

REPUBLIC OF CHAD

UNITY-LABOUR-PROGRESS

POLITICAL AGREEMENT TO REINFORCE THE DEMOCRATIC PROCESS

Since the presidential election of 2001 and the legislative elections of 2002, the political parties of the democratic opposition have continuously demanded improvement in the organisation of elections in Chad;

The lack of political dialogue has resulted in a decline in confidence among political actors, with a boycott of the electoral census in 2005, of the constitutional referendum in June 2005 and the presidential election in May 2006;

This tense situation has resulted in considerable popular disaffection with public life;

Discussions held between July 28 and August 2, 2006, have enabled the parties which are mainly from the presidential majority, to begin a preliminary reorganisation of the electoral framework;

Following a request from the Government of the Republic of Chad to international development partners, for technical and financial assistance for the organisation of communal and legislative elections in 2006-2007, the European Union undertook an exploratory study of the Chadian electoral system which identified the need for Chad's political actors to reach a consensus on how to improve it;

After several meetings and acting on the government's decision to postpone all current operations until mutually agreed solutions are found;

Recognising the need to create the conditions needed to hold free and transparent elections in a climate of peace and security;

Wishing to create the conditions needed to establish genuine rule of law which every Chadian supports and has confidence in;

The political parties of the presidential majority and the political parties of the democratic opposition wish, on the one hand to extend their thanks and gratitude to the European Union appointed by the Prime Minister of the Republic of Chad, for its valuable cooperation which has enabled Political Dialogue, and on the other to congratulate all on the spirit of harmony and consensus which has prevailed during the discussions;

Furthermore, the political parties of the Presidential Majority and the political parties of the Democratic Opposition participating in the Dialogue between April 11 and August 10, 2007, in Ndjamena, agree the following:

1. ELECTORAL MANAGEMENT ORGANS

The parties confirm their political will and determination to create the necessary conditions for free, open and democratic elections.

Electoral operations are organised and supervised by the Independent National Electoral Commission (Commission Electorale Nationale Indépendante, CENI), with technical support from the Permanent Election Office.

1.1- The Independent National Electoral Commission, the political organ for the organisation and supervision of all electoral operations (voter registration, organisation of elections) is financially independent. It has a balanced composition as follows:

a) *At the national level*

It has 31 members consisting of:

- A President chosen in agreement with the parties, from Chadian personalities known for their skills, experience, moral integrity and vision;
- Presidential majority: fifteen (15) members, one for each party represented in the National Assembly;
- Democratic opposition: fifteen (15) members, one for each party represented in the National Assembly.

The mandate of CENI members may be renewed at each election.

One representative of the competing party or a candidate's delegate participates as an observer in the work of CENI and its local offices.

b) *At the local level*

The local offices of CENI throughout the country (region, department, commune, etc.) are constituted using the same formula of equality ($X+X+1$)

CENI determines the appropriate membership (regional, departmental, communal...) in light of the elections to be organised.

1.2- Remit and operation

CENI and its local offices function as follows:

CENI organises and supervises:

- All elections (referendum, presidential, legislative, regional, departmental and local);
- Voter registration and the distribution of polling cards.

It takes decisions by consensus, or in the absence of this, by a qualified majority of 2/3. In the third round, by simple majority.

The local offices function in the same way as CENI central office, which approves their decisions.

- If violations and infringements of the laws and regulations during campaigns and elections, are brought to the attention of CENI and its local offices in order to take correctional measures, they will report these cases immediately to the competent judicial authorities.

1.2- The Permanent Election Office

The Permanent Election Office is an administrative and technical unit, charged with carrying out, under the authority of CENI, all operations related to the electoral process.

A permanent organ, the Permanent Election Office is directed by a Director General appointed by Decree on CENI's recommendation.

The Director General of the Permanent Election Office provides the Secretariat for CENI.

The Permanent Election Office may call on any national or international expertise.

2 VOTER REGISTRATION

- Voter registration will be carried out according to the most up to date standards, using polling cards with biometric data.

A secure digital electoral register will be created.

- An electoral list of defence and security agents will be established in each locality.
- The number of voters per polling station will not exceed 300 voters, living within 5 km of the office.

The Government will organise, in advance, a demographic census to collect current and reliable data on the Chadian population in order to better target the voter population and establish the number of deputies and local councillors in the different electoral jurisdictions.

- The Government will take advantage of the census to establish a functional civil state.

3 MANAGEMENT OF THE ELECTORAL CODE

3.1: Number of deputies and electoral constituencies

There will not be an excessive number of deputies in the National Assembly; this will be determined following reliable assessment of the total number of inhabitants, and more importantly the number of inhabitants in each administrative unit.

The department is the electoral constituency. A specific number of deputies will be allocated to it.

Above a threshold to be determined, an additional deputy will be allocated to the constituency, for a number of inhabitants to be specified.

The number of inhabitants for which an additional (1) deputy will be allocated, will be determined when administrative boundaries have been updated and reliable information obtained on the departmental population distribution.

CENI will propose a threshold and number of inhabitants acceptable to the Government.

Some modifications will be made for very large and sparsely populated populations.

3.2: Timetable for posting electoral lists=

The electoral list is convoked six (6) **months** before the date of the election.

The closing date for registration in the **lists**, the timetable for publication of the lists and the length of election campaigns will be **duly determined**.

The electoral lists must be **posted** in front of polling stations at least seven (7) days before the date of the election.

3.3: Deposit amount

For legislative elections the deposit is **fixed** at 100,000 CFA Francs per candidate.

For local elections (rural, municipal, departmental and regional) the deposit is fixed at 50000 CFA Francs per list.

3.4: Voting by proxy

The provisions of article 60 of the current Electoral Code are amended as follows:

“Proxy voting forms, **identical** throughout the national territory, are countersigned by a CENI Delegate and delivered to the regional office of the relevant polling office forty-eight (48) hours before the date of the election.”

3.5: State funding for political parties

The State will finance any arrears in subscriptions to political parties in line with the Charter of Political Parties (Law no 45/PR/94, article 44).

The State will grant a subsidy to every legal political party.

However, the revised Law 45/PR/94 applies to all parties participating in the most recent national elections.

3.6: Support for competing candidates and political parties

The State will support competing candidates **and/or** political **parties**, specifically by:

- Supplying voting cards;
- Exempting competing candidates and/or parties from some purchase taxes for equipment and materials relating to an ongoing election campaign.

Campaign costs will be reimbursed as follows:

- for the Presidential election, the upper limit of reimbursable **expenses** is five hundred million (500 000 000) francs, **if the candidate** obtains at least ten per cent (10%) of the vote
- for legislative elections, the upper limit of reimbursable **expenses** is ten million (10 000 000) francs, if the candidate obtains at least ten per cent (10%) of the vote
- for local elections, the upper limit of reimbursable **expenses** is five million (5 000 000) francs, if the candidate obtains at least ten per cent (10%) of the vote.

Thirty percent (30%) of justified expenses will be reimbursed.

3.7: Timely supply of electoral equipment

Non-sensitive equipment (ballot boxes, polling booths, lights) will be made available in CENI local offices in time for them to be distributed to polling stations.

Sensitive material (voting cards, seals, indelible ink, complaint forms, etc.) will be available in CENI **local offices at least** forty eight (48) hours before polling day.

3.8: Composition of polling stations

The polling station consists of five (5) **members**, designated by the relevant CENI local office, with equal majority/opposition shares where possible, fifteen (15) days before the date of the election. CENI will approve this selection.

3.9: Access to polling stations

Law no 21/PR/2000 revised by Law no 35/PR/2006 of the Electoral Code, new article 43, applies.

Delegates of candidates or party representatives of competing parties duly accredited by CENI are authorised to enter polling stations.

3.10: Opening and closure of polling stations

Polling stations will open at 06.00, and close at 17.00.

3.11: Ballot boxes and security

Ballot boxes are transparent, **with numbered plastic seals**, in different colours corresponding to the **stage** of the election process.

3.12: Polling cards

Polling cards **specific** to each election will be issued.

3.13: Voting by nomads

Nomads vote on **the same day** as other citizens.

The Government and CENI will take all measures necessary (identification of nomads, **location** of their encampments on polling day, allocation to polling stations, supply of electoral material at polling stations) for this purpose.

3.14: Voting by Chadians abroad

Chadians living abroad, like their fellow citizens at home, are entitled to vote and must vote on the same day as those resident in the country.

Only Chadians who fulfil the nationality requirements, are entitled to **civil** rights and are duly registered with the relevant diplomatic mission (Embassy or Consulate) may vote.

The Government will take all necessary steps to identify and take a census of Chadians resident abroad.

CENI is responsible for their registration in the electoral register.

3.15: Voting by members of the defence and security forces

Members of the defence and security forces are sequestered on polling day.

They vote one (1) day before other citizens, outside their barracks, in polling stations supervised by civilians.

The electoral candidates or political party representatives duly accredited by CENI who are contesting the election must be authorised to enter the polling stations.

3.16: Presentation of the report on the vote count

The President of the polling station must provide each party political representative or electoral candidate present at the vote count with a copy of the report as opposable evidence in case of dispute.

3.17: Centralisation and publication of results by CENI

The results must be displayed in the polling stations immediately following the count.

The results must be collected at constituency level by the relevant CENI local offices in the presence of political party representatives or electoral candidates.

Centralisation at the national level will be done in the presence of political party representatives or electoral candidates.

3.18: The mode of election

For constituencies with several seats (rural, municipal, departmental, regional and legislative) the mode of **election** is by one round of voting for one list. If no list obtains an absolute majority, seats are **distributed** proportionally with seats allocated in decreasing order of the number of votes cast.

3.19: Provisions for reporting violations and irregularities

CENI and its local offices must provide mobile teams for reporting violations of any legal provisions during the election campaign and on polling day.

They may take protective measures and refer to the competent judicial authorities.

3.20 Observation of elections

CENI accredits national and international Observers. They must monitor all the operations of the electoral process. As far as possible, this will cover at least half of all polling stations, in at least two-thirds of national territory.

CENI and other relevant organisations will be advised by the observers in matters of surveillance, control, as well as for any invalidations or cancellations.

3.21: Invalidation of the mandate of a Deputy or locally elected representative

A deputy or a locally elected representative (rural, municipal, departmental, regional) elected on the ticket of a political party cannot change party during his mandate, without invalidating his mandate and subjecting the seat to a by-election.

Where a political par is dissolved Deputies retain their mandate, and may remain as a non-party representative or join a Parliamentary group of their choice.

4 THE GENERAL ENVIRONMENT

4.1: The democratic environment and State neutrality

The State should discharge all of its functions efficiently and remain genuinely politically neutral, if democracy is to develop. It should also implement the following measures energetically and determinedly.

- Depoliticisation and demilitarisation of the territorial administration. **Heads** of administrative districts will be nominated for this purpose, selected from persons with the necessary **experience** and of demonstrable probity.
- Heads of **administrative** districts and their collaborators (Sultans, Chiefs of cantons, villages, districts or “carrés”) as well as those responsible for and agents of the

defence and security forces, are forbidden to engage in partisan militant activity. If they **wish** to compete in elections, they must resign from their duties and functions.

Any involvement in party political activity will be sanctioned and may lead to exclusion from positions of responsibility in the territorial administration and in the defence and security forces.

- The government will implement the resolutions of the armed forces.
- Journalists will be free to exercise their trade in a free and responsible manner.
- The Government will pay particular attention to good national coverage by Chad National Radio (RNT) and Chad Television (TVT).
- The Government will strengthen the capacity of the judicial system, by ensuring its independence and an effective presence of career magistrates in different localities.
- The Government will negotiate a Social Pact with its social partners (unions and employers) to ensure a durable social peace.

4.2: The need for greater public participation in political life

Faced with growing public disaffection with the political process, the political parties of the presidential majority and of the democratic opposition agree, in addition to the measures already described, that:

- Political parties should be national in character, reflecting the diverse ethnic and regional origins of their members, a national perspective on the problems of our society and the State, and a national programme of action;
- Decentralised training programmes will be held for the managers and members of political parties, members of associations which often act as observers, those responsible for civil administration and the military, and of traditional chiefs who are normally assessors;
- Political parties are free to operate across the national territory;
- Citizens are genuinely free to exercise political choice, and to join the political party of their choosing, with no adverse consequences for their working lives;
- The Statute of the Democratic Opposition will be developed and adopted;
- The State will play its part in civilian education (occasional campaigns, introducing or improving civic education in the education programme from primary level upwards), supporting political parties, organisations of civil society and a range of NGOs, in the context of developing these organisations through capacity strengthening and allocation of subsidies

Activities to raise awareness among militant and the whole population will be carried out;

CENI will play an important role in awareness raising during the electoral process.

4.3: The Constitutional Council, the Supreme Court and the High Council for Communication

The Constitutional Council and the Supreme Court must make the law, free of any partisan political considerations, and continually strive to improve the quality of their judgements. Their members must scrupulously observe their obligation to exercise reserve.

The status of members of the Supreme Court will be reviewed to ensure periodic renewal, as will that of members of the Constitutional Council. They will no longer have life tenure.

Electoral candidates or representatives of competing parties, together with members of the Monitoring and Support Committee, will attend deliberations of the Constitutional Council and the Supreme Court as observers.

Those in charge of the institutions which appoint members of the Constitutional Council and the Supreme Court will ensure that persons who are nominated fulfil the criteria specified by law. In case of any deficiency, a new member will be appointed by the same procedure.

The State must provide the High Council for Communication with adequate resources to monitor all the media (public and private) and to discharge its mission effectively.

The High Council for Communication must ensure that competing candidates and political parties have equal access to and identical treatment by the media.

It will ensure that information about candidates is presented fairly.

Journalists should be completely neutral in presenting party candidates, proposals and programmes.

CENI and HCC should allow the public and private media to report on the electoral process and polling day in a free and responsible manner (including information and commentary on the voting process and results).

4.4: Technical and political implications of the report on the electoral process

In the light of the need to, in particular, to:

- Update administrative boundaries
- Estimate the number of inhabitants in each administrative area: village, "ferrick", canton, subprefecture, department, region, and arrondissement for the towns of N'Djamena, Moundou, Abéché and Sarh;
- Organise the electoral register, electoral lists and a secure database;

- Put in place measures to stabilise the security environment, and depoliticise the public administration and major State institutions.

On the basis of technical advice recommending the timescale of the fourth quarter of 2009:

In order to carry out the programme described above, it is agreed that the current legislature be extended, for reasons of force majeure, until a new National Assembly is elected.

The laws ensuing from the present Political Agreement may not be modified in any way which distorts them or changes their objectives.

The signatory political parties invite the highest State authorities to commit to ensuring the success of the programme set out in this Agreement.

To ensure its successful implementation, the signatory political parties agree to maintain the spirit of consensus which has prevailed during these discussions.

In the quest for peace and the implementation of the measures resulting from this agreement, they undertake to participate in the management of public and Government affairs, under the responsibility of the President.

The Government will carry out the reforms and programmes resulting from this Agreement according to the timetable agreed by the Monitoring and Support Committee.

4.5: The security environment

The Government of the Republic will ensure it has the resources to ensure the security of goods and people throughout the national territory, and the security of the elections and the free movement of candidates and political actors in general.

The signatory political parties undertake to solve all conflicts by negotiation and dialogue, including with the armed opposition.

To this end, a declaration will be made for the attention of the armed opposition and the Chadian opposition outside the country.

5 MONITORING PROPER IMPLEMENTATION OF THE PRESENT POLITICAL AGREEMENT

The political parties signatory to the present Agreement agree to ensure that monitoring and monthly evaluation by the Monitoring and Support Committee will be carried out. To this end the Committee will make recommendations to the Government.

The Monitoring and Support Committee will oversee the detailed application of the present Agreement according to the designated timetable.

The Monitoring and Support Committee will consist of high level representatives of the political parties and of the institutions in charge of or involved in the implementation of the terms of the Political Agreement. It will be composed of:

- Five (5) members of the majority parties;
- Five (5) members of the opposition parties;
- Representatives of the Presidency of the Republic, the Government and the National Assembly, in a non-decision-making role;
- Representatives of the International Community: the European Union, the African Union, the United Nations and the International Organisation of la Francophonie, as observers. They will act as facilitators.

At its first meeting, the Monitoring and Support Committee will set up an Office consisting of a President, a Vice-President and two rapporteurs selected in turn from Party representatives, for a period of six (6) months.

The Secretariat will be supported by its international partners on the Monitoring and Support Committee.

The Monitoring and Support Committee will prepare, in agreement with the Government, and no later than one month following signature of the present agreement, a timetable for implementation of this programme.

It will ensure that the nomination of members of the Constitutional Council, the Supreme Court and of chiefs of territorial districts will be made according to the strict criteria established by law.

The Head of the European Commission delegation will receive from the Political Parties and related institutions, no later than two (2) weeks after signature of the Agreement, the list of their nominated representatives for the Monitoring and Control Committee. He will organise the first meeting. Subsequent meetings will be the responsibility of the Office once in place.

The mandate of the Monitoring and Support Committee expires when the National Assembly is elected.

To implement the present Political Agreement, the political parties of the Presidential Majority and of the Democratic Opposition request the support of their international partners, in particular the African Union, the European Union, the United Nations and the International Organisation of la Francophonie.

They encourage the European Union and the United Nations to pursue their initiatives to strengthen the capacities of the political parties, civil society organisations and State institutions.

6 FINAL PROVISIONS

The signatory political parties call upon the people of Chad and in particular: associations for the defence of human rights, unions, women and youth organisations, to support this genuine peace and sustainable development process which underlies the present Political Agreement.

The present Political Agreement is open to all legalised political parties.

The General Report and the Declaration of Intent of the Armed Opposition form an integral part of the present Agreement.

The President of the Republic is the guarantor of the implementation of the present Agreement.

Done in N'Djaema, August 13, 2007

As Observers:

The Local Presidency of the European Union

The Delegation of the European Commission