Chapter 2

Togo[1]

The stalled democratic transition in Togo presents a promising example of the influence the international community can have in reversing a military coup, while simultaneously offering a lesson in its abject failure to change underlying power balances. In February 2005, after years of a military-backed autocracy – led by President Gnassingbe Eyadema and supported by France – the dictator collapsed of a heart attack, affording the frustrated political opposition a rare chance to change the status quo. Instead, the military unconstitutionally seized power and placed Eyadema's son, Faure Gnassingbe, in the presidential palace. The international community, notably led by African regional organizations, rejected the coup and demanded a transition in accordance with Togo's constitution. While the diplomatic intervention worked to force new elections, the rules of the game were slanted already in favor of the ruling elite and Gnassingbe was allowed to secure the presidency through flawed elections. The international community failed to hold Togo accountable to international standards that safeguard democratic governance, particularly during pivotal periods prior and subsequent to the April 2005 presidential elections.

Peace in Togo remains fragile and political competition marred by the legacy of military influence and ethnic divisions. The international community can now do much more to ensure that the positive steps it took to reverse the coup are translated into a longer-term strategy to help Togo make the transition towards a multiparty democratic system. These measures should include: a truth and reconciliation commission supported by African institutions and religious leaders; support for repatriation of refugees; major security sector reforms to put the military under democratic civilian control; support to Togolese civil society; and pressure to carry out important constitutional reforms.

1 Principal author, Muthoni Kamuyu, Research Fellow, Democracy Coalition Project.

Background

In 1967 Lieutenant Colonel Gnassingbe Eyadema seized control of government. Eyadema immediately abolished political parties and established himself as the sole political power in Togo. For 38 years, Eyadema appointed members of his ethnic group – the Kabye – to key posts in the military, economic institutions and the civil service and effectively used his influence over the military to stave off any serious opposition to his regime. Furthermore, Togo's favorable economic position, rewarded with loans and debt relief from the international financial institutions, allowed him to consolidate power by regularly increasing the salaries of the military and civil service.[2] Meanwhile, civil society was unable to organize itself and remained significantly underdeveloped and compromised by its lack of political neutrality.[3]

In 1990, Benin's successful national conference and transition to democracy sparked a wave of similar political transition processes throughout Francophone Africa, including Togo. Twenty years into Eyadema's dictatorial rule, overt challenges to his regime, including protests and a general strike, led to the establishment of a sovereign national conference in Togo in 1991. However, this failed to usher in a democratic transition.

Despite harassment from the government, the Togolese national conference drafted an interim constitution calling for a one-year transitional regime with Joseph Koku Koffigoh as prime minister and limiting Eyadema's powers as president. However, the transitional government was short lived as the army reacted against the transitional legislature's vote to dissolve the ruling Rally of Togolese People (RPT) party in November 1991. The army staged a siege, captured Prime Minister Koffigoh and brought him to the Presidential palace. The government was temporarily dissolved. Eyadema's call for peace led to the eventual release of Koffigoh. He was re-appointed prime minister of a second transitional government in January 1992.

After Eyadema's government and the opposition agreed to a new constitution in the fall of 1992, the army invaded the legislative chambers and held the legislature hostage for 24 hours. In retaliation, the opposition declared a general strike that shut down Lomé for nine months. In January

2 J. Seely, "State Bargaining Power and Transition to Democracy in Benin and Togo," Paper No. 397 presented at the Midwest Political Science Association Meeting, 2000, pp. 17-18.

3 West African Civil Society Forum (WACSOF), Togo Presidential Elections, West African Civil Society Forum Elections Observation Report 2005, pp. 10.

1993, Eyadema declared the transition had come to an end and re-appointed Koffigoh as prime minister. This action led to a series of public demonstrations and reprisals by the army during which over 300,000 Togolese fled to Benin, Ghana and the interior of Togo.

Eyadema's decision to hold presidential elections on August 25, 1993 came as a result of French and Beninese political pressure, which is detailed in the following section. Concerns regarding electoral fraud, however, led the opposition to boycott the elections and Eyadema was re-elected with 90 percent of the vote. In 1994, opposition parties won a majority of seats in parliament, in generally free and fair legislative elections. Even though the Action Committee for Renewal (CAR) party – led by Yawovi Agboyibo – had won more seats, Eyadema named Edem Kodjo, a former member of the Eyadema government and head of the Togolese Union for Democracy (TUD) – a smaller opposition party – as prime minister. Consequently, Agboyibo's CAR pulled out of the coalition government, forcing Kodjo and the TUD to ally with Eyadema's RPT.

The RPT continued to gain strength in the parliament, causing Kodjo to resign in 1996 and leaving Eyadema once again in full control of the government. Presidential and legislative elections in 1998 and 1999 were fraudulent. Subsequent elections were delayed as the opposition refused to participate due to a high probability of electoral fraud. Meanwhile Agboyibo – leader of CAR – remained imprisoned for an alleged 2001 libeling of the prime minister. Although Eyadema freed Agboyibo in March 2002, the political impasse continued. Eyadema then replaced the electoral commission (CENI) with seven magistrates, who were selected to oversee the elections that had been re-scheduled for October 2002. In protest to this action, the opposition boycotted the elections. Eyadema's RPT easily won control of the parliament, which subsequently amended the constitution and allowed Eyadema to run for unlimited terms. Moreover, Eyadema began preparations to ensure that his son, Faure Gnassingbe, would succeed him. In 2002, two constitutional amendments were passed: the first one prevented people who lived in Togo for less than twelve consecutive months from running as presidential candidates; and the second lowered the minimum presidential age requirement from 40 to 35. The purpose of the first amendment was to bar Gilchrist Olympio, leader of the Union of Forces for Change (UFC) party, who lived in France in exile, from running for president. The second amendment sought to pave the way to transfer power to Faure Gnassingbe. Eyadema ran for re-election in June 2003, and won 57 percent of the vote. The opposition made accusations of fraud, but their charges could not be verified as inter-

national bodies opted against sending election monitors because they did not want their presence to legitimize the elections.

Events took a dramatic turn when President Eyadema died unexpectedly of heart failure on February 5, 2005. According to Article 65 of the Togolese Constitution, the speaker of the National Assembly temporarily assumes the presidency upon the death of the president and new presidential elections are to be held within 60 days of the president's death. Upon Eyadema's passing, however, the army sealed Togo's borders, thereby preventing Fambare Ouattara Natchaba – speaker of the National Assembly and a member of the small Tchokossi ethnic group who happened to be on an official trip to Belgium at the time – from returning to Lomé to assume the presidency. Instead, on February 6, the army appointed Eyadema's son, Faure Gnassingbe, as president of Togo, and the parliament – controlled by the governing party – immediately altered the Constitution to allow Gnassingbe to serve out the remainder of his father's term (that is, until 2008). National and international condemnation forced Gnassingbe to turn over the presidency on February 26 to Abass Bonfoh, his hand-picked speaker of the National Assembly. Gnassingbe's decision to relinquish the presidency to Bonfoh marked yet another constitutional contravention, as the presidency should have been assumed by the previous speaker of the National Assembly, Fambare Ouattara Natchaba.

The obvious task before the Togolese government at this time was to hold presidential elections. The date for the elections became a contentious issue because of the lack of clarity of Article 65. Togo's Constitution states that "if the President dies, the electoral body must be convened within 60 days to choose a new leader."[4] The interpretation of this clause caused confusion between RPT and the political opposition. Both sides could not agree whether the clause stated elections had to be held in 60 days or whether they were supposed to be announced within 60 days from when the presidency was vacated. At the urging of the Economic Community of West African States (ECOWAS), it was decided that the count for the 60 days would begin after the date Mr. Bonfoh assumed the presidency.

On March 3, 2005, Bonfoh announced that new presidential elections would be held on April 24, 2005, within the 60 days mandated by Article 65 of the Constitution. Sensing the possibility of fraud in an election to be arranged in such a short span of time, and with little opportunity to mobilize its forces for a fair campaign, the opposition quickly but unsuc-

4 "West African leaders to aid new Togo rulers," *Afrol News*, March 1 2005, http://www.afrol.com/printable_article /15817.

cessfully urged the postponement of the election. In addition, the opposition faced the challenge of building a united front against RPT. This was because Gilchrist Olympio decided to run regardless of the fact the constitution barred him from doing so.[5] To improve their chances of winning, opposition forces decided to rally behind Emmanuel Bob-Akitani, vice president of Gilchrist Olympio's UFC, who had run against Eyadema in 2003. Faure Gnassingbe announced that he would compete in the election as the RPT candidate.

While the candidates campaigned, the government launched a ten-day initiative to update voter registration logs. Over 450,000 new voters were registered, 100,000 names were stricken from the record and two million voters received new identification cards.[6] Three and a half million voters were registered for the April 24 elections, which were held at 5,300 polling stations across the country. The opposition, however, reported cases in which their supporters did not receive identity cards and were therefore not able to register. Further accusations were made that the only people allowed to register were voters who were not of age to vote in the 2003 elections.

As a result of these accusations, demonstrations broke out in the capital on April 6, with protesters blaming France, ECOWAS and the entire international community for ignoring issues of electoral fraud. The protestors and the opposition also demanded more time to allow for voter registration and identity card distribution and continued their call for the postponement of the elections. The protests spread to the interior of the country and, on April 8, police opened fire on a demonstration in Tabligbo, killing one person and injuring others. ECOWAS attempted to hold peace talks to curtail the violence; however, the opposition refused to participate, claiming the meeting would be futile unless the election was postponed.

Two days prior to the elections Minister of the Interior Francois Boko predicted civil war. Anticipating significant violence he then took refuge in the German Embassy. On election day, in the pro-Gnassingbe north, voter turnout was over 90 percent, while in the opposition south it was as low as

5 In the words of Leopold Gninivi, the leader of the Democratic Convention of the African People party (CDPA), an opposition party, "Gilchrist announcing his candidacy worried us." "Togo: ECOWAS says no elections before 24 April, Olympio plans to stand," *UN Integrated Regional Information Network*, March 3, 2005, http://www.irinnews.org/print.asp?ReportID=45909.

6 "Togo: Police shoot dead opposition protestor," *UN Integrated Regional Information Network*, July 14, 2005, http://www.irinnews.org.; WACSOF, op. cit. p. 9 .

44 percent. Many irregularities were reported during the elections, including: intimidation of voters, attempts to stuff ballot-boxes in precincts where opposition monitors were not granted access, violent seizure of uncounted ballots in Lomé by armed soldiers and an absence of monitors during the vote counting and collation process.[7] Faure Gnassingbe was announced winner of the election on April 26, 2005, with 60.22 percent of the vote; Bob-Akitani received 38.19 percent.

In an effort to discourage electoral violence, regional governments – led by Nigeria's President Olusegun Obasanjo – pressured Gnassingbe to meet with opposition leader Gilchrist Olympio, which led to an agreement to form a government of national unity.[8] (Bob Akitani did not attend the meeting because of a sudden decline in his health.) The gesture, however, did not ease tensions in Togo. Opposition protests erupted to condemn the outcome of the election. Protests degenerated into violence as Gnassingbe's supporters – bussed in from the north – clashed with opposition forces. As the violence spread, attacks on nationals from France, Lebanon, Mali, Burkina Faso, and Niger began. Some of these attacks led to the death of Malian, Nigerian, and Burkinabe nationals.

The Togolese League of Human Rights (TLHR) estimated there were 800 fatalities caused by the violence between March 28 and May 5, 2005. There were also reports that 4,345 people were injured. Official numbers from a commission appointed by Gnassingbe suggested that 100 people had been killed and 2,000 injured. As many as 40,000 people (mostly after the elections) fled the violence, crossing the Togolese borders into Benin and Ghana. Despite the violence, Gnassingbe declared his intention to form a government of national unity. This proposal was promptly rejected by Olympio, who countered with a demand for new elections by 2007.

On May 19, 2005, two weeks after Gnassingbe's inauguration, the main opposition parties – including Olympio – met with Gnassingbe in Abuja, Nigeria to discuss a government of national unity. The opposition set forth the following three conditions before it would agree to participate: the government must cease harassment of opposition supporters, allow the safe return of those who had fled the country and compensate the victims of violence; open a full investigation into allegations of electoral fraud; and agree to a dialogue – facilitated by the international community – to shape the transitional power-sharing arrangement.

7 WACSOF, op. cit., p. 12.

8 "Togo: Talks on forming government of national unity end in failure," *UN Integrated Regional Information Network*, July 14, 2005, http://www.irinnews.org.

No agreement was reached in Abuja. Gnassingbe ended all hopes for a government of national unity on June 21, 2005, when he presented his government. Of the 30 appointed cabinet members, five had served in the previous government. He appointed Edem Kodjo, who had served briefly as prime minister under his father, as head of government. A majority of the key security appointments went to RPT members including the appointment of his brother, Kpatcha Gnassingbe, as minister of defense.

Some improvement seemed to take place when Gnassingbe and Olympio met in Rome on July 22, 2005, at the request of the Catholic community of Sant'Egidio. During this meeting, they agreed to condemn and stop the ongoing political violence, release political prisoners arrested during the election and cooperate for the return of the nearly 60,000 refugees that had fled the violence.

Life in Togo has returned to relative calm as a result of Gnassingbe's and opposition leaders' joint condemnation of violence. Approximately 1,000 Togolese nationals returned to Togo, largely due to individual decisions rather than any specific action to encourage their return on the part of the Togolese government or the opposition.[9] An amnesty is being "mulled for those allegedly responsible for violence that occurred after opposition protests against the April 24 election."[10] According to a September 1 statement issued by Togo's foreign minister, President Gnassingbe called for the release of all people implicated in the electoral violence.[11] In addition, the government has appointed a National Commission of Enquiry to investigate human rights violations associated with the elections. In August 2005, the head of the commission, former Prime Minister Joseph Kokou Koffigoh, stated that its work could begin but findings are not expected before September 2006.[12]

In October 2005, President Gnassingbe stated his intentions to hold legislative elections as soon as conditions acceptable to all parties were achieved. Skepticism runs high on this issue, particularly within media circles. Francis Pedro Amouzou, president of the Media Observatory (a privately run media watchdog), asks, "Who will go out and vote after what

9 "Togo: President pledges quick parliamentary polls, but is the country ready," *UN Integrated Regional Information Network*, October 25, 2005, http://www.irinnews.org.

10 Ibid.

11 *Global News Wire Latin America, Africa, Asia News Wire* September 1, 2005.

12 "Commission d' enquete: rapport en Septembre,"August 29, 2005, http://www.republicoftogo.com/.

we lived through, unless the dispute over the election is settled?"[13] As the constitution stipulates that the parliament cannot be dissolved until its full term is completed, in 2007, an earlier timetable might prove impossible.

On February 2, 2006, the government announced its decision to hold a national dialogue in Ougadougou.[14] The government's decision roused the opposition and Togolese civil society in and outside of Togo and prompted communiqués that referred to the framework as a guide for further dialogue. The communiqués also indicate a deficit in public confidence for the process primarily because no facilitator has been identified to mediate the dialogue. The government has stated that its decision for not appointing a facilitator is based on the failure of the Lomé Framework and the Ouagadougou Accord, which were both brokered by international facilitators.[15] To ease tensions surrounding the dialogue the Community of Sant'Egidio held discussions with the government and some opposition parties.[16] The opposition parties involved pulled out of the discussions because they were not sufficiently inclusive of all of Togo's political stakeholders, and demanded a dialogue that includes the EU, the Catholic Community of Sant'Egidio, the UN, and the AU.[17] In April, however the dialogue resumed in Lome.[18]

Reforms to Togo's broadcasting and press code to reduce penalties for slander and defamation and protect freedom of expression were adopted in October 2005[19] and have been well-received by advocacy groups as an

13 "Togo: President pledges quick parliamentary polls, but is the country ready," *UN Integrated Regional Information Network*, October 25, 2005, http://www.irinnews.org.

14 "Rendez-vous a Ouaga," February 2, 2006, http://www.republicoftogo.com.

15 "Communique relative a la reprise du dialogue inter Togolais," February 15, 2006, http://www.iciLome.com; and
J. Viana, 'Communique de la D.T. F. Relatif au dialogue inter Togolaise: Dialogue au Togo la Proposition de la DTF", February 18, 2006, http://www.iciLome.org.

16 "Le dialogue parallele de Sant'Egidio qui complique la crise togolaise," March 8, 2006, http://www.iciLome.com.

17 "Communique de presse sur le dialogue national et la mediation Sant'Egidio," March 8, 2006, http://www.iciLome.com.

18 "Le president du Parlement invite a la reprise du dialogue politique," April 11, 2006, http://www.iciLome.com; and "Dialogue: l'heure d'une "nouvelle generation d'hommes politques," *XINHUA*, April 26, 2006, http://www.jeuneafrique.com ; and « Togo : outward calm belies continuing problems »,*IRINnews.org,* April 26, 2006, http://www..irinnews.org/report.asp?ReportID=53020&SelectRegion=West_Africa; and "Dialogue: possibilite de former un nouveau gouvernement et d'appeler a la reprise de la cooperation Togo, April 26, 2006, http://www.jeuneafrique.com.

19 "II soufflé un vent de liberté sur le Togo," August 26, 2005, http://www.republicoftogo.com.

example to be followed.[20] There is also tangible evidence that civil society in Togo is maturing. A new political party named National Democratic Alliance (NDA) was recently established by former RPT members, who were critical of the ruling party. One of the party's main goals is to reduce the influence of ethnic divisions in Togo.[21]

While there are signs of progress, there are also signs to the contrary. As recently as October 24, 2005, Jean-Baptiste Dzilan, a journalist and member of the TLHR, was brutally attacked. The media in Togo fear that this is an intimidation tactic meant to obstruct freedom of expression and compromise the independence of the media. On March 26 Togo hosted a media conference with over 100 representatives of African and French media in attendance. The conference discussed how the media in Togo could be strengthened.[22] With regard to reconciliation, Gnassingbe's promises to begin a truth and reconciliation process have yet to come to fruition. However, steps have been taken to narrow the divide between the RPT and the opposition by decreeing a revision of Togolese history. The revision aims to correct misrepresentations of prominent Togolese political leaders, such as the late Sylvanus Olympio. The recent celebration of Togo's Independence Day (proper) in 38 years is also another example of President Gnassingbe's attempt to reconcile the country.[23] Prior to this, the national day of celebration commemorated Eyadema's coup against Sylvanus Olympio. Gnassingbe is also undertaking steps to reform the judiciary. The media indicates that his attempts at reconciliation have been received poorly because they are seen as insensitive to the political mood of the country and inadequately addressing the grievances associated with the elections.[24] Moderate reforms have still occurred within the parameters set by the profound distortion of the democratic process after Eyedama's death.

20 "Presse new look au Togo," August 25, 2005, http://www.republicoftogo.com.

21 "Togo: President pledges quick parliamentary polls, but is the country ready," *IRINews.org*, October 25, 2005, http://www.irinnews.org.

22 "Minister wants Togo media to undertake a self critique," March 29, 2006, http://www.republicoftogo.com; and "Lome to host international meeting on Togo press," March 26, 2006, http://www.republicoftogo.com.

23 "L' opposant Gilchrist Olympio de retour au pays pour feter l'independence Togo," April 26, 2006, http:/www.jeuneafrique.com.

24 "Le Togo, loin d' être sur la voie de l'apaisement," January 10, 2006, http://www.iciLome.com.

The International Response

The international responses to the interruptions in Togo's rocky transition to democracy over the last 16 years have varied considerably, ranging from a post-colonial concern for stability over democracy to a more coordinated and, at times, intense effort to move Togo down the democratic path.

1990-2005: Punitive Measures and Political Dialogue

In June 1990, after years of French official support to the Eyadema regime, President Francois Mitterand re-oriented his country's Africa policy to make democratization a condition for French aid.[25] France's position as Togo's main bilateral aid donor and trade partner forced Eyadema – at least on the surface – to comply. Consequently, Togo's political system began to open and established its first transitional government in 1991. However, despite its new policy, France did not intervene to stabilize Togo's transition during the 1991-1992 military reprisals or the kidnapping of Prime Minister Koffigoh.[26]

In 1993, the situation began to change when France and Germany organized a dialogue between the Togolese government and the opposition in an effort to reinitiate Togo's political transition.[27] At this time Germany suspended its aid to Togo. Prior to this Togo had received 630 million euro in German aid between 1960 and 1991.[28] When the French-German-Togolese dialogue faltered, Benin stepped in and attempted to re-start the democratic process. Benin and France convinced Eyadema to sign the Ouagadougou Agreement, which called for a reorganization of the electoral commission (CENI), international observers for the 1993 elections and a security role for non-Togolese military during the elections. Nonetheless, the opposition boycotted the 1993 presidential elections out of fear of electoral fraud.

Punitive responses from the EU and the United States followed, notably the suspension of economic aid. France suspended civilian aid but continued supplying military aid. The suspension of French aid was a

25 J. Seely, op. cit, p. 30; Quoted in P. Robinson, "The National Conference Phenomenon in Francophone Africa," in *Comparative Studies in Society and History*, July 1994, p. 589.

26 J. Seely, op. cit, p. 34.

27 J. Walker, "The Relationship Between Africa and the European Union: Sanctioning Politics and the Politics of Sanctions: The EU, France and Development Aid in Togo," London School of Economics, 2003, p. 5.

28 Relations between Togo and Germany, http://www.auswaertiges-amt.de.

short-term and temporary measure, as it resumed on September 28, 1994.[29] The US, however, went further by closing its USAID office in Lomé, administering local development programs from Accra, Ghana vis-à-vis its West African Regional Program (WARP).

The European Union observer team for the 1998 presidential elections declared the elections fraudulent, leading France to suspend both civilian and military aid to Togo. As documented in an Amnesty International report, the 1998 presidential elections exposed how rampant human rights violations were in Togo. Nonetheless, in 1999, French President Jacques Chirac joined the Togolese government in declaring that the Amnesty International report was not credible.[30]

Before the 1999 legislative elections, history repeated itself when the opposition boycotted the elections, fearing an inequitable election outcome. In this instance, the EU, France, Germany, and La Francophonie responded by pressuring President Eyadema, the RPT and the opposition to sign the Lomé Agreement. The agreement stipulated that Eyadema would not attempt to alter the Constitution to allow him to seek an additional term as president; called for negotiation of the legal status of opposition leaders; and addressed the rights and duties of political parties and the media, the safe return of refugees, the security of all citizens and compensation for victims of political violence. After the Lomé Agreement was signed, in July 1999 France resumed aid to Togo.[31]

Prior to Eyadema's death, his son Gnassingbe led a Togolese delegation to engage the EU on resuming its cooperation with Togo. The EU-Togo Agreement, signed on April 14, 2004, committed Togo to 22 pre-conditions for EU aid and full cooperation. These required the Togo government to make a full commitment to democracy and the holding of new elections. The EU stated that Togo would not receive a promised 40 million euro aid package until these engagements are fulfilled. The EU's position is based on the 1999 Cotonou Agreement with African Caribbean Pacific (ACP) states. Articles 8, 9 and 10 of that agreement explicitly state that development aid to ACP countries will be used to promote human rights, open systems of governance, protection of individual freedoms and transparent governance. Article 96 of the agreement

29 J. Walker, op. cit., p. 6.

30 "French President Dismisses Amnesty Report," *BBC*, July 23, 1999, http://news.bbc.co.uk.

31 J. Walker, op. cit. p. 6; Ambassade de France au Togo, *La Politique de la France au Togo*, http://www.ambafrance-tg.org/ambassadefranceautogo/fiche/politiquefraceautogo.htm.

states that the EU may suspend aid if any ACP member state fails to promote democratic principles.[32]

The 22 engagements set forth in the EU-Togo Agreement require the Togolese government to democratize its political system, which includes: establishing a national dialogue with civil society and opposition parties; releasing political prisoners held on the basis of their opposition to the government; guaranteeing all political parties equal access to the media and public funds; committing to the holding of parliamentary elections in accordance with the Lomé Framework; reforming the electoral code; establishing an internal Commission on Human Rights; reforming the judiciary to ensure its independence; bringing the broadcasting and press code up to international standards; ensuring that military and security forces receive training on human rights protection; and guaranteeing justice in the form of prosecution of known human rights violators.

Complementing the EU's decision to engage Togo, in 2003, France reaffirmed its commitment to promoting democracy. It provided 1 million euros in aid under the *Fonds de Solidarite Prioritaire* (Priority Solidarity Fund), a poverty reduction initiative aimed at promoting socio-economic development and consolidating democracy.[33] On November 14, 2004, the EU expressed some satisfaction with the actions taken by the Togolese government and announced that it would partially resume aid to Togo. This decision came as a result of the release of around 500 political prisoners and steps taken to reform the broadcasting and press code. Despite these steps, the EU expressed its overall concern regarding the slow progress made on human rights. In sum, in the years prior to 2005, the EU had on several occasions adopted punitive measures against Togo, several times partially resumed co-operation, and defined a detailed plan of democratic reform as a pre-condition to full EU-Togo partnership.

Responses to the 2005 Coup

Gnassingbe's unconstitutional succession to the presidency upon his father's death prompted international condemnation. On February 9, 2005, just three days after the military-led coup, ECOWAS issued a communiqué deploring the situation in Togo and demanding that the Togolese authorities attend a meeting with the ECOWAS Chairperson and

32 Cotonou Agreement, June 23, 2000, http://www.acpsec.org/en/conventions/cotonou/accord1.htm.

33 Fonds de solidarité prioritaire, http://www.diplomatie.gouv.fr/solidarite/fsp/pays_2003/24.html.

President of Niger, Mamadou Tandja, within 24 hours. If the Togolese government refused to comply, ECOWAS threatened to impose sanctions. The United States also issued two statements, one condemning the appointment of Faure Gnassingbe as president and one in support of an ECOWAS and African Union (AU) resolution to the constitutional crisis. Gnassingbe did not respond to this international pressure or to internal pressure from domestic protests against his appointment, which resulted in the death of six civil society activists and hundreds of injuries.

ECOWAS moved ahead by imposing sanctions on Togo on February 19, 2005. ECOWAS sanctions included a travel ban against Togolese leaders, a recall of all West African ambassadors and the suspension of military and civilian links with Togo. The US issued a statement in support of the ECOWAS sanctions, noting that the US government did not recognize Gnassingbe's appointment as legitimate and calling for him to step down immediately. La Francophonie also imposed sanctions on Togo by suspending its membership to the organization. On February 21, the Togolese Parliament responded by repealing the constitutional amendment that had allowed Gnassingbe to complete his father's presidential term, but stopped short of calling for Gnassingbe to step down.

The African Union added its voice to those demanding Gnassingbe's resignation on February 25, by reaffirming the ECOWAS sanctions and suspending Togo's participation in the Union. The prohibition of Togo's participation in the AU is justified by Article 4 of the AU Act (2000) and Article 7(g) of the Protocol Establishing the AU Peace and Security Council (2002). Both articles condemn unconstitutional transfers of power and allow the AU to impose sanctions "deemed appropriate" on any member state where this occurs.

International efforts on the part of ECOWAS, La Francophonie, the AU, EU and US succeeded in pressuring Gnassingbe to relinquish the presidency on February 26, 2005; however, instead of handing power to the constitutionally-designated successor, the parliament selected Abass Bonfoh, whom Gnassingbe had appointed speaker during his brief reign, as the interim president. Despite this questionable maneuver, both ECOWAS and the AU lifted their respective sanctions.

The opposition was not alone in noting irregularities and calling for a delay of the elections scheduled for April 24. The United States issued a statement noting the reports of incomplete voter registration and uneven distribution of voter cards. Ambeyi Ligabo, special rapporteur of the UN Commission on Human Rights for Political Freedom of Opinion and Expression, and Philip Alston, the special rapporteur on Extrajudicial,

Summary or Arbitrary Executions, released a joint statement of concern on human rights violations and irregularities during the organization of the elections. The EU called on the government to ensure a fair vote, noting that the process and outcome of the elections would influence further aid decisions. Even Togo's interior minister, Francois Boko, publicly raised his concerns about a possible civil war and called for the postponement of elections. This stance led to his dismissal from government.

Key democracy promotion organizations in the United States generally aligned with US policy remained engaged in Togo's political developments in 2005. Their actions went beyond the US government's rhetoric supporting ECOWAS and AU sanctions and voiced concern regarding the potential for fraudulent elections. For instance, the National Democratic Institute (NDI), the International Republican Institute (IRI) and the International Foundation for Electoral Systems (IFES) undertook a joint pre-election assessment of Togo prior to the April 24 elections.[34] Their findings, released on April 7, 2005, highlighted numerous deficiencies in the electoral code, including a serious imbalance in the electoral commission (CENI) related to the under-representation of the opposition and civil society.[35] The teams emphasized that the lack of public confidence in the judiciary could obstruct free and fair elections and that there was a significant risk of state-led violence. The premise of the latter argument was based on the ambiguous role assigned to 3,500 members of the Togolese security forces deployed prior to the elections. The team recommended *inter alia* an extension of the electoral timetable, a revision of voter registry and creation of a mechanism to address electoral grievances and reconcile electoral disputes.

The April 24 elections were monitored by 150 ECOWAS observers, one German observer and a number of local opposition observers. The EU declined to send election monitors claiming that there was not enough time to organize such a mission. France and ECOWAS both certified the elections as basically free and fair, while noting some irregularities that they claimed did not affect the outcome.

Following the elections, various attempts were made to facilitate reconciliation. The UN Secretary-General Representative in West Africa Ahmed Ould Abdallah, President Blaise Compaore of Burkina Faso, President

34 All three organizations are funded by US congressional appropriations or receive grants from US agencies.

35 IFES, NDI, IRI, "Togo Assessment Mission Releases Findings," April 17, 2005, p. 1; WACSOF op. cit., p. 8.

Mathieu Kerekou of Benin and President Omar Bongo of Gabon were all involved in facilitating the meeting between Olympio and Gnassingbe that took place in Abuja, on May 19, 2005, to discuss a government of national unity. Shortly after the Abuja meeting, the AU Peace and Security Council met in Addis Ababa and decided to send a special envoy to Togo to facilitate dialogue between the government and the opposition.

On May 27, 2005, the African Union Commission appointed Kenneth Kaunda, former president of Zambia, as special envoy of the African Union to Togo, and gave him a mandate to facilitate dialogue between the Togolese political parties. Mame Madior Boye, former prime minister of Senegal, was appointed head of the AU Observer Mission and charged with the mandate of assessing the political, social, security and humanitarian developments, as well as the human rights situation. However, the envoys never reached Togo as AU Chairman and Nigerian President Obasanjo repudiated their appointment, claiming Alpha Oumar Konare, Chairperson of the AU Commission, did not consult with him on this issue.[36]

Between 1999 and 2002, the UN leadership had been critical of the Eyadema regime, particularly with regard to the two constitutional amendments designed to protect the government. UN Secretary-General Kofi Annan issued several strong statements condemning these amendments for failing to create a climate for political consensus or fair elections.[37] In 2005, Annan issued similarly strong statements condemning the unconstitutional succession of power by Faure Gnassingbe.[38] In addition, the UN Secretariat supported the Abuja dialogue between President Gnassingbe and the opposition in an effort to stem electoral violence.

In addition to facilitating dialogue, a delegation from the UN Office of the High Commissioner for Human Rights (OHCHR) was sent to Togo, in June 2005, to investigate human rights abuses associated with the 2005 presidential elections. The eleven-day mission also received a mandate to make recommendations for national reconciliation and repatriation of refugees. The OHCHR mission concluded that between 400 and 500 people died during the period in question and found evidence of other gross

36 Panapress, Abuja, July 9, 2005, http://www.panapress.com/newslatf.asp?code=084143&dte=09/06/2005.

37 J. Hule, "Annan Criticises Amendments to Togo's Electoral Law," *Financial Times Information Panafrican News Agency Daily Newswire*, February 14, 2002.

38 "New Electoral Code Draws National, International Criticism," *IRINews.org*, February 14, 2002, http://www.irinnews.org/

human rights violations. On the subject of post-election violence, OHCHR found that the opposition, military, police and RPT all participated in actions to incite the violence. The OHCHR emphasized, however, that Togo's military forces, in particular the Red and Green Berets, were especially violent toward civilian populations when compared to members of the opposition. The UN report also confirmed that approximately 2,500 soldiers were equipped by the state with weapons to support the RPT and repress demonstrators in the south. These soldiers were placed under the command of Major Kouloum and received 20,000 CFA francs from the state. There is evidence that the organization of this militia took place at both the national and regional levels.[39]

On July 11, 2005, an EU team from the European Commission's Development Directorate consulted with local representatives from France, the UK and Germany along with civil society organizations, representatives from the media, members of the ruling RPT and the opposition. These consultations highlighted areas that needed to be addressed to allow the media to function independently during elections. These areas included reporting and publishing on political leaders and institutions, freedom of political expression and state/military interference in the media. On October 20, 2005, Togo's new broadcasting and press code went into effect, meeting EU conditionalities and international standards.

Between September and October 2005, the European Commission (EC) began to place significant pressure on the Togolese government to create a new body of electoral laws that would facilitate free and equitable legislative elections. Commission president, José Manuel Barroso also urged the Togolese government to establish a timetable with a fixed date for legislative elections – a call in fact dating back to 2002 when the EU stated that democratic elections in Togo should abide by the government-opposition pact signed in 1999. A key European concern was the government's placing of its supporters in the CENI.

In response to the EU's request for electoral reform, President Gnassingbe established a commission including opposition parties and civil society organizations to review Togo's electoral laws.[40] In support of the Togolese government's action, the EU committed 8 million euros to carry out a census, with the aim of implementing reforms in justice,

39 UN Togo Report, August 2005.

40 "EU Wants New Parliamentary election in Togo," *Ghanaian Chronicle* Copyright *AllAfrica, Inc.*, September 17, 2004.

human rights and legislative elections. This commitment came with a strongly worded statement by the EU pledging that it would strictly monitor progress in Togo over the next 24 months. The EU also stated that further commitments for aid in the area of electoral reform are contingent upon the Togolese government's fully complying with the EU's call for legislative elections.[41]

Assessing the International Response

On the surface, the international community of democratic states' evolving response to political developments in Togo suggests a surprising degree of coherence and assertiveness. In contrast to the dramatic gap between Africa and the West on democracy promotion in Zimbabwe, the Togolese case reveals a convergence of goals and tactics, at least in response to a military coup. Fearful of yet another West African civil war, key international actors found common ground in their desire to defuse the immediate crisis. Nevertheless, a comprehensive African-EU-US strategy to consolidate Togo's fledgling transition remains elusive. The EU deserves credit for working diligently to press the government to dismantle the existing political deadlock, implement the Lomé Framework, reform Togo's Electoral Code, enable the independence of the judiciary and the media, protect human rights and ensure that political opposition and civil society organizations can promote their political interests. Yet, given Togo's relative lack of influence and power on the world stage and its vulnerability to outside pressure, more could have been accomplished.

To the extent that West Africa is one of the continent's most coup-prone sub-regions, the fact that ECOWAS, the AU, EU and US attempted and helped reverse Gnassingbe's coup represents a significant success. The principal international actors that responded in this case implemented a balanced mixture of sanctions, mediation and rhetoric that proved sufficient to reverse the coup. Generally speaking, these actors, who are members of the Community of Democracies, fulfilled their commitment to "discourage and resist the threat to democracy posed by the overthrow of constitutionally-elected governments," as outlined by the Warsaw Declaration, as well as similar commitments made by ECOWAS, AU and EU member states. The international community failed, however, to demand respect for democratic laws and practices in the subsequent elections, thus allowing Gnassingbe to assume power through manipulated

41 Ibid.

elections. In its failure vigorously to oppose this action, the international community lost the opportunity to shift Togo's political course away from the legacy of autocracy.

The US response to the 2005 coup did not go further than a strong condemnation of Gnassingbe's actions and support for ECOWAS and AU sanctions. US-funded non-governmental organizations (NGOs), including NDI, IRI and IFES, identified institutional weaknesses that could have affected the outcome of the April 2005 elections. However, these recommendations lacked the necessary financial, logistical and human resources that would have allowed them to make any meaningful change on the ground. In fairness, their presence was not welcomed by the Togolese government; consequently, their actions were significantly frustrated. Current US policy appears to have adopted a "wait and see" approach. In terms of democracy promotion, USAID supports a small grant program designed to support short-term activities in the area of human rights and democracy promotion through the Democracy and Human Rights Fund (DHRF).[42] The United States does not maintain the same degree of influence that the EU or France enjoy in Togo. However, in light of the high priority Washington places on democracy promotion, its response to the ongoing political turmoil in Togo has been disappointing.

The African response to the political crisis in Togo demonstrates both change and continuity. Most African states ignored Eyadema's control over Togo for most of the 38 years he ruled. Ironically, Togo, along with Nigeria under the late dictator Sani Abacha, assumed the lead in establishing the Economic Community's Cease Fire Monitoring Group (ECOMOG). In 1990, ECOMOG intervened in Liberia's civil war to restore order and create conditions conducive to free and fair elections; and in 1991, the organization intervened in Sierra Leone's civil war to reverse the coup that toppled the Tejan Kabbah regime. However, during the ten years of ECOMOG interventions in other countries, Eyadema "stole" successive elections, by amending consecutively the constitution to secure his regime and by using the military to intimidate civil society. ECOWAS' inaction in this context can be understood as a demonstration of its concern for peace and security over democratic legitimacy, or, more cynically, as a clear case of the "old boys club" protecting the status quo.

On the other hand, the immediate steps taken by ECOWAS and AU leaders to reverse Gnassingbe's succession in 2005 signal real progress in

42 http://www.usaid.gov.

Africa's record of democracy promotion. The sanctions enforced by ECOWAS on Togo, the AU's decision to prevent Togo from participating in AU activities and AU support for ECOWAS sanctions had the intended effect of reversing Gnassingbe's coup. In doing so, African leaders upheld their commitment to preserve constitutionally-elected governments in the region in accordance with the AU Act, the New Partnership for African Development, the ECOWAS Protocol on Democracy and Good Governance and the 1999 Protocol establishing the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

Principally motivated by concerns for regional peace and security, African leaders (some democratically elected, others not) – in particular, Presidents Tandja of Niger, Obasanjo of Nigeria, Compaore of Burkina Faso, Kerekou of Benin, Bongo of Gabon and ECOWAS Executive Secretary Mohammed Ibn Chambas – were instrumental in enforcing sanctions on Togo and/or facilitating talks that curbed electoral violence in Togo.

In Togo's case, the AU's actions were commendable, as it employed strong rhetoric as a measure to promote a united front against Gnassingbe's presidency. The AU implemented this instrument with Burkina Faso and Libya in February 2005, when it advised both member states not to pursue foreign policies that went against the AU's official stance towards Gnassingbe's coup.[43] Through this action, the AU sought to reaffirm a united position against unconstitutional succession of power. In this instance, the Union was successful in achieving its objective.

Nevertheless, the AU committed a serious mistake when Nigerian President Obasanjo, the then acting AU chairperson, recalled the AU Observer Mission and its special envoy to Togo, which had been sent to facilitate government-opposition talks. In doing so, Obasanjo lost a critical opportunity to influence a process that could have eventually led to the formation of a government of national unity. The AU's decision to deploy both an envoy and an observer mission was an appropriate and well-suited measure in terms of managing the political deadlock between the RPT, UFC and other opposition members. The recall of these deployments, allegedly on grounds of poor internal coordination and political disputes amongst AU leadership, but more likely due to Nigeria's assertion of its tra-

43 "AU Reiterates Support for West African Efforts to End Togo Crisis," *Voice of America*, February 25, 2005.

ditional hegemony over its neighbors, was a serious misstep. To some Togolese the AU is seen as having picked sides, "some have the opinion that Obasanjo is pro-Gnassingbe while Konare is against Gnassingbe."[44]

Upholding the Togolese Constitution's integrity put ECOWAS in a precarious situation. Along with the rest of the international community, ECOWAS was acutely aware of the possibility of fraudulent elections. Togolese citizens hoped ECOWAS would place pressure on Togo to suspend elections and thereby allow time for the opposition to mobilize an effective campaign; however, ECOWAS did not have a legal basis for arguing against complying with Article 65 of the Togolese Constitution, which without precise clarity requires elections to be held within 60 days of a president's death or resignation. In terms of coherence, ECOWAS could not, on the one hand, demand respect for constitutional integrity in Togo and, on the other, call for the suspension of the constitutionally-stipulated electoral timetable.

Obviously, by not allowing adequate time for the preparation of campaigns and elections, Article 65 was designed to marginalize political opposition. Although it was aware of the underlying aim of Article 65, ECOWAS still endorsed the April 2005 elections, despite the blatant irregularities that took place. Its endorsement came after its partial observation and monitoring of the polls. ECOWAS observers did not observe the entire collation process in Lomé, voter lists or ballot counting. This inaction raises serious questions about the sub-region's commitment to a genuine democratic process in Togo. ECOWAS' presence during the elections was intended to ensure that they were administered freely and fairly. In terms of aim and efficacy, ECOWAS failed considerably on both counts. In the words of a leading West African civil society group, ECOWAS' endorsement of Togo's elections has damaged the organization's image, "particularly its involvement in supporting fledging democracies."[45]

The ECOWAS Supplementary Protocol on Democracy and Good Governance calls upon ECOWAS member states to "engage civil society in electoral matters."[46] A similar provision is made in Section 3 Article 15 of Togo's Electoral Code. Regardless of either of these provisions, harassment of Togolese opposition observers was allowed, thereby calling into question their efficacy as monitors. On the sub-regional level, 26 repre-

44 Personal correspondence, interview with anonymous source.

45 WACSOF, op. cit., p. 13.

46 Article 8, ECOWAS Supplementary Protocol on Democracy and Good Governance.

sentatives of the West African Civil Society Forum were denied access to the polls as observers.[47] This action clearly contravenes international standards in electoral conduct. Nonetheless, the US, EU, UN, AU and ECOWAS stood aside and allowed the breach to occur, thereby missing an opportunity to use financial leverage or influence to make the electoral process equitable. The overall quality of response from the international community was poor in this instance and clearly was inconsistent with democratic principles.

The EU's efforts to use the incentive of a 40 million euro aid package to condition the implementation of reforms in the area of justice, human rights and elections[48] has had a mixed effect. For example, recent EU, French, German and British consultations with relevant Togolese parties regarding the broadcasting and press code have contributed towards making some tangible progress in terms of consolidating democracy. EU aid conditionalities have proved successful in coaxing the Togolese government to move the country towards a democratic path. The EU's role in promoting democracy serves as an example of how important a large, financially-capable, third party intervener can be to promoting democracy.

Aid conditionalities have often given regimes that are determined to protect the status quo the opportunity to appease donor community demands and ensure economic aid continues to flow, while simultaneously protecting themselves locally. President Gnassingbe's tendencies in this regard are demonstrated by the composition of his cabinet and the National Commission of Enquiry, as well as the government's inadequate response to the UN OHCHR's report. The impact of EU aid conditionalities on these issues remains an open question.

French national policy in Togo paints a similarly mixed picture. French participation in brokering the Ouagadogou Accord and the Lomé Framework Agreement was appropriate in terms of its efforts to open Togo's political system and move the country towards democracy. Yet these agreements ultimately failed, mainly because of internal factors associated with Eyadema's stronghold on the military, which was supported by France. France's lack of intervention in Togo's first transitional government, its brief and soft suspensions of economic and military aid, denial of human rights violations in Togo during the 1998 presidential elections and

47 WACSOF, op. cit., pp. 5 and 11.

48 "Togo to Receive 8M Euros from EU for Parliamentary Polls, Census", *BBC Monitoring International Reports Global Newswire-Asia Africa Intelligence Wire*, September 28, 2005.

legitimization of the 2005 Togolese presidential elections were all factors that worked against democracy. All of these factors lead one to conclude that French interests are more in line with supporting the status quo rather than supporting Togo's transition to democracy.

Between 1994 and 2005, EU attempts to influence Togo's democratization process focused heavily on elections. During the past five years, the EU made demands for elections to be administered in accordance with the conditions stipulated in the Lomé Framework. When presidential elections were announced in 2005, the EU was aware that the political climate in Togo was not conducive to free and fair proceedings. Regardless of this the EU continued to engage Togo on aid resumption within the framework outlined by the 22 EU engagements agreed to by Togo. The EU then denounced the 2005 election process. Some member states admonished France for sanctioning the elections. This decision by the EU sent mixed signals and raised doubts about its intentions.

Aside from statements in support of the AU and ECOWAS' efforts to reverse the February 2005 coup, the international community did not work together to resolve the political crisis that broke out after the April 2005 elections. Instead the EU, Germany, the UK and, to some degree, France have relied almost solely on economic aid conditionalities to prompt change in Togo. Furthermore, EU policies in Togo demonstrate some level of imbalance, insofar as there is an overwhelming emphasis on elections instead of efforts aimed at enhancing civil society capabilities and de-politicizing the military. Finally, EU policies have not fully engaged relevant sub-regional actors that could assist in furthering democracy in Togo.

Recommendations

The EU, as the leading international actor in democracy promotion in Togo, is placing considerable emphasis on legislative elections, electoral reform and power sharing as a means to promote more equitable and open systems of governance. It makes sense that these issues are at the forefront of the EU's agenda as a means to resolve the longstanding political deadlock. It is important, however, that the EU and other like-minded actors remain keenly aware that elections are not the only measure of democracy. While elections generally signal the genesis of democratic change, in a case like Togo, it is imperative to approach future elections cautiously given Togo's 38-year history of repression and manipulated elections. Furthermore, it is evident that the democratic legitimacy of the current Togolese regime remains fragile. Complicating matters further, a war

infrastructure exists in Togo that is demonstrated by deep antagonistic political divisions between the north and south, which often have played out violently. Another round of elections void of proper safeguards and a level playing field could have disastrous effects.

Aside from elections, meaningful political development in Togo is contingent on establishing greater civilian checks on military power, building confidence among different sectors and more broadly creating symmetry between governance and security. This view takes three factors into account. First, the military under Eyadema was used to repress competitors for political power. Second, the security forces engaged in gross human rights violations against civilians opposed to the outcome of the 2005 presidential elections. Third, elections in Togo have been used to build a façade of democracy, resulting in an even more pronounced mistrust of public institutions.

The August 2005 UN OHCHR's report urges Togolese authorities to collaborate with the United Nations High Commissioner for Refugees (UNHCR) to repatriate refugees created by the 2005 electoral violence. At present, approximately 40,000 Togolese nationals reside along the Togolese borders with Benin and Ghana. Considering the desperate environs of refugee camps and the mounting frustrations of Togolese nationals with their government, the refugee explosion across the region, if not handled promptly, presents the potential for border conflicts that could escalate to even more violent conflict. Violence has already occurred along the Togolese-Beninese border.[49]

Immediately repatriating Togolese nationals would not serve the goal of building a secure democracy in Togo. Togolese nationals did not flee their country because of war or a humanitarian crisis. They fled because they faced death, torture and harassment from the military due to their opposition to the electoral process. Essentially, they fled because of a lack of confidence in the state's ability to guarantee their political and human security. These background considerations condition the following set of policy recommendations that the international community of democratic states should adopt to reconcile opposing forces and thereby restore confidence in the democratic process in Togo.

49 "Les refugies desertent le camp d Agame apres de violents heurts avec villageois," February 17, 2006, *IRIN*, Cotonou, Benin, http://www.iciLome.com.

- *Encourage Gnassingbe to establish a truth and reconciliation commission.*

The AU should encourage Gnassingbe to establish a truth and reconciliation commission in consultation with civil society, members of the opposition and the RPT and a timeline should be adopted for its implementation. Such a commission should consist of politically-neutral academics and members of Togo's and West Africa's religious community experienced in justice and reconciliation. It should guarantee compensation for all Togo nationals unduly forced into exile as well as those who suffered economic or psychological hardship at the hands of the Eyadema regime, whether in or outside of Togo. Compensation, however, should be contingent on legal proof of economic or psychological hardship. It is reasonable to assume that the Togolese judiciary would not garner sufficient public confidence to allow it to be effective in administering a reconciliation process.[50] A truth commission comprised of the proposed mix of actors would help de-politicize the reconciliation process and set the conditions that could encourage the return of Togo nationals.

The AU should approach the UN, and African and non-African human rights organizations about establishing an international follow-up committee consisting of reputable and neutral Togolese civil society organizations, representatives of WACSOF and the West African Network for Peacebuilding (WANEP), the United States and the European Union. The committee should be mandated to monitor Togo's progress on the issue of reconciliation. Such an international follow-up committee could serve as a forum through which confidence could be instilled into the reconciliation process. A step like this is necessary largely because the political institutions upon which the government and EU are attempting to build democracy remain fragile. In taking the lead, the AU should be extremely cognizant of displaying a united front on the issue of reconciling Togo. The rift that erupted between then AU Chairman Obasanjo and the present AU Commission Chairperson Konare depleted a level of trust Togolese had in the organization.

50 International Commission of Jurists, "Togo Attacks on Justice 2002," Center of Independence of Judges & Lawyers series, August 27, 2002, http://www.icj.org/news.php3?id_article=2672&lang=eng.

- *The EU and UN should designate funds to compensate Togolese refugees.*

A fund should be established to compensate refugees of the 2005 electoral violence for the psychological and economic hardships they endured during their exile. Such a refugee fund would help alleviate economic, health, food and shelter needs of the repatriated community. A partnership between the European Union, United Nations and politically neutral NGOs on the ground should be established to oversee the disbursement of monies designated for the refugee fund.

If and when Togo nationals decide to return to Togo, international agencies and Togo's donor community should ensure that compensation for their loss is in place. The call for an EU-UN-NGO partnership to establish a refugee fund would address the level of mistrust towards the Togolese government among its nationals. A similar argument can be made regarding Togolese civil society organizations, most of which have been used by the government as "back door" patronage networks. The minority that remains independent could face serious military-led repression if involved in repatriation activities. Making use of politically neutral civil society organizations such as religious organizations would be appropriate given the nature of Togo's political climate and the integrity and trust these groups have among ordinary citizens. This status places them in the most favorable position to administer monies to returnees in a transparent manner.

- *The EU and the US should pressure France to condition its military cooperation agreements with Togo on a broad range of democratic practices.*

The European Union and United States could work with France on a package of technical military assistance that would feature the issue of subordinating the military to the civilian state. Programs administered by the US Department of Defense's Africa Center for Strategic Studies could help Togo build civilian leadership capacity in managing the military sector. Emphasis should be placed on a clear division of labor between Togo's civilian and military security forces, particularly on issues related to elections and public demonstrations.

The international community's interest in assisting Togo with security sector reform would be a preventive measure. Togo is situated in a highly politically-charged region that continues to face security challenges from Nigerian oil politics, the fragile transitions of Liberia, Sierra Leone and

Guinea-Bissau, and the ongoing civil strife in Cote d'Ivoire. It is foreseeable that rising frustrations will continue to fester, which could lead to a civil war in Togo. The lack of attention paid to rising frustrations during the 1990s in Liberia, Sierra Leone and Guinea-Bissau created some of the most gruesome wars ever witnessed in the modern era. Togo presents an opportunity to prevent a potential repeat of history.

Given the military's position in Togo under Eyadema, it is likely that the military will continue to expect similar support from President Gnassingbe. Military grievances ranging from ethnic marginalization to compensation, which have played out destructively in surrounding states like Liberia and Sierra Leone, have not occurred in Togo largely due to an intricate system of patronage between the state and the military. Consequently, the military has become closely associated with Togolese political institutions to the point where the boundaries between the two are extremely blurred. This state of affairs has given the military the upper hand, making it difficult to mount sufficient leverage to begin the process of security reform. Until demarcations between political and military institutions in Togo are clearly defined, democracy will not take root in any meaningful way.

French involvement in its former African colonies has been motivated by the desire to promote French cultural, military and financial presence as a means to access natural resources. Considering that Togo receives considerable French military assistance, it would be safe to assume that the issue of security sector reform in Togo could encounter French resistance. After all, security sector reform would alter an economic and political policy that has served French interests well since Togo's independence. The involvement of a mixture of European governments and US organizations could potentially dilute French opposition to security sector reform in Togo. An added benefit of such pressure could cause France to re-think its military cooperation policies throughout Francophone Africa. It is a well-known fact that French military aid has been used to prop up dictators, some of whom have created significant instability, war, and civil strife.

- *The EU should partner with WACSOF to strengthen Togolese civil society.*

Assistance to civil society should focus on civic education, particularly the importance of an independent civil society for governance and capacity-building on electoral issues. A preliminary study to determine the profile and capacity of respective civil society organizations should be undertaken prior to capacity building.

One of the primary goals of the international community has been the resolution of the political deadlock between the RPT, UFC and other opposition parties. The approaches undertaken by the international community, specifically the EU and France, have focused more on political parties and less on civil society. The presence of political parties is vital for ensuring accountability in governance but equally vital is a unified depoliticized civil society. If the intent is to narrow political divisions in Togo and foster an environment conducive to building democracy, the international community should invest resources aimed at addressing the weak position of civil society in Togo.

In such a highly politically-charged environment like Togo, WACSOF's position as a sub-regional NGO could serve as a neutralizing force for what might be a volatile process of de-politicizing Togolese civil society. Furthermore, WACSOF's familiarity with Togolese civil society – and the fact that the organization consists of some of West Africa's most prominent civil society leaders – would work to the benefit of an EU-WACSOF partnership in terms of identifying reputable civil society organizations to take the lead in building Togolese civil society's capacity.

- *Push for constitutional and electoral reforms to prevent further conflict.*

The AU, ECOWAS, EU, UN, France and the US should engage the Togolese government diplomatically and urge it to revise Article 65 and the law precluding Togolese nationals in exile from running as presidential candidates. The international community should engage Togolese activists and former members of the government living in exile on electoral reform issues. The Catholic Community of Sant'Egidio should be involved as a mediator and facilitator on this issue.

Generally, African leaders have resisted democratic transfers of power by manipulating instruments of the state to secure their regimes. President Gnassingbe already did this by circumventing the constitutional rules on succession to the presidency. It is no longer acceptable for African governments and the international community to continue along the road of not enforcing fully international standards regarding democracy in African states. Democratic erosion and decay do not emerge spontaneously; they have clear warning signs that are detectable years in advance. One could argue that President Gnassingbe's infringement of the Togo Constitution is one of those warning signs. The time between this past presidential election and the next one presents an opportunity for the African and broader international community to prevent a future crisis, rather than having to

react to one later on. The most logical issue to address during this period is Article 65 of the Togolese Constitution and the law preventing members of the opposition and other Togolese nationals living in exile from running as presidential candidates.

Under Eyadema, Togo was willing to live in isolation for twelve years. An unprecedented opportunity has presented itself in the partial willingness of his son, President Gnassingbe, to respond to the international community. Recently, the international community employed a variety of diplomatic tools to bring democratic change to Togo; however, it has faltered. It behooves the international community to reassess the approaches it has chosen thus far to push Togo towards full democratization. The EU, Africa's democratic governments and other like-minded actors should be mindful that assisting Togo in its democratic journey requires an unshakable commitment to reverse the asymmetry between governance and security, specifically with regard to political institutions and the military. A commitment of this kind requires a shift in priorities, with less of a focus on elections, more of a focus on security reform and civil society capacity-building, and a long-term commitment to a democratic Togo.