

## **Inter-Togolese Dialogue**

### **GLOBAL POLITICAL AGREEMENT**

In accordance with the twenty-two (22) commitments adopted on April 14, 2004, by the Government of the Togolese Republic, following consultations with the European Union with the aim of consolidating democracy, national reconciliation and social peace, the Togolese People's Assembly (le Rassemblement du Peuple Togolaise, RPT), and five (5) parties of the traditional opposition: the Action Committee for Renewal (la Comité d'Action pour le Renouveau, CAR), the Democratic Convention of African People (la Convention Démocratique des Peuples Africaines, CDPA), the Panafrican Patriotic Convention (la Convention Patriotique Panafricaine, CPP), the Party for Democracy and Renewal (le Parti pour la Démocratie et le Renouveau, PDR), the Union of Forces for Change (l'Union des Forces de Changement, UFC), the Government, and two civil society organisations: the Group for Reflexion and Action on Women, Democracy and Development, (le Groupe de Réflexion et d'Action Femme, GF2D), and the African Female Ministers and Parliamentarians Network, REFAMP/T), met at Lomé from April 21 to July 26, 2006, within the framework of a National Dialogue.

In order to reach a definitive agreement, during their session on July 25, 2006, the stakeholders in the Dialogue requested the facilitation of His Excellency Mr Blaise CAMPAORE, President of Burkina Faso, who gave his agreement.

His Excellency Mr Blaise CAMPAORE, President of Burkina Faso, invited the stakeholders of the Togolese Political Dialogue to Ouagadougou from August 7 to 19, 2006, for a series of meetings and working sessions in the presence of representatives of the European Union (EU) and the Economic Community of West Africa (Communauté Économique de l'Afrique de Ouest, CEDEAO) as observers.

In concluding frank and brotherly discussions, the parties to the National Togolese Dialogue confirmed their political wish to work towards a definitive solution to the crisis. Hence, they agreed to propose to the President of the Togolese Republic that a National Unity Government be established in order to restore peace, harmony and mutual confidence and to organise fair and legislative elections, acceptable to all.

In this respect, they agreed the following:

#### **I- Establishment of a new National Assembly following a transparent and democratic electoral process**

1.1 - Given the defining role of the National Assembly in establishing the credibility of democratic institutions, the pursuit of constitutional reform and in embedding the law, the parties undertake to create the conditions needed for free, open and transparent elections.

1.2 - These elections shall take place in accordance with the regulations agreed by consensus within the electoral framework regarding the following points:

- remit, composition and sub-divisions of the National Independent Electoral Commission (la Commission Electorale Indépendante, CENI);

- conditions of eligibility;
- voting system;
- breakdown of electoral constituencies;
- level of deposit;
- polling cards;
- observation of elections;
- regulation of electoral disputes;
- equitable access by the parties and candidates to the State;
- quota of female candidates;
- financing of political parties.

#### **1.2.1 - Remit, composition and sub-divisions of CENI**

The Parties to the Dialogue agree that the organisation of transparent, fair and equitable elections will be entrusted to the Independent National Electoral Commission (Commission Electorale Indépendante, CENI) whose remit, membership and sub-divisions are described in annex.

CENI will be supported and assisted by the Administration.

#### **1.2.2 - Conditions of eligibility**

All Parties to the Dialogue recognise the need to make any necessary changes to the present electoral framework in order to guarantee a free, democratic and transparent electoral process, open to every Togolese citizen.

In this regard they have agreed that the regulations regarding duration of residency and the requirement to present a notified copy of the deed of renunciation of any foreign nationality to which the candidate may be entitled, be waived for the next legislative elections.

#### **1.2.3 – Voting system**

The parties to the National Dialogue shall invite the National Government to study and select one of the two voting systems below, either of which would ensure free, democratic and transparent elections, leading to better representation of the political forces in the National Assembly.

- proportional list vote based on the highest average rule or the largest remainder rule, with the prefecture as the electoral constituency;
- absolute majority vote in two (2) rounds.

#### **1.2.4 Breakdown of electoral constituencies**

Pending a new electoral breakdown based on a general population census, the Parties to the National Dialogue agree to abide by the current electoral and administrative constituencies and by a National Assembly of eighty one (81) deputies.

#### **1.2.5 – Census for preparation of the electoral register**

The Parties to the National Dialogue agree to carry out an electoral census in order to produce a reliable electoral register.

They also agree to set up a programme to supply national identity cards.

The electoral census shall be organised in collaboration with the Government which shall determine how to deliver national identity cards.

#### **1.2.6 – Tamper-proof polling cards**

The Parties to the National Dialogue agree to introduce tamper-proof and secure voting cards.

#### **1.2.7 – Level of deposit**

The Parties to the Dialogue agree that the level of deposit for the elections shall be reduced. The rate of reduction shall be determined by the Government.

#### **1.2.8 – Observation of elections**

The Parties to the Dialogue agree to the presence of national and international observers at all stages of the electoral process, to attest to the regularity of the vote, as well as conditions of transparency and security. All observers shall comply with the accreditation criteria defined by CENI.

In addition they agree that a multidisciplinary alert mechanism shall be put in place composed of civilian and military experts, for specific questions of security relating to electoral operations.

#### **1.2.9 – Regulation of electoral disputes**

With regard to regulation of electoral disputes, the Parties to the National Dialogue agree that:

- a) In the spirit of the present Agreement, the competent organs shall proceed to re-establish the Constitutional Court, while ensuring that the persons nominated comply with criteria of professionalism, credibility and independence;
- b) the CENI sub-committee in charge of electoral disputes shall be abolished; where registrations in the electoral lists or the distribution of polling cards is contested, the complaint shall be submitted to the Local Independent Electoral Commission (la Commission Electorale Locale Indépendante, CELI);
- c) any party not satisfied with the CELI decision may refer to CENI; CENI decisions may be referred to the relevant Court of First Instance for the area. The Court for this purpose shall not be presided over by the magistrate who is chair of CELI. His decision shall be final.

d) disputes about candidates for deputy, and any disputes about voting procedures and the validity of declared results, shall be decided by the Constitutional Court.

#### **1.2.10 Equitable access for candidates and parties**

The Parties to the Dialogue agree on the principle of equal access of the parties, the candidates and civil society to the State media. They acknowledge the effort already made in the State media sector and hope that these shall be continued and consolidated.

They agree that the media shall be provided with the resources and equipment needed for their work.

#### **1.2.11 – Quota of female candidates**

The Parties to the Dialogue shall work to ensure equitable representation of women in the electoral process and in national political life.

With a view to this they encourage the political parties to impose a minimum number of female candidates at the elections.

#### **1.2.13 – Financing of political parties**

The Parties to the Dialogue agree that the State shall finance the activities of political parties. To this end they refer to the provisions of article 18, paragraph 2 of Law 91-4 of April 12, 1991, which stipulates that “political parties shall benefit from State financial assistance. This shall be provided to political parties with at least 5% of votes at the national level in the legislative elections”.

The Government shall decide on measures to encourage women to participate in political life.

## **II – Measures relating to security, human rights, refugees and displaced persons**

### **2.1 – Security questions**

**2.1.1** – On questions of security, the Parties to the Dialogue agree that the necessary provisions be made in order to solemnly reaffirm and genuinely respect:

- the apolitical vocation and national and republican character of the Armed and Security Forces, in accordance with the Constitution and the relevant laws of the country;
- the distinction between the functions of the Army on one hand, and the Police and Gendarmerie on the other, such that the army focusses on the defence of national integrity and the Police and Gendarmerie on their mission to maintain order and public security.

**2.1.2** – The Government shall take all measures necessary to ensure that the Forces of Defence and Security abstain from any participation in political debate.

**2.1.3** – In order to strengthen the resources for maintaining law and order, the Parties to the Dialogue foresee an increase in personnel and equipment for the Police and Gendarmerie, such that they may accomplish their missions effectively, including ensuring the security of political parties' activities and electoral operations.

**2.1.4** - The Parties to the Dialogue shall invite political organisations to abstain from any activity, behaviour or proposal likely to be perceived as threatening to the Armed and Security Forces, and to work to restore mutual confidence between the latter and the population.

**2.1.5** - The Parties to the Dialogue agree that an alert mechanism shall be established at the national level in order to provide security for the activities of political parties and the electoral process. This mechanism shall consist of representatives of the political parties, the administrative authorities and the security forces. It shall have decentralised organs of similar composition in the Commune of Lomé and in other Prefectures.

### **2.2 – The question of impunity**

**2.1.1** - The Parties to the Dialogue recognise that impunity for acts of political violence is a serious issue which has existed in Togo for a long time, particularly at the time of elections.

**2.2.2** – They agree that all the living forces of the country, in particular the political parties and civil society organisations, must actively work to eradicate it.

In this regard, the Parties to the National Dialogue shall:

- a) renounce any act of violence or incitement to violence;
- b) agree to establish a Commission tasked with exposing any acts of violence committed in the past and assessing how to appease the victims.

c) reaffirm the need for the public authorities to encourage competence, integrity and a spirit of independence to enable the proper functioning of the Courts and Tribunals, the Judicial Police and the other institutions which are fighting against impunity.

### **2.3 - The case of refugees and of displaced persons**

**2.3.1** – The Parties to the Dialogue, conscious of the need to create a reassuring political and institutional environment for refugees and displaced persons, agree on the urgent need to take all necessary measures to encourage the return and reinsertion of displaced persons.

**2.3.2** - The Parties to the Dialogue agree to establish an hoc committee to support the work of the High Commissariat in Charge of Repatriated Persons and Humanitarian Action, in its mission of organising and coordinating the process of repatriating and reinserting refugees and displaced persons. This committee shall contact the refugees in their countries of refuge, in order to assess ways and means of speeding up their return.

### **2.4 – Pardon and reconciliation**

In order to create the conditions for the calm social climate which is necessary for reconciliation, the Parties to the National Dialogue agree to create a Commission which shall put forward measures to encourage forgiveness and national reconciliation.

### **III – Achieving the constitutional and institutional reform necessary for the consolidation of democracy, the rule of law and good governance**

3.1 The Parties to the Dialogue shall pursue all the reforms needed to consolidate democracy, the rule of law and good governance.

The Parties to the Dialogue agree that the Government of National Unity shall undertake the reforms in a spirit of general consensus.

These reforms shall address the following questions of national interest:

- the proper functioning of republican institutions;
- respect for human rights;
- security and public peace;
- the republican character of the Army and Security Forces;
- equity and transparency in elections, including: conditions of eligibility, the ballot, determination of constituencies, electoral disputes, etc.;
- strengthening the resources of HAAC.

3.2 The Parties to the National Dialogue commit the Government to studying the proposals for constitutional reform, the designation of the Prime Minister's prerogatives, the conditions of eligibility for the President of the Republic, the duration of the presidential mandate, the institution of the Senate, and the reform of the Constitutional Court.

The Government shall consider these proposals during the next legislature.

3.3 The Parties to the Dialogue agree that the reform programme for modernisation of the justice system shall be one of the priority work streams for the Government.

3.4 The Parties to the National Dialogue recommend that the Government studies the questions relating to reform of the Army and Security Forces.

3.5 This reform process should be timetabled, and constitute a priority for the Government.

The Government shall develop the legislation regulating intervention by the Forces of Defence and Security with strict regard to republican legislation.

### **IV Forming a Government of National Unity**

4.1 All the Parties to the Dialogue accept the principle of forming a Government of National Unity.

They propose that the President of the Republic shall form a Government of National Unity open to all political parties and to civil society, in a spirit of national reconciliation and mutual confidence, in order to consolidate the peace process.

4.2 The work of the Government of National Unity shall proceed within the framework of a roadmap whose fundamental aspects are defined in Annex II.

## **V Final Provisions**

5.1 – The Parties to the Dialogue agree that a permanent framework for dialogue and agreement on subjects of national interest.

The Government of National Unity shall establish the remit, composition and working methods of this framework.

5.2 – The Parties to the Dialogue agree that a monitoring mechanism shall be established to monitor the proper application of the above commitments.

The Monitoring Committee (Comité de Suivi, CS) shall be made up of one representative of each member of the Dialogue, as well as representatives of the Facilitator, the EU and CEDEAO.

It shall be tasked with monitoring implementation of the present Agreement.

It shall be chaired by the Facilitator or his representative.

5.3 The Parties to the Dialogue shall elaborate a Code of Good Conduct for the attention of the political parties, civil society and the media, the subject of Annex III.

5.4 The Parties to the Dialogue shall appeal to the international community, in particular the EU, for a rapid return to cooperation. In addition they shall request technical and financial support from the EU and the rest of the international community, for the process to which they have committed.

5.5 They also agree that the Facilitator, as well as EU and CEDEAO observers, monitor the process until its conclusion.

5.6 Annexes II and III are an integral part of the present Agreement.

5.8 In case of any differences in interpretation of the present Agreement, including methods for organising and holding elections, the signatory parties shall refer to the Facilitator for arbitration.

***Done at Lomé, August 20, 2004***

For the Dialogue Bureau; Mr. Yawovi AGBOYIBO

For CAR; Mr. Gahoun HEBGOR

For the CDPA; Mr. Leopold GNININV

For the CPP; Mr. Jean-Lucien SAVI de TOVE

For the OF2D; Md. Akouavi Celestine AIDAM

For the Government; Mr. Kokou Biossey TOZOUN

For the PDR; Mr. K. Lardia Henri KOLANI

For the REFAMP/T; Md. A. Larba Maria APOUDJAK

For the RPT; Mr. Fambare Ouattara NATCHABA

For the UFC; Mr. Eric ARMERDING

The Facilitator; Mr. Blaise COMPAORE, President of Burkino Faso

## Annex

### Remit, composition and sub-divisions of CEM

Based on experience of previous elections, and in accordance with commitment 1.3, the Parties to the Dialogue have reaffirmed their agreement to adhere to the principles and experience of the Lomé Framework Agreement, concerning the remit, composition and sub-divisions of CENI.

These principles and experience foresee the following:

- An Independent National Electoral Commission (CENI), tasked with organising and supervising elections and referenda in liaison with the Ministry of the Interior shall be set up;
- It shall be composed equally of representatives from the presidential group, the opposition parties and civil society;
- The parties shall set up polling stations with balanced representation.

However, improvements enabling an increase the autonomy of CENI, and also the conditions for transparency and equity in the next legislative elections, shall be made. Initially they have agreed to revise the legislative and regulatory texts concerning CENI and its sub-divisions. This revision shall comply with the following commitments:

i) CENI shall be re-established for the purpose of organising and supervising elections and referenda. Where it so requests, it shall be assisted by the Administration and other State services. The legislative and regulatory texts, shall specify on an advisory basis, cases where the assistance of the Administration is essential;

ii) In light of the next legislative elections to be organised in accordance with the 22 commitments, CENI shall be made up of 19 members nominated as follows:

- 5 by the presidential group
- 10 by the 5 other signatory parties to the Lomé Framework Convention (CAR,CDPA, CPP, PDR, UFC), 2 for each signatory;
- 2 by civil society, of which one for each of the 2 organisations participating in the National Dialogue (GF2D and REFAMP/T);
- 2 by the Government (without voting entitlement).

CENI shall elect its Chair and other members of the Office.

The elected Chair shall be appointed by decree in the Council of Ministers.

The Parties to the Dialogue agree that CENI shall adopt its internal regulations by consensus.

They also agree that the Internal Regulations designed to regulate CENI's operations shall favour decisions by consensus.

iii) The sub-divisions of CENI shall be streamlined and made up as follows:

**a) The Local Independent Electoral Commissions (CELI):**

9 members of which:

- 1 Magistrate, as Chair;
- 1 nominated by the Government (with no voting rights);
- 2 nominated by the presidential group (RPT);
- 5 nominated by the 5 other signatory parties to the Lomé Framework Convention (CAR, CDPA, CPP, PDR, UFC), 1 for each signatory.

Members of each of the CELI offices other than the Chair, shall be elected by their peers.

Each CELI shall be assisted by a technical committee to carry out its tasks.

**b) Polling stations:**

7 members appointed as follows:

- 2 by the presidential group (RPT);
- 5 by the 5 other signatory parties to the Lomé Framework Convention (CAR, CDPA, CPP, PDR, UFC), 1 for each signatory.

The directors of each polling station shall be nominated by CENI as proposed by the CELI offices.

## Annex II

### Route map for the Government of National Unity

Apart from its normal constitutional remit the Government's priority task shall be:

- to implement decisions taken by the Dialogue;
- take measures to accelerate the repatriation and reinsertion of refugees and displaced persons;
- to create the conditions needed for increased participation of the Togolese Diaspora in the work of national construction;
- to reinforce measures designed to ensure the security of persons and property throughout the national territory and to ensure strict respect of republican standards concerning the intervention of the Security Forces to maintain order and public security;
- to implement a programme to deliver national identity cards;
- to take measures to encourage women to participate in political life;
- to develop regulatory and administrative procedures to ensure just, free and transparent elections;
- to take appropriate steps with its development partners to relaunch the Togolese economy;
- to implement the twenty-two commitments made by the Togolese Government with the European Union;
- to develop a detailed electoral timetable indicating the date of installation of the future CENI;
- to define the financing system for political parties;
- to draft the articles of the electoral code envisaged in the present Agreement.

**Annex III**  
**Code of good conduct for elections**

The parties to the Dialogue:

- conscious of their important role in embedding democracy;
- conscious of their influence on national public opinion and their responsibility to preserve and consolidate national cohesion and social peace;
- considering that election periods often herald social change ;
- considering that national cohesion and social peace are based on good democratic governance, which requires the organisation of fair, honest and transparent elections;
- conscious of the role of the media in the peaceful conduct of elections;
- undertake to work to preserve peace, social harmony and national unity, by recognising the diversity of political options and opinions and rejecting violence in any form.

Relations between the concerned parties must involve mutual respect and the renunciation of any behaviour likely to endanger peaceful elections.

The debates and political discourse shall be limited to a healthy emulation of ideas, a critique of political programmes and to suggestions designed to improve democratic governance and promote development. They should not be concerned with people's private lives, nor their religious, social, regional or ethnic allegiances.

The candidates, political parties, and groups or collectives of political parties, must refrain from and ensure that their activists and supporters refrain from any attitude, behaviour or proposal likely to harm the dignity or physical integrity of any person, or public and private property, or the transparency of elections.

Election candidates must ban from their discourse and political programmes any lies, defamation, or incitement to electoral fraud, as well as any behaviour likely to abuse the electorate, whatever the language used.

The public media must ensure equal and balanced treatment of the candidates and political groups taking part in the elections.

The private media must strictly adhere to ethical standards and ban any discrimination.

Journalists must refrain from any partisan or malicious treatment or proposals regarding candidates, political parties and their programmes, and any denigration of the political parties and candidates.

In adhering to the code of good conduct the parties reaffirm their confidence in the Togolese people, in whom sovereignty ultimately lies, who aspire to a democracy which is respectful of public liberties and the fundamental rights of human beings.

The Parties to the Dialogue undertake to use legal means to resolve any disputes which may cause them to differ, because of failure to observe the rules of good conduct, on the part of one of the parties