties will remain skeptical about the State's ability to organize transparent elections.

## ***2.6. Independence of the CENI***

In analyzing the CENI structure, it is obvious that the Ministry of Interior is in full control of organizing and managing elections. The CENI is not empowered to appoint its own Permanent Administrative Secretary. He/she is instead appointed by the Council of Ministers, and the CENI deputy secretary is appointed by the Ministry of Interior. The only staff that the CENI is empowered to appoint are the CELI delegates at polling stations. All other administrative and polling staff are appointed by the EA, which is effectively an extension of the Ministry of the Interior. The CENI also has very little control over the design and procurement of election materials. This process is again driven by the Ministry of the Interior.

In general, administrative and financial control is considered essential to guarantee the independence of an election management body. As authority for decision making on key electoral activities rests with the EA, the CENI, which is theoretically to act as guarantor of independent election management, cannot be considered in control of election operations. In this regard, Togo's electoral system does not meet international standards.

## **3.0 Voter Register**

The voter register is permanent and is established in each prefecture and the commune of Lomé by polling station. The lists from all polling stations together constitute the National Register of Voters. According to the *Code Electoral*, the register is revised annually.

### ***3.1. Establishment and Revision of the Register***

All Togolese citizens who will have attained the age of eighteen by polling day are eligible to register to vote. In order to register, one of the following documents is required as proof of identity:

- National I.D.;
- valid passport;
- consular card;
- civil or military booklet;
- family booklet; or

- pension booklet.

In the event that a person cannot provide any of the above documentation, the Administrative Commission conducts an enquiry to establish the identity of the person in question. A person must register at the polling station closest to his/her place of residence. Diplomats and Togolese living abroad can register in their embassies or consulates.

The *Code Electoral* states that an annual revision of the list must be conducted. In the past however, this revision has not occurred on a regular basis. The list of voters is hand written and then computerized in Lomé before being sent back to the various polling stations.

### **3.2. Voter IDs**

In normal circumstances, voter IDs are processed and issued in two separate phases. A person must first register to vote, and following the computerization of the register, the cards are issued. Cards must be distributed at least three days prior to the beginning of the electoral campaign, or nineteen days before the day of the election. Unclaimed cards are available at the polling station on election day. There is a complaints and appeals system for omissions, deletions and additions.

The card contains basic voter information (name, address, father and mother's names, occupation, etc.), but there is no photo. The team heard reports that in cities it is possible to register as someone else. This is more difficult in small communities.

The cards are not permanent, meaning that every time there is an election, new cards are issued. During the revision process, the list is amended to account for new voters, deaths, and address changes. If presidential, legislative and local elections are held in the same year, the card is valid for three events.

This year, in order to meet the deadlines for the April 24 election, the Ministry of the Interior is using what it calls the *mode d'urgence* to revise the voters' list. This allows for the immediate publication of official documents, in this case, the immediate publication of voter cards. This process has already been used three times in Togo, in 1992, 1994, and 1996. Cards are printed and issued to all voters who registered for the 2003 election. The cards are available for pick-up at polling stations during the March 28-April 5 revision period, where voters are required to sign against their name.

Voters not on the 2003 list can still register. A handwritten card is immediately issued and their names are manually added to the list. At the same time, deceased voters are deleted from the list once evidence is provided.

For the 2005 elections, the voter IDs were ordered and received by the Electoral Administration but there was no public information on the number of cards ordered and the number received. Political parties and civil society organizations were not invited to observe the delivery of the cards to the EA. This demonstrates a significant lack of transparency.

### **3.3. Reliability of the Register**

The reliability of the voter register cannot presently be established because no inspections or audits have been conducted. There appear, however, to be some irregularities on the surface. In the absence of a census, estimates are used to determine Togo's approximate population. According to research conducted for the Togolese government, in 1998 Togo had a population of 4,406,000 citizens, of which 1,954,000 were registered voters (44.34 percent of the total population). By 2003 there were 3,223,353 registered voters out of an estimated population of 4,970,000 (an increase of 1,269,353 from 1998).

If normal demographic trends of developing countries are taken into account, no more than 2,683,000 people should have been eligible to register to vote in 2003.<sup>5</sup> This would suggest that the size of the register was inflated by more than 500,000 voters. During the assessment mission, the team heard accounts that in previous years, citizens from neighboring countries were able to register in large numbers. While the team was unable to verify these allegations, they could possibly account for apparent inflation. The only way to validate the integrity of the register is to conduct an audit, particularly in border areas. The team also heard accounts of voters with multiple voter IDs.

Population estimates for 2005 indicate that there are 5,212,000 Togolese citizens. The number of registered voters will only be known after the registration period ends on April 5. If the percentage of the population registered to vote remains consistent with previous years, however, the CENI will need to provide an acceptable explanation. If a satisfactory explanation is not provided, delaying or postponing the election should be considered to allow extra time to ensure that the voters list accurately reflects the Togolese electorate.

| <b>Year</b> | <b>Estimated Population</b> | <b>Registered Voters</b> | <b>Percentage of population</b> |
|-------------|-----------------------------|--------------------------|---------------------------------|
| 1992        | 3,500,000                   | 2,000,000                | 57.14%                          |
| 1998        | 4,406,000                   | 1,954,000                | 44.34%                          |
| 2002        | 4,854,700                   | 2,864,000                | 58.99%                          |
| 2003        | 4,970,000                   | 3,223,353                | 64.85%                          |

Sources: Togo, Election Presidentielle 1998, Evaluation pre-electorale; Elections Legislatives Anticipées du 27 octobre 2002, Rapport d'évaluation; Evaluation Externe du Processus Electoral du 1er juin 2003 au Togo, Cabinet d'Experts CEMEGO International, U.S. Embassy: Togo Population Estimates.

## **4. Candidacy**

### **4.1. Presidency**

The eligibility requirements for candidacy in a presidential election are stated in Article 62 of the Constitution and in Articles 168 to 212 of the Code Electoral. A citizen who wishes to run as a candidate for the presidency must fulfill the following requirements:

- He/she must be exclusively Togolese by birth;
- He/she must be at least 35 years of age;

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<sup>5</sup> Estimate reached by using 48-54 percent as the average percentage of the population under the age of 18 in developing countries.

- He/she must have resided in the Togolese Republic for the preceding 12 months;
- He/she must read and speak French; and
- The candidacy must be supported by a total of 2,000 voters, from at least ten *préfectures*, including at least 200 voters in each *préfecture*.

Excluded persons also include those ineligible to register and long term convicts. Active civil servants, police officers, members of the military, and magistrates are also ineligible, including those who have retired from their posts less than six months prior to the election.

Candidacies for presidential elections must be filed with the CENI thirty days prior to the day of the election. Before the 2002/2003 revision of the *Code Electoral*, this deadline was forty-five days. The list of candidates must be published by the Constitutional Court at least eighteen days before the day of the election and objections may be submitted during the 2 days following the publication. The deadline for candidacies is determined by several factors; including, time required to examine and validate applications (including the appeal system), the length of the electoral campaign and the amount time of needed to print the ballots.

Prior to the revision of the *Code Electoral*, the Constitution was amended to include the twelve-month residency requirement for the presidency (six months for the National Assembly). Proof of residency is verified by a certificate delivered to the CENI by the relevant authority. If a citizen has acquired other citizenship, the *Code Electoral* states that the person in question must provide evidence of renunciation of foreign citizenship(s). Residency requirements, in particular, are sometimes utilized as a tool to disqualify exiled leaders, but are not necessarily contrary to international standards.

Candidates for president are also required to submit a deposit with their declarations. The deposit is determined by a decree from the Cabinet on recommendation of the CENI and the Electoral Administration, and has historically been set at 20 million FCFA (\$43,500) for the presidential election. For a poor country such as Togo, this amount is high and can exclude potential candidates from small parties unable to raise this amount of money. For the April 24 Elections, the government has accepted the proposal from opposition parties and ECOWAS to reduce this amount to 10,000,000 FCA (\$20,750), and has issued a decree to this effect.

The deposit is refunded if the candidate succeeds in gathering at least 5% of the votes cast. Although it is claimed that such a deposit is necessary to prevent frivolous candidacies, there are other deterrents that could be used for this purpose.

#### **4.2. National Assembly**

A citizen who wishes to run as a candidate for the National Assembly must fulfill the following requirements:

- He/she must be exclusively Togolese by birth;
- He/she must be at least 25 years of age;
- He/she must have resided in Togolese Republic for the preceding 6 months; and
- He/she must read and speak French.

As in the case of the presidency, the declaration must be filed with the CENI at least thirty days prior to polling day. The CENI in turn, informs the Ministry of the Interior of the candidacy for administrative verification, a process that must be completed within two days. The list of candidates is published eighteen days prior to polling day, and objections may be submitted during the two days following the publication of the list.

#### **4.3. Local Authorities – Prefecture and Municipal Councils**

A citizen who wishes to stand for election to local government must fulfill the following requirements:

- He/she must be a full Togolese citizen;
- He/she must be at least 25 years of age;
- He/she must have resided in the *préfecture* or *commune* for the preceding 6 months; and
- He/she must read and speak French.

Closed lists are composed of candidates recruited by political parties, coalitions or independent candidates. The lists must include 25 percent more candidates than the number of available seats.

The declaration must be filed by the head candidate at the CELI at least forty-five days prior to polling day. The CELI then delivers the list of candidates to the CENI forty days prior to polling day. Within forty-eight hours of the declaration of candidates, the lead candidate must pay a deposit to the Treasury. The CENI then informs the Ministry of the Interior (responsible for validating the candidacies within five days) of each candidate. The list of candidates is published in the *préfectures* and electoral districts eight days prior to polling day and objections may be submitted during the two days following the publication of the lists.

### **5. Electoral Campaign**

For both presidential and legislative elections, the campaign starts 16 days before polling day, lasts 15 full days, and ends on Friday at midnight prior to polling day (Sunday). Restrictions on campaign activities are as follows:

- Political rallies on public roads are prohibited;<sup>6</sup>
- Meetings or rallies are not permitted between 10PM and 6AM;
- The local authority (préfet) must be informed of meetings/rallies at least 8 hours in advance;<sup>7</sup>
- Posters can only be displayed in specific locations determined by local authorities, where each candidate is allocated equal space; and
- Campaigning in the media is prohibited thirty (30) days before the start of the campaign.

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<sup>6</sup> There is no clear definition of a public or private venue in the *Code Electoral*.

<sup>7</sup> There are no criteria guiding permission or refusal to hold a political meeting/rally in the *Code Electoral*.

In order to ensure a level playing field, no candidates should have access to state resources for campaign purposes and employees of the state should carry out their duties in a strictly non-partisan manner. In Togo, one of the premiere concerns is the role that will be played by the military and security forces during the campaign period. On March 26, the team witnessed the use of Togolese government vehicles, including army trucks, to transport civilians from an RPT rally. The team also documented one incident of an individual hired by the RPT campaign being assigned a government vehicle. These are not encouraging signs of the RPT's commitment to not utilizing state resources in its campaign.

### **5.1. Campaign Length**

For a country with 30 prefectures and one commune, fifteen days is a short period for a presidential campaign. If a candidate plans to visit and hold political meetings in all 30 *préfectures* and the commune of Lomé, the candidate would have to hold more than two meetings a day; if the candidate wants to visit the 81 constituencies, six meetings a day would be necessary. For one candidate to visit all of the constituencies during the campaign is clearly not feasible.

### **5.2. Printed Campaign Material**

Printed material can be distributed to voters during the 15-day campaign period, but posters can only be placed at designated locations. The *Code Electoral* states that each candidate is allocated equal space, but since the space is allocated by local authorities under instruction of the Administrative Commissions, there is no guarantee that equal access will be allocated to all parties. Billboards, banners, and flags are also prohibited.

### **5.3. Access to Media**

According to the *Code Electoral*, parties can only advertise and broadcast messages through the public media. In 2003, opposition candidates' messages were partially censored by the *Haute Autorité de l'Audiovisuel et de la Communication* (HAAC). The result was that opposition candidates' messages were reduced to 5-minutes, while the ruling party was able to broadcast a 45-minute long message. ECOWAS has raised the idea of parties buying airtime on private media, so that messages aired on public media can be reproduced. To date, this proposal has not been formally approved.

## **6. Election Material**

The *Code Electoral* specifies eleven items in the electoral material kit for polling stations:

- One (1) ballot box, transparent on at least one side with two (2) padlocks;
- One (1) or more voting booth;
- Two (2) storm lamps;
- Indelible ink;
- The stamp "A voté";
- One (1) or more ink pads;

- The voters list for the polling station;
- A second voters list (to be signed);
- Statement of polling and counting (a sufficient number of forms);
- Tally sheets; and
- Ballot papers.

The eleven items do not include essentials such as pencils, envelopes, rubber bands, or paper clips. Though not included in the kit, the team assumes these items will be in the station on polling day.

### **6.1. Ballots**

In 2002, Togo adopted the single ballot, an improvement from the multiple ballot system. The ballots, however, are printed on ordinary paper without security features, and they lacked serialized stubs. Not having these features on the ballot renders the advantage gained by adopting the single ballot irrelevant. Ballots printed on special paper would deter duplication, and the serial stub would allow for the reconciliation of the number of ballots delivered to each Administrative Commission and polling station with the number of ballots used, unused, and spoiled.

The Ministry of the Interior, with the advice of the CENI, is responsible for ordering ballots. If the Ministry agrees to order serial stub ballots, it could allay opposition fears that the final results will not accurately reflect the number of votes cast.

### **6.2. Ballot Boxes**

The *Code Electoral* ensures that ballot boxes have at least one transparent side. The *Code* also calls for two padlocks to be used to ensure the integrity of the documents delivered to the CELI. The padlocks, however, can easily be picked. Most countries that use ballot boxes use either paper, plastic, or metal seals to safeguard the integrity of the ballot. The seals have proven far more reliable than padlocks. Some election management bodies even provide seals to political parties.

The team recommends that such seals are used for the April 24 elections. The seals would have to be used in addition to the padlocks, as padlocks are mandated in the *Code Electoral*. The seals would provide an added layer of security that could accurately reveal whether a ballot box has been tampered with during transportation.

### **6.3. Indelible Ink**

The CENI will be providing the indelible ink for the revision to the voters' list and polling. The ink (two bottles) was tested in the Chemistry laboratory of the University of Lomé on March 24. The ink was applied to the fingernails of four students and one CENI member; they used various products ranging from soap, bleach, and alcohol to erase the ink. Although the ink disappeared from the nail, it remained on the cuticle. According to the CENI, one bottle can be used for over

900 voters. It should be noted that the fingernail must be cleaned prior to application. The ink's chemical composition and percentage of silver nitrate were not disclosed.

There is no doubt that the ink tested in public was indelible. There are fears, however, that the ink to be distributed to polling stations around the country will not be of the same quality as the ink tested.

## **7. Polling, Counting, and Consolidation of Results**

Before the current revision of the voter register, there were 5,326 polling stations in Togo's thirty *préfectures* and the commune of Lomé. Some polling centers are comprised of multiple polling stations, especially in densely populated areas. Each polling station caters to a mean average of approximately 600 voters. Most of the polling stations that the team visited in Lomé catered to 720-760 voters.

### **7.1. Polling**

According to the *Code Electoral*, polling station opening and closing times are determined by writ. Once inside the polling station, each voter (direct or by proxy) signs against his/her name on the voters' list. The voter's ID is stamped by poll officials, and he/she then proceeds to insert his/her ballot in the ballot box. After voting, the *Code Electoral* mandates that every voter must dip his/her finger in the indelible ink.

Most polling station procedures appear standard and sound. A comprehensive analysis of the 2003 results to determine the impact of single ballot voting has not yet been undertaken. The adoption of the single ballot required voters to actually mark their ballot, a first in Togolese elections. The team discovered, however, that a thumbprint rather than a pencil mark was the method used to select a candidate. The team heard reports that a sizeable number of ballots were improperly folded in the 2003 elections. This resulted in ink spilling into other boxes rendering ballots invalid.

Togo is one of the few countries that still allow proxy voting. Proxy voting lends itself to fraud and intimidation. Although a voter may only cast one proxy vote, the team heard reports that, in areas where proxy voting was permitted, political parties hired professional voters.

The *Code Electoral* allows disabled voters the right to be assisted by a fellow voter of her/his choice from the same voters' list. This is a positive measure and in line with international standards. Another positive measure is the use of indelible ink to prevent voters casting multiple ballots. The effectiveness of this measure however, depends on the quality of the ink used, and the method and consistency with which it is applied.

### **7.2. Counting**

Counting begins immediately after the close of polling. It is conducted in public with windows and doors open. One counting agent unfolds each ballot and reads the choice aloud. The ballot is verified by two other counting agents before being recorded. All discrepancies are recorded on

the statement. The *Code Electoral* specifies two types of invalid ballots; those with identifiable markings and unofficial ballots. Party agents may challenge the validity of ballots.

The *Code Electoral* only specifies two out of four commonly recognized categories of invalid ballots. It does not specify what happens to double marked ballots where the intention of the voter is unclear. It also fails to address the question of torn ballots. International standards usually define four categories of invalid ballots, with seven types of invalid ballots.

There is also no definition of a valid ballot. For example, questions about the validity of ballots with two marks in the same box remain. The validity of ballots with a mark in one box and another mark on the name/photo of the corresponding candidate is also unclear. Prior to the election, regulations should be adopted that clarify these issues in order to facilitate counting. Clearly defining a valid ballot and sending samples to poll workers is standard practice in many countries.

### **7.3. Delivery of the Statement**

Once the ballots have been counted, the presiding officer reads the results out loud, which are posted outside the polling station immediately afterward. All polling station officials, party agents and CELI delegates are entitled to a copy of the statement. The presiding officer then delivers the original statement (and all supporting documents in the ballot box) to the CELI chairperson.

Additional measures can be taken in the future to strengthen the integrity of the results by using tamper proof bags inside the ballot box and seals in addition to padlocks. By taking these measures, the CELI can ascertain whether the results were tampered with. Two broken seals and/or a torn tamper evident bag would reveal an attempt to tamper with the results. A recount would subsequently be necessary. These measures could enhance the transparency of the counting process, giving political parties and voters increased confidence in the results.

### **7.4. Consolidation of the Results**

Once a CELI in its jurisdiction has received statements from all its polling stations, it proceeds to consolidate the results. Each CELI then delivers its statement to the CENI, and again, party agents are entitled to copies of the statement. The CENI then proceeds to consolidate the results from all the CELIs before announcing preliminary results. The CENI must then submit a detailed report (including any unresolved complaints) to the Constitutional Court within eight days. For presidential and legislative elections, the Constitutional Court is responsible for announcing final results. It can only announce final results once a ruling on all outstanding complaints has been made. For local elections, this responsibility is left to the Supreme Court. Once again, each party, candidate or list is entitled to a copy of the proclaimed result.

If the *procès-verbal* or statement from each polling station could be faxed to the CENI, it would provide a parallel count allowing the CENI to report progressive provisional results and cross check the consolidation statement. In order to avoid confusion, it would be advisable to report progressive provisional results using total number of votes by *préfecture* or region rather than

percentages. The use of percentages is not recommended because people tend to interpret percentage results in a given area as a national result. This could lead to one side claiming victory on the basis of partial preliminary results, and could result in unrest if the overall results are different.

In the future, the CENI should make efforts to speed up the counting process and reduce the amount of time required to deliver the statement so that the preliminary results can be announced earlier.

## **8. Complaint and Appeal System**

According to the *Code Electoral*, there is a complaint and appeal system for the voter register procedure, declaration of candidacies, and to contest the final results.

A person who has been refused a voter card has the right to appeal, either in writing or orally. The appeal is lodged with the chairperson of the local Electoral Administration. If the chairperson refuses to issue a voter card to the person in question, that person can then appeal the decision to the chairperson of the CELI. If the CELI refuses to issue a voter card, then a final appeal can be lodged at the local tribunal.

Candidates who have had their candidacies rejected by the Constitutional Court have the right to appeal the decision within two days of the publication of candidates. The Constitutional Court is also responsible for ruling on the appeal and the ruling is final. The Constitutional Court is therefore responsible for validating candidacies and handling appeals on its own validations.

Official results can also be contested in the Constitutional Court within two days of the announcement of final results. Once again, an extreme amount of authority is vested in the Court, with responsibility for both the announcement of final results and the handling of objections to those results.

## **9. Voter education**

The *Code Electoral* delegates the responsibility of educating the citizenry about the electoral process to the CENI and the EA (Article 11). The team's assessment of voter education is located in the section dealing with preparations for the April 24 election.

## **10. Observation**

According to the *Code Electoral*, the CENI is responsible for providing a list of international observers to be invited by the government and accredited by the Ministry of the Interior. The CENI is also responsible for coordinating the activities of observers. This differs from how observation is conducted in most other countries. In general, election management bodies ask the government to invite international observers through diplomatic missions. Unlike in Togo, observers are usually responsible for coordinating their own activities. Legislation regarding international observation is therefore not consistent with international standards.

There is also no provision in Togolese law for observation by domestic civil society organizations. While Togolese law does not bar domestic observers, the lack of a provision for accreditation in the law decreases the likelihood that domestic observers will be allowed access to the process. This is also inconsistent with international standards.

## **11. Military Voting**

The team was unable to find detailed regulations or information pertaining to military voting. The *Code Electoral* states that members of the military can vote in advance or by proxy. A separate decree for the 2003 presidential election stated that security forces (police) assigned to provide security during the election could vote seventy-two hours prior to polling day in polling stations identified by the CENI. The team believes that in order to enhance the transparency of the process, security forces should vote in public like all Togolese citizens. The list and location of polling stations should also be public and the process should be observed in the seventy-two hours prior to polling. The team believes the same measures should be taken for military voting.

## 12. Timetable for Electoral Events and Complaints

For the April 24 elections, the CENI and the Ministry of the Interior were responsible for drafting the electoral timetable.

| ACTIVITY                                                           | LEGALLY PESCIBED TIME FRAME                             | TIMEFRAME FOR 2005 PRESIDENTIAL ELECTION |
|--------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------|
| <b><i>Voter Registration</i></b>                                   |                                                         |                                          |
| Revision of voter's list and distribution of cards                 | 8 days                                                  | Mar 28 – April 5 (9 days)                |
| Deadline for distribution of voter cards                           | 19 days prior to election                               | April 4 (20 days before election)        |
| Exhibition of voters list                                          |                                                         |                                          |
| Objections to the voters' list                                     | Within 5 days of exhibition                             |                                          |
| CELI response to objections on the voters' list                    | Within 3 days of receipt                                |                                          |
| Appeal against CELI decisions                                      | Within 2 days of decision                               |                                          |
| Final ruling on the appeal by a tribunal                           | Within 3 days of receipt                                |                                          |
| Application to be registered because of a material error           | No later than 15 days prior to election                 |                                          |
| CELI decision on application for registration                      | No later than 10 days prior to election                 |                                          |
| Exhibition of supplementary voters' list                           | No later than 5 days prior to election                  |                                          |
|                                                                    |                                                         |                                          |
| <b><i>Candidacies</i></b>                                          |                                                         |                                          |
| Filing of candidacy                                                | No later than 30 days prior to election                 | March 26                                 |
| Candidate deposit                                                  | No later than 4 days after candidacy filed              |                                          |
| Transmission of candidacies to Ministry of Interior for validation | No later than 5 days after receipt of files by CENI     | April 4                                  |
| Publication of approved list of candidates                         | No later than 18 days prior to election                 | April 7                                  |
| Appeals against candidate eligibility                              | No later than 2 days after publication of approved list |                                          |
|                                                                    |                                                         |                                          |
| <b><i>Campaign</i></b>                                             |                                                         |                                          |
| Ban on media propaganda before campaign                            | 30 days prior to the official campaign period           | March 9 – April 7                        |

| <b>ACTIVITY</b>                                              | <b>LEGALLY PESCIBED TIME FRAME</b>         | <b>TIMEFRAME FOR 2005 PRESIDENTIAL ELECTION</b> |
|--------------------------------------------------------------|--------------------------------------------|-------------------------------------------------|
| Beginning of official campaign period                        | 16 days prior to the election              | April 8                                         |
| End of official campaign period                              | 1 day prior to the election                | April 22                                        |
|                                                              |                                            |                                                 |
| <b><i>Party Agents</i></b>                                   |                                            |                                                 |
| Submission of party agent lists to CELI                      | No later than 8 days prior to the election | April 16                                        |
|                                                              |                                            |                                                 |
| <b>Polling Stations</b>                                      |                                            |                                                 |
| Publication of list of polling stations                      | No later than 15 days prior to election    | April 9                                         |
| Publication of list of polling station staff                 | No later than 10 days prior to election    | April 14                                        |
|                                                              |                                            |                                                 |
| <b>Consolidation and Declaration of Presidential Results</b> |                                            |                                                 |
| Delivery of polling station results to CELI                  | 1 day after the election                   |                                                 |
| Filing of electoral disputes                                 | 2 days after xxx                           |                                                 |
| XXX statement on disputes filed by candidates/parties        | 1 day after receipt of petitions           |                                                 |
| Decision of the dispute resolution mechanism                 | 4 days after receipt of petition           |                                                 |
| CENI report on petitions submitted to Constitutional Court   | 8 days after receipt of petition           |                                                 |

## **IV. OBSERVATION OF PREPARATIONS FOR THE APRIL 24 ELECTION**

### **1. Voter Register and Voter IDs**

When the team met with the Minister of the Interior and senior Electoral Administration staff, material for the revision of the voter register was displayed, and the team was offered samples.

The revision of the register began on March 28, 2005. The team visited the data center at the Ministry of the Interior compound, where voter IDs were being printed and checked for defects before being packaged for delivery to the various Administrative Commissions. The team was unable to assess the computer software used to ensure that multiple cards were not printed for the same person.

The cards are printed on security paper and contain numbers representing the polling station number and the individual voter's number on the register. The cards, however, do not include serial numbers that would allow for the strict control of the number of voter cards printed and issued.

On March 28, the team accompanied two people, one already registered on the 2003 list, and another who had never registered to vote as they retrieved their cards. The team noted that despite the long queues, the two individuals were able to retrieve their cards with relative ease. The team also noted another individual in possession of his entire family's cards, including that of his sister who died in 2002. He told the team he would not be allowed to leave the station with the cards (which must be retrieved in person), but the team was alarmed that officials had distributed the cards in the first place.

Political parties and civil society representatives are concerned that the list can easily be manipulated given the fact that additions, deletions and transfers will not be computerized for the April 24 election.

During the revision to the voter list, the team also had the chance to assess the application of the indelible ink. The team noted that the ink was being applied inconsistently. At one polling station, officials were only applying the ink to new voters. At other polling stations visited, officials were applying ink to all voters. It should be noted however, that the application was not consistent with the manner in which ink was applied during the public test at the University of Lomé. Voters were told to dip their little finger in the ink, an indication that poll officials did not receive thorough training on the application of the ink. A section on the application of indelible ink was also absent from the guide (on the revision of the voters list) given to registration officials. The team was unable to verify whether the ink lasts for the full eight days.

### **2. Material Preparations**

The assessment team was witness to the design of the ballot papers. Single ballots are printed on ordinary paper containing the name, photo and emblem of each candidate and a box/circle to be marked. In the past, they did not contain a serially numbered detachable stub to allow for the

regulation and control of the number of ballots printed, issued and returned. The team feels that this feature is critical for the transparency and credibility of the results.

### **3. Political Party Activity**

At the time of the team's visit, a number of candidates had declared their intention to run for president. They include:

- Emmanuel Akitani-Bob, head of the opposition coalition comprising the *Alliance pour la Démocratie et le Développement Intégral* (ADDI), *Comité d'Action pour le Renouveau* (CAR), *Convention Démocratique des Peuples Africains* (CDPA), *Parti Socialiste pour le Renouveau* (PSR), *Union des Forces de Changement* (UFC) and *Union pour la Démocratie et la Solidarité* (UDS);
- Faure Gnassingbé, for the *Rassemblement du Peuple Togolais*;
- Nicholas Lawson; and
- Harry Olympio, for the *Rassemblement pour le Soutien de la Démocratie et du Développement* (RSDD).

The decision of the six traditional opposition parties to present one candidate reflects a heightened awareness of the need to be engaged in the process and to cooperate.

On the morning of March 20, UFC President Gilchrist Olympio crossed into Togo from Ghana using his Togolese passport. He also participated in a rally at which Emmanuel Akitani-Bob was formally introduced as the candidate of the opposition coalition. While team members noticed an increased presence of security forces around Lomé that day, they heard no reports of intimidation or any efforts to prevent the holding of the rally. Although Olympio returned to Ghana later that evening, citing security concerns, his unhindered presence in Lomé after 2 years in exile is an indication of some improvement in Togo's political environment. Similarly, the fact that the government did not narrowly interpret the rally as a violation of the 15-day campaign rule can be seen as positive.

#### **3.1. The Opposition**

One of the principal concerns expressed by opposition parties was the short timeframe within which the elections are being organized. While they continue to argue for a postponement, possibly until as late as July 10, they are committed to participating even if the April 24 election date is maintained. Also, while opposition parties expect to face an environment of fraud and intimidation, they expressed the hope that participating in the elections will allow them to at least establish a case that can then be made before judicial authorities, as well as domestic and international public opinion. As one leading opposition figure said, "We need to participate...boycotting doesn't gain us anything. We need to participate, even if the elections are fraudulent, so that everyone can see what is happening here."

Opposition parties remain very weak – organizationally and strategically – and appear to be reacting to current events rather than trying to shape them. Resource constraints aside, they displayed a limited state of readiness for the April 24 polls. They all claimed to be capable of mobilizing the necessary number of party agents to monitor the electoral process. With just a few days remaining before voter registration, however, opposition officials were still compiling

lists of their agents around the country. The team heard reports that, despite an invitation to do so, the opposition was not participating in the training being offered by the Ministry of Interior, pending a final decision on the composition of the *Commissions Administratives*. The opposition's reported absence from the training sessions represents a missed opportunity on many levels.

In not participating in Ministry of Interior trainings, opposition parties run the risk of not having effective representation through their agents at registration sites and polling stations. Participation would have improved agents' understanding of their rights and responsibilities as monitors and familiarized them with the process of analyzing and reporting information back to their party headquarters.

### **3.2. The RPT**

In contrast, RPT officials described a well organized structure that descends from the national level all the way down to the local cells of 30 or more party members. Those structures could be used to quickly mobilize supporters and party agents, to collect information from grassroots members and agents, and get information out to constituents. RPT officials confirmed that their representatives participated in training on voter registration procedures and are ready to sit on the Commissions. The release of the RPT's platform for the April election was expected shortly after the team's departure. During the team's visit, RPT representatives were conducting a tour of the country to discuss recent political developments with their supporters.

### **3.3. Access to Resources**

While it is common for political parties in developing countries to complain of financial constraints, the longstanding dominance of the RPT has made it particularly difficult for the opposition parties to organize and mobilize resources. Meanwhile, there is little distinguishing the structures of the ruling party from the state apparatus. RPT utilizations of the institutions of the state for campaign purposes is also expected to extend beyond material resources. The imbalance in the composition of the CENI favoring the ruling party was already detailed in this report. The other main area of potential misuse of state resources is state-owned media.

The HAAC is charged with ensuring equal access to the state-owned media within the legally defined campaign period (15 days for presidential elections). The team heard reports that during the 2003 presidential campaign, however, tape recorded messages from opposition candidates were cut from 10 to 5 minutes each, while a 45 minute speech by General Eyadema was broadcast. Although the team did not engage in media monitoring, it noted that the state-run television news provided equal coverage to major opposition and RPT events. It should also be noted, however, that the bulk of television broadcasting during the team's visit was tied to the funeral or choral eulogies in memory of the dead president.

Lastly, *préfets* play a critical role in local administration during and outside election periods. They must be informed of political activities and appoint electoral staff in their respective areas. Opposition parties reported that their representatives and supporters are consistently harassed by *préfets* and other local administration officials.

### **3.4. Platforms and Issues**

The team was not able to fully assess the extent to which opposition political parties have developed concrete platforms, but noted that its interlocutors habitually framed the contest in terms of those who wanted the RPT to remain in government and those seeking its defeat.<sup>8</sup> The campaign will likely be conducted on the basis of status quo versus change, with limited discussion at best of specific issues. The team considered the idea of recommending that a debate be organized among the presidential candidates to draw out some more substantive issues. Given the short time frame and the lack of a tradition of debates among political candidates, however, it is not presenting this recommendation.

Political parties in Togo are highly personalized. Concerns were frequently expressed regarding opportunities for rank and file members to influence party policy. One manifestation of this problem is the emergence of the *Nouvelle Dynamique Populaire*, a movement of young political activists who are very vocal about their frustrations with lack of internal democracy in political parties. The group was amongst those who publicly criticized the choice of the Akitani-Bob as the opposition coalition candidate, arguing the need for a younger and more dynamic candidate.

### **3.5. Monitoring of the Electoral Process**

Two political party representatives are entitled to observe the voter registration process – one for the opposition, the second for the ruling party. The team heard concerns that the composition of these party teams would be weighted against the opposition coalition united by Emmanuel Akitani-Bob and in favor of parties more friendly to the ruling party. To increase confidence, the ECOWAS team proposed the appointment of four member party teams - two representing the ruling party, one representing each of these opposition camps.

The European Union has offered to fund the deployment costs of party agents, but was still awaiting formal government acceptance of the offer at the time of the team's visit. Unless the offer is accepted, the opposition's lack of resources may limit their ability to support agents in the more than 5,000 stations around the country. Opposition party representation on each of the committees will be extremely important to enhancing confidence in the process.

The electoral law allows each candidate one poll watcher at each polling station. Accurate information on the electoral process from these representatives and clear lines of communication can help dispel rumors that could otherwise incite unrest. Party poll watchers are entitled to sign and receive a copy of the results at the polling stations where they observe. Effective party monitoring efforts will require the capacity to mobilize and train the required number of monitors and strong communication structures for the collection and analysis of monitor reports. Resource constraints will limit the opposition's capacity to train and deploy party poll watchers. Weak communication structures pose another problem. The team heard reports of disruptions in telephone lines - land and mobile – on election night, 2003. It was suggested that the networks were intentionally jammed or shut down to prevent effective monitoring of and reporting on the

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<sup>8</sup> A 2002 NDI assessment of Togolese political parties failed to obtain copies of written party platforms although all parties claimed to have them.

process. Similar problems during these elections could further exacerbate already weak communications structures.

#### **4. The Role of Security Forces**

The team repeatedly heard concerns about a lack of ethnic balance in and the politicization of the army. Many expressed the fear that the military could, as in the past, intimidate voters and harass opposition members or even carry out another coup should they disagree with election results or perceive a power vacuum. In recent weeks, the military carried out a coup d'état and brutally repressed the ensuing public protests, resulting in at least 18 deaths (according to Togolese League for Human Rights) and several injuries. Human rights groups have compiled and shared with team members reports – including photos - of the recent violence

The government has announced that a 3,500-member security force, comprising police and gendarmes has been organized to assure security during the upcoming elections. In addition, in past elections, the military have cast their ballots prior to the election. Concerns have been raised about the transparency of this process. The team was told by ECOWAS technical staff that they were recommending to ECOWAS the inclusion of 150 military observers in its observer delegation.

#### **5. Civil Society Activity**

Togo lacks the diversity of groups specializing in democracy, human rights and good governance common in many African countries. Given the limited political space in Togo, those that exist have not had the opportunities to contribute to democratic consolidation from which their compatriots in the sub-region have benefited. While some civic leaders have gained exposure to groups outside Togo or participated in programs elsewhere, many well-meaning groups and individuals lack the experience and skills to effectively perform their critical role in enhancing prospects for a peaceful transition. As a result, Togolese civil society is largely politicized, divisive, weak in institutional capacity and lacking in confidence. Nevertheless, Togolese civic groups' energetic response to the February 5 coup demonstrated some capacity to mobilize around a common goal.

Civic groups have recently made efforts to speak with one voice. On February 9, the *Ligue Togolaise des Droits de l'Homme* chaired a meeting attended by representatives of almost 50 human rights, student, media and other groups to discuss a common response to the coup. In addition, on March 4 the *Collectif des Association de la Société Civile et des Organisations Syndicales du Togo*<sup>9</sup> issued a statement expressing lack of confidence in National Assembly Vice President Abass Bonfoh and the Constitutional Court, given their role in the constitutional violations that brought Faure Gnassingbé to power. The statement called for the creation of a government of national unity to create consensus over an election date.

Competing networks or organizations often exist within the same issue areas, each representing different “interests” within the political spectrum. As a result, these organizations rarely

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<sup>9</sup> Over 40 organizations are listed as members of the Collectif, including GF2D, the Togo chapter of the West Africa Network for Peace (WANEP), and the *Ligue Togolaise des Droits de l'Homme* (LTDH).

coordinate activities to avoid duplication; rather they have become de facto rallying grounds for competing political positions. A few organizations, however, have well-structured internal organizations and considerable credibility across a significant range of the political spectrum, notably the Methodist, Evangelical Presbyterian and Catholic Churches. These have previous experience in developing civic education materials.

### *Civil Society Capacity to Monitor Elections*

The fragmentation and politicization of many civil society groups has led to skepticism in many corners about Togolese civil society's capacity to mount an independent, nonpartisan monitoring effort. However, in light of Togo's polarized politics, the engagement of civil society will be an essential component of realizing an election whose result could be accepted by the different parties.

Church groups have expressed a strong interest in monitoring. In countries such as Kenya, where the religious community has moral authority and is perceived to be above politics, churches have played an important role in enhancing the credibility of observer efforts. Togolese churches have tried but did not secure permission to monitor elections in the past. The *Centre d'Observation et de Promotion de l'Etat de Droit* (COPED), a network of seven organizations, has developed and is circulating a proposal to recruit, train and deploy 1,000 observers. They are also interested in conducting civic education activities.

The opposition-oriented umbrella group *Federation des Organismes Non-Gouvernementaux du Togo* (FONGTO) and the RPT-leaning *Union des Organismes Non-Gouvernementaux du Togo* (UONGTO) both currently receive funding from the European Union and have structures throughout the country. The EU is considering providing resources for a joint FONGTO-UONGTO monitoring effort, should they prove able to agree to work together.

NDI organized a seminar in Cotonou, Benin, from March 21 to 24 on the role of civil society in transitional democracies. Fifty Togolese from a wide range of civil society organizations attended. Issues discussed included the formation of coalitions to promote democratic reform, strategic and logistical planning, and methods of shaping public policy in transition environments. Participants may play a helpful role in implementing a domestic monitoring effort.

Successful observation, however, will depend fully on commitment by the government not to restrict the work of civic organizations. In the lead up to the 2003 presidential elections, civic groups mobilized and trained observers but were prevented by the government from deploying and monitoring the polls. During the team's visit, commitment by the government not to pursue a similar tack this time around was not forthcoming, and all signs pointed to the contrary. One organization reported receiving a call from a Ministry of Interior official ordering them not proceed with plans to discuss the electoral framework at a seminar in Sokodé. In this environment, civic groups who have developed plans for civic education or domestic monitoring are worried that they may not be allowed to carry out their activities even if they are able to secure funding.

## **6. The Role of ECOWAS**

Given the polarization of the political environment and civil society, the weakness of those actors, and a lack of a sustained tradition of democratic dialogue, Togolese are looking to the international community for assistance in promoting democratic processes. In a positive step, this focus is no longer merely on the donor countries, but also on regional organizations, especially ECOWAS.

Within hours of the installation of Faure Gnassingbé, ECOWAS responded strongly and quickly by condemning the developments as a coup and calling for a return to constitutional order. When the coup leaders failed to meet the deadline imposed by the West African body, sanctions were promptly imposed on Togo. This unequivocal and prompt response set an important precedent for the respect of long-established ECOWAS protocols on unconstitutional changes in government and for ECOWAS' leadership role in crisis management. While the European Union, France and the United States, among others, also responded strongly to the events in Togo, it was clearly ECOWAS, closely backed by the AU that set the tone for the broader international community's response. Given that response and with the deployment of a special envoy and a team of electoral experts, ECOWAS continues to lead international response to developments in Togo. Moreover, since the United Nations and the EU have announced that they will not be able to observe the April 24 elections, ECOWAS observers will represent the most sizeable and potentially credible international observer delegation.

The team met with ECOWAS Special Envoy Boukar Mai Manga and remained in regular contact with the three technical experts throughout its stay. According to ECOWAS representatives, its policy prevents any changes to a country's legal framework during transition periods. For this reason, the ECOWAS electoral assistance team expressed commitment to improving prospects for a transparent presidential election, but only in so far as that can be done within the limits of the current Togolese legal framework, with all of the limitations noted earlier in this report.

The ECOWAS team's position was that given the time constraints and the limitations of the legal framework, the April 24 elections would not be perfect, but could still meet minimally accepted international standards. Despite the anticipated shortcomings, the ECOWAS team emphasized the need to maintain the April 24 date, as a postponement could create a power vacuum or other instability providing the military an excuse to seize power. This strategy rests on the assumption that rapidly moving forward with the elections will produce a legitimate government, creating a stable environment in which further reforms – including legal changes - can be taken to enhance prospects for future free and fair legislative and local elections. The ECOWAS team also noted, however, that a flawed presidential election would likely create a political environment that would not favor these reforms.

Among many Togolese, there is widespread recognition of and gratitude for the key role that ECOWAS played in obliging Faure Gnassingbé to step down. The ECOWAS delegation was engaged in demonstrating, both privately and publicly, to the Togolese authorities and people that their election preparations were being monitored by the international community. Togolese

television reported on the ECOWAS team's activities, which including meeting with political party, government, the media and election officials. Coverage of these activities showed the Togolese people that their election preparations were being scrutinized by the international community. Some of the key issues that ECOWAS raised with the government include:

- Increasing the number of party representatives in voter list revision committees;
- Authorization of civil society observers; and
- Control by the CENI of voter IDs.

The ECOWAS technical team also proposed to ECOWAS the possibility of member countries sending 150 military observers. Final decisions on these issues had not occurred as of the writing of this report.

However, there are also concerns that ECOWAS' political will and technical capacity to create conditions for legitimate elections are limited, despite the nine points laid out in the agreement between ECOWAS and the government on conditions for a legitimate election. Some Togolese argue that ECOWAS should have maintained sanctions against the country as a way of pressuring the government to organize a transparent election. Others criticize the organization for pushing for a time frame that does not allow for any meaningful improvements to the electoral process. Some even go as far as suspecting ECOWAS of intentionally limiting prospects for a fair election with the ultimate goal of legitimizing a government led by Faure Gnassingbé. The team heard complaints from some civil society and political party representatives that ECOWAS officials had not been responsive to requests for meetings and other correspondence.

Despite the reservations expressed by many Togolese, the team found the ECOWAS experts to be very open to dialogue and input on ways to improve the process despite the various constraints. The team noted that media coverage of various ECOWAS meetings is helping to draw public attention to certain standards for free and fair elections. The team also heard reports of efforts by ECOWAS to secure the government's agreement to various measures designed to increase prospects for a credible election. These include ongoing negotiations to secure more equitable representation of the traditional opposition in voter registration centers and for those representatives to sit on the *Commissions Administratives des Cartes et des Listes* rather than to simply observe the process. ECOWAS also intends to deploy its own observers, funded by both ECOWAS and the EU.

## **V. RECOMMENDATIONS**

### **1. Short-term Recommendations**

#### ***1.1. Examination of the Electoral Timetable***

Sufficient time must be allocated for a thorough revision of the voter register and a meaningful electoral campaign period. Given Togo's history of flawed and contested elections, extraordinary steps must be taken to enhance citizen confidence in these transitional elections. Should it become impossible to implement noteworthy confidence-building measures,

particularly publicly accepted revisions to the voter register, in time for the April 24<sup>th</sup> election, Togolese authorities should consider an immediate revision of the electoral timetable.

## ***1.2. Confidence-Building Measures***

Given the atmosphere of mistrust and polarization, all political parties, candidates, the government and the CENI should strive to immediately increase public confidence by making public assurances that they will take steps to ensure free and fair elections. For example:

- An institutionalized, formal and regular dialogue between election administrators and political parties (such as weekly meetings) could identify and redress grievances and defuse tensions;
- A code of conduct agreed to by all political parties and the CENI to establish agreed upon rules of the game for the campaign period and discourage resort to violence;
- Widespread education efforts by the CENI that inform the public of their rights and responsibilities in the electoral process, publicizing CENI decisions, and clarifying its role vis-à-vis state officials.

These combined measures would strengthen the CENI's ability to act independently, discourage misconduct and build public confidence in the process.

## ***1.3. Issuance of IFES/NDI/IRI Public Statement***

The team recommends that the CEPPS partners issue a pre-election assessment statement as soon as possible. Such statements are commonly accepted methods of providing unbiased and technically-based perspective on the state of preparations for the election. They typically contain recommendations on how improvements could be made to increase the possibility of a legitimate and transparent election. In the case of Togo such a statement would be particularly valuable given the short time frame for elections and the absence of other such analyses. In addition, the existence of such a document could help assist ECOWAS, which plans to sponsor an important observer delegation to the Togolese elections, to apply internationally accepted standards in assessing the election's legitimacy.

## ***1.4. Role of Security Forces***

In light of the military's action to install Faure Gnassingbé as President without an election, and its perceived partisan activity in previous Togolese elections, any military presence or activity around the polls would be viewed as intimidating by many Togolese and undermine the election's credibility in Togo and abroad. The government should reiterate its commitment to enforcing the provision of the Togolese constitution that requires members of the armed forces to be politically neutral, including throughout the election period. This should include a clarification on the role to be played by the 3,500 special security forces that are to be deployed throughout the election period by the Ministry of Interior. Furthermore, the government should ensure that the military remain in the barracks on polling day, and that police duties are undertaken without interference in election activities. These actions can play a positive role in encouraging citizen participation in the election process. The government should also welcome the presence of ECOWAS military observers, if offered by West African countries.

### ***1.5. Political Party Pollwatching***

Togolese law recognizes the right of contesting parties/candidates to observe all aspects of the electoral process. To ensure that they are able to fully exercise this right, political parties need and should receive assistance with the development of monitoring checklists and handbooks, and training of party agents. In the short lead time between now and the presidential election, NDI proposes to organize a series of training-the-trainer seminars for political party agents representing the various parties and candidates. This activity would be undertaken in coordination with the European Union, which is providing funding through the UNDP for party agents to be deployed in the polling places on election day. Training material already exists from the 2003 presidential election, which would require only minor adaptation.

### ***1.6. Domestic Observers from Civil Society***

Throughout the world, including West Africa, election observation by domestic groups has served as an important means of providing transparency for election administration and as a crucial way to increasing public confidence in an election. In addition, such observers can help deter election abuses and detect them if they occur where observers are present. Over the longer term, domestic election monitoring can assist in the development of civil society operational capacity. The European Union is prepared to provide some funding for this initiative. NDI is willing to assist in the training and functioning of domestic observers. As Togolese law does not prohibit observation by domestic groups, the delegation expects that election authorities would honor requests for accreditation by recognized civil society organizations. Recognition of domestic groups' right to observe electoral processes is necessary to bring Togolese practice in line with West African standards observed in Benin, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, and Sierra Leone,

### ***1.7. Election Administration and Materials***

Some material improvements are needed. They could include printing of ballot papers with a numbered stub, the addition of seals to ballot box padlocks and the use of tamper proof bags inside the ballot box for the delivery of the statement and ballot papers to the CELI. Assistance to the CENI to implement the progressive reporting of preliminary results could preempt misinformation and help reduce tension. With sufficient funding in support of this recommendation, IFES could undertake such assistance.

### ***1.8. Supporting ECOWAS' Election Observation Mission***

The team welcomes the work of the ECOWAS, including the presence of a full-time delegation in Togo, and anticipates ECOWAS' applying internationally recognized standards in evaluating the presidential elections. To promote this process, CEPPS partners are willing to informally assist ECOWAS if required, by providing technical assistance to help facilitate ECOWAS activities relating to observation according to international standards, with particular emphasis on post-election complaint resolution.

In order to deter violence and raise public confidence, reduce the possibility of fraudulent voting by the members of the armed forces, ECOWAS should include in its observer delegation individuals with particular expertise in monitoring the role of security forces in elections.

Given the history of seriously flawed elections and the short time period, decisions on implementing the above recommendations must be made immediately. Needless to say, the success of national and international efforts to guarantee transparency in coming election will depend on swift action and resolute political will.

## **2. Long-term Recommendations**

The team also recognizes that the presidential elections, while of vital importance in and of themselves, also form part of a longer-term democratization process in Togo. If the elections timetable is successfully extended, some of these longer-term recommendations could be implemented prior to presidential elections. If presidential elections move forward on the present timetable, further assistance prior to the impending legislative and municipal elections will be critical. The following recommendations would be more appropriately undertaken in a case of a delayed presidential election or subsequent legislative and municipal elections.

### ***2.1. Multi-Party Dialogue***

The Togolese government, election authorities, political parties and civil society must engage in a broad and inclusive dialogue on how to increase the transparency of the electoral process. This could include, for example, a stakeholder conference on the various aspects of the electoral process in Togo. It could also consist of more institutionalized mechanisms, such as an inter-party advisory committee to the CENI or working groups on elections involving representatives of each of the institutions or sectors cited above.

### ***2.2. Election Administration***

Reforms should be undertaken to strengthen the independence and mandate of the CENI. Assistance should be provided for an in-depth revision of the legal framework, including the delimitation of constituencies for legislative and municipal elections. Assistance could also be provided to improve the design of electoral materials and develop a new voters register utilizing technologies used elsewhere in the region, such as Optical Mark Recognition (OMR) scanning.

### ***2.3. Civic/Voter Education***

Assistance should be provided to civil society to design and implement a civic education program, including a school component. Assistance to the CENI to design and implement a voter education program well in advance of each future election is critical. Civil society input into the content of CENI-sponsored voter education and assistance with distribution of materials would be important features of such a program.

### ***2.4. Political Parties***

Assistance for political party development, internal structure, party financing and internal democracy could be provided.

### ***2.5. Resolution of Electoral Disputes***

Reforms must be undertaken to heighten the capacity and credibility of the Appeals and Constitutional Courts.

## **VI. CONCLUSION**

This presidential election is the most critical such poll in Togo's history. There are some positive signs in the process, especially opposition willingness to test the legitimacy of the electoral process. The preponderance of available evidence at this point, however, suggests a high likelihood that election results may be contested by the losing candidate(s). Thus, considerable attention must be given to peaceful and just resolution of election complaints. Given the current environment, it is vitally important that Togolese election stakeholders, ECOWAS, and members of the international community in a position to do should maintain pressure for a transparent and credible electoral process.

**LIST OF MEETINGS**

**GOVERNMENT AND ELECTIONS ADMINISTRATION REPRESENTATIVES**

El Hadj Abbas Bonfoh, Interim President

Mr. Biossey Kokou Tozoun, Minister for Foreign Affairs and Cooperation

***Ministry of the Interior and Security:***

Minister Akila Boko

Mr. Kateyma Hébert Tchalo, Secretary General for Elections

Mr. Potopré

Mr. Awa Yao, Commissioner in Charge of Security

***Commission Electorale Nationale et Indépendante:***

Ms. Kissem Tchangaï-Walla, CENI President

**POLITICAL PARTIES**

***Comité d'Action pour le Renouveau:***

Maitre Agboyibo

***Convention Démocratique des Peuples Africains:***

Mr. Adimado Martin M. Aduayom

***Convergence Patriotique Panafricaine:***

Mr. Cornelius Aidam

***Renovateurs:***

Mr. Dahuku Péré

Mr. Sey-Sandah Lantam

Mr. Alfa Nadé

Mr. Bali Kpatcha

***Rassemblement du Peuple Togolais:***

Mr. Dramani

Ambassador Bodjona

Mr. Binguitcha Faré

***Union des Forces de Changement:***

Mr. Emmanuel Akitani-Bob

## **CIVIL SOCIETY, MEDIA AND THE RELIGIOUS COMMUNITY**

### ***Alliance pour Refonder la Démocratie en Afrique:***

Mr. Atchadam Tikpi

### ***Catholic Church:***

Archbishop Kpodzro

Father Séverin Mawulolo Gakpé

### ***Centre d'Observation et de Promotion de l'Etat de Droit:***

Maitre Adje Ayao Agbokoussé

Mrs. Rita Ajavon

### ***Evangelical Presbyterian Church:***

Pastor Bright Tettey

### ***Ligue Togolaise de Défense des Droits des Electeurs:***

Mr. Ibrahim Nassoma

### ***Ligue Togolaise des Droits de l'Homme:***

Mr. Adoté Ghandi Akwei

Mr. Etsri Hihédéva Clumson-Eklu

Mr. Sylvestre K. Zounou

### ***Methodist Church:***

Reverend Godson Lawson

### ***Nouvelle Dynamique Populaire:***

Mr. Ferdinand Mensah Ayité

Mr. Christian Adragani

### ***Observatoire Togolaise des Consultations Electorales:***

Mr. Piabolo Moukpé

### ***Union des Radios et Télévisions du Togo:***

Mr. Djakouti, Radio l'Evangile

Mr. Angelo Amegan, RTDS

Mr. Eric Sallah, Radio Metropolys

Mr. Joseph Lare, Radio Carre-Jeunes

Mr. Ouro-Bang'na Youwessodzo, TV2

Mr. Paul Abotsi, RTDS

Mr. Emmanuel Agbozo, Radio Victoire

Mr. Junior Amenunya, Radio Frequence 1

Mr. Joel Sodji, Television TV7

Mr. Modeste Messayussu, Kanal FM

## **DIPLOMATIC COMMUNITY**

### ***American Embassy***

Ambassador Gregory W. Engle  
Mr. Matt Harrington

### ***Economic Community of West African States:***

Mr. Boubacar Mai Manga, Special Envoy  
Maitre Moustapha SM Cissé, Electoral Expert  
Mr. Hamidou Salifou Kané, Electoral Expert  
Mr. Ibrahima Adam Soulé, Electoral Expert

### ***European Union:***

Mr. Antonio Logreco, Development Attaché

### ***French Embassy:***

Ambassador Alain Holleville  
Mr. Yves Drillet

### ***German Embassy:***

Ambassador Klaus-Gunther Grohmann

### ***United Nations Development Program:***

Resident Representative Fidèle Sarassoro

## **OTHER**

### ***Assessment Mission of the Union Interafricaine des Droits de l'Homme :***

Maitre Badiane, Organisation Nationale des Droits de l'Homme, Sénégal  
Maitre Koné, Association Malienne des Droits de l'Homme

## Polling Stations by Region and Prefecture

## APPENDIX B

### *Bureaux de vote par region et prefecture (Avant la revision de mars/avril 2005)*

#### **I – REGION DES SAVANES**

##### **1. Prefecture de TANDJOUARE**                      **Nbre de BV**

|                                               |    |    |
|-----------------------------------------------|----|----|
| 1ere Circonscription<br>1001 – 1042           | 42 |    |
| 2 <sup>e</sup> Circonscription<br>2001 – 2045 | 45 |    |
| Sous-total                                    |    | 87 |

##### **2. Prefecture de KPENDJAL**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1063           | 63 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2046 | 46 |     |
| Sous-total                                    |    | 109 |

##### **3. Prefecture de TONE**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1069           | 69 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2065 | 65 |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3059 | 59 |     |
| 4 <sup>e</sup> Circonscription<br>4001 – 4054 | 54 |     |
| Sous-total                                    |    | 247 |

##### **4. Prefecture de OTI**

|                                               |    |  |
|-----------------------------------------------|----|--|
| 1ere Circonscription<br>1001 – 1032           | 32 |  |
| 2 <sup>e</sup> Circonscription<br>2001 – 2036 | 36 |  |

|                                |    |     |     |
|--------------------------------|----|-----|-----|
| 3 <sup>e</sup> Circonscription |    |     |     |
| 3001 – 3074                    | 74 |     |     |
| Sous-total                     |    | 142 |     |
| Sous-total REGION              |    |     | 585 |

## II. REGION DE LA KARA

### 5. Prefecture d'ASSOLI

#### Nbre de BV

|                                |    |    |  |
|--------------------------------|----|----|--|
| 1ere Circonscription           |    |    |  |
| 1001 – 1028                    | 28 |    |  |
| 2 <sup>e</sup> Circonscription |    |    |  |
| 2001 – 2028                    | 28 |    |  |
| Sous-total                     |    | 56 |  |

### 6. Prefectue de la BINAH

|                                |    |     |  |
|--------------------------------|----|-----|--|
| 1ere Circonscription           |    |     |  |
| 1001 – 1066                    | 66 |     |  |
| 2 <sup>e</sup> Circonscription |    |     |  |
| 2001 – 2052                    | 52 |     |  |
| Sous-total                     |    | 118 |  |

### 7. Prefecture de BASSAR

|                                |    |     |  |
|--------------------------------|----|-----|--|
| 1ere Circonscription           |    |     |  |
| 1001 – 1061                    | 61 |     |  |
| 2 <sup>e</sup> Circonscription |    |     |  |
| 2001 – 2032                    | 32 |     |  |
| 3 <sup>e</sup> Circonscription |    |     |  |
| 3001 – 3051                    | 51 |     |  |
| Sous-total                     |    | 144 |  |

### 8. Prefecture de DANPKEN

|                                |    |     |  |
|--------------------------------|----|-----|--|
| 1ere Circonscription           |    |     |  |
| 1001 – 1054                    | 54 |     |  |
| 2 <sup>e</sup> Circonscription |    |     |  |
| 2001 – 2055                    | 55 |     |  |
| Sous-total                     |    | 109 |  |

### **9. Prefecture de DOUFELGOU**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1067           | 67 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2053 | 53 |     |
| Sous-total                                    |    | 120 |

### **10. Prefecture de KERAN**

|                                               |    |    |
|-----------------------------------------------|----|----|
| 1ere Circonscription<br>1001 – 1030           | 30 |    |
| 2 <sup>e</sup> Circonscription<br>2001 – 2068 | 68 |    |
| Sous-total                                    |    | 98 |

### **11. Prefecture de KOZAH**

|                                               |     |     |
|-----------------------------------------------|-----|-----|
| 1ere Circonscription<br>1001 – 1124           | 124 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2091 | 91  |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 73   | 73  |     |
| Sous-total                                    |     | 288 |
| Sous-total REGION                             |     | 933 |

## **III. REGION CENTRALE**

### **12. Prefecture de BLITTA**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1045           | 45 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2046 | 46 |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3045 | 45 |     |
| Sous-total                                    |    | 136 |

### **13. Prefecture de TCHAMBA**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1055           | 55 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2066 | 66 |     |
| Sous-total                                    |    | 121 |

### **14. Prefecture de SOTBOUA**

|                                               |     |     |
|-----------------------------------------------|-----|-----|
| 1ere Circonscription<br>1001 – 1051           | 51  |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2034 | 34  |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3134 | 134 |     |
| Sous-total                                    |     | 219 |

### **15. Prefecture de TCHAOUDJO**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1057           | 57 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2055 | 55 |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3071 | 71 |     |
| Sous-total                                    |    | 183 |
| Sous-total REGION                             |    | 659 |

## **IV. REGION DES PLATEAUX**

### **16. Prefecture d'AGOU**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1047           | 47 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2055 | 55 |     |
| Sous-total                                    |    | 102 |

**17. Prefecture de DANYI**

|                                               |    |    |
|-----------------------------------------------|----|----|
| 1ere Circonscription<br>1001 – 1033           | 33 |    |
| 2 <sup>e</sup> Circonscription<br>2001 – 2029 | 29 |    |
| Sous-total                                    |    | 62 |

**18. Prefecture d'AMOU**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1049           | 49 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2044 | 44 |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3053 | 53 |     |
| Sous-total                                    |    | 146 |

**19. Prefecture de l'EST-MONO**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1061           | 61 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2059 | 59 |     |
| Sous-total                                    |    | 120 |

**20. Prefecture de HAHO**

|                                               |    |     |
|-----------------------------------------------|----|-----|
| 1ere Circonscription<br>1001 – 1095           | 95 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2093 | 93 |     |
| Sous-total                                    |    | 198 |

**21. Prefecture de KLOTO**

|                                               |    |  |
|-----------------------------------------------|----|--|
| 1ere Circonscription<br>1001 – 1078           | 78 |  |
| 2 <sup>e</sup> Circonscription<br>2001 – 2039 | 39 |  |

|                                |    |     |
|--------------------------------|----|-----|
| 3 <sup>e</sup> Circonscription |    |     |
| 3001 – 3070                    | 70 |     |
| Sous-total                     |    | 187 |

## **22. Prefecture du MOYEN-MONO**

|                                  |    |    |
|----------------------------------|----|----|
| 1 <sup>ere</sup> Circonscription |    |    |
| 1001 – 1036                      | 36 |    |
| 2 <sup>e</sup> Circonscription   |    |    |
| 2001 – 2036                      | 36 |    |
| Sous-total                       |    | 72 |

## **23. Prefecture de l'OGOU**

|                                  |     |     |
|----------------------------------|-----|-----|
| 1 <sup>ere</sup> Circonscription |     |     |
| 1001 – 1082                      | 82  |     |
| 2 <sup>e</sup> Circonscription   |     |     |
| 2001 – 2113                      | 113 |     |
| 3 <sup>e</sup> Circonscription   |     |     |
| 3001 – 3112                      | 112 |     |
| Sous-total                       |     | 307 |

## **24. Prefecture de WAWA**

|                                  |    |     |      |
|----------------------------------|----|-----|------|
| 1 <sup>ere</sup> Circonscription |    |     |      |
| 1001 – 1066                      | 66 |     |      |
| 2 <sup>e</sup> Circonscription   |    |     |      |
| 2001 – 2057                      | 57 |     |      |
| 3 <sup>e</sup> Circonscription   |    |     |      |
| 3001 – 3071                      | 71 |     |      |
| Sous-total                       |    | 194 |      |
| Sous-total REGION                |    |     | 1388 |

## **V. REGION MARITIME**

### **25. Prefecture de l'AVE**

|                                  |    |
|----------------------------------|----|
| 1 <sup>ere</sup> Circonscription |    |
| 1001 – 1055                      | 55 |

|                                                 |     |     |
|-------------------------------------------------|-----|-----|
| 2 <sup>e</sup> Circonscription<br>2001 – 2052   | 52  |     |
| Sous-total                                      |     | 107 |
| <b>26. Prefecture du GOLFE</b>                  |     |     |
| 1 <sup>ere</sup> Circonscription<br>1001 – 1121 | 121 |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2075   | 75  |     |
| Sous-total                                      |     | 196 |
| <b>27. Prefecture des LACS</b>                  |     |     |
| 1 <sup>ere</sup> Circonscription<br>1001 – 1086 | 86  |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2068   | 68  |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3082   | 82  |     |
| Sous-total                                      |     | 236 |
| <b>28. Prefecture de VO</b>                     |     |     |
| 1 <sup>ere</sup> Circonscription<br>1001 – 1074 | 74  |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2065   | 65  |     |
| 3 <sup>e</sup> Circonscription<br>3001 – 3064   | 64  |     |
| Sous-total                                      |     | 203 |
| <b>29. Prefecture de YOTO</b>                   |     |     |
| 1 <sup>ere</sup> Circonscription<br>1001 – 1055 | 55  |     |
| 2 <sup>e</sup> Circonscription<br>2001 – 2054   | 54  |     |

|                                                 |     |     |             |
|-------------------------------------------------|-----|-----|-------------|
| 3 <sup>e</sup> Circonscription<br>3001 – 3054   | 54  |     |             |
| Sous-total                                      |     | 163 |             |
| <b>30. Prefecture du ZIO</b>                    |     |     |             |
| 1 <sup>ere</sup> Circonscription<br>1001 – 1080 | 80  |     |             |
| 2 <sup>e</sup> Circonscription<br>2001 – 2082   | 82  |     |             |
| 3 <sup>e</sup> Circonscription<br>3001 – 3082   | 82  |     |             |
| Sous-total                                      |     | 244 |             |
| <b>31. LOME – Commune</b>                       |     |     |             |
| 1 <sup>ere</sup> Circonscription<br>1001 – 1103 | 103 |     |             |
| 2 <sup>e</sup> Circonscription<br>2001 – 2143   | 143 |     |             |
| 3 <sup>e</sup> Circonscription<br>3001 – 3122   | 122 |     |             |
| 4 <sup>e</sup> Circonscription<br>4001 – 4143   | 143 |     |             |
| 5 <sup>e</sup> Circonscription<br>5001 – 5101   | 101 |     |             |
| Sous-total                                      |     | 612 |             |
| Sous-total REGION                               |     |     | 1761        |
| <b>Total</b>                                    |     |     | <b>5326</b> |