

**Collective for Solidarity with Social
and Political Struggle in Africa Paris**
<http://www.electionsafrique.wordpress.com>

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Mr. Ban Ki-Moon,
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An open letter to:

- **Mr. Ban Ki-Moon**, Secretary-General of the United Nations
- **Ms. Federica Mogherini**, High Representative of the Union for Foreign Affairs and Security Policy, Vice President
- **Ms. Michaëlle Jean**, Secretary General of the Organisation Internationale de La Francophonie

Subject: The Presidential Election in Togo and International Support for Democratisation in Africa

Mr. Secretary-General of the United Nations,
Madam High Representative of the European Union for Foreign Affairs and Security Policy,
Madam Secretary General of La Francophonie,

The Collective for Solidarity with Social and Political Struggle in Africa, based in Paris, has provided assistance to African democrats since 2009. The difficulties observed in the implementation of electoral processes in a number of countries led us in February 2015 to propose measures of improvement for the reform of European policy which could facilitate democratization in Africa¹. The Togolese presidential election once again calls into question European influence and also leads us to consider the role of the United Nations and the International Organisation of La Francophonie.

The Gnassingbé family has been in power for 48 years in Togo. The Togolese people have been fighting for democracy for over 25 years and for free and transparent elections. But, in the absence of an adequate international response, the number of fraudulent elections increases. The removal of the constitutional limit on the number of presidential terms dates from 2002. The Global Political Agreement (CPA) signed in 2006 providing for constitutional and institutional reforms has remained a dead letter. Nothing has been resolved since the 2005 coup d'Etat. The issues of transitional justice, the bringing to an end of impunity and the establishment of the rule of law have barely advanced. Therefore, the question about when democratic transition will begin is still very much alive.

The country represents a failure, of high symbolic value, for the international community. From what should have been a nigh impossible negotiating position for the Head of State, Faure Gnassingbé seems to have succeeded in the feat of reversing the pressures against him and winning easily in a way that has become

¹ <http://www.electionsafrique.org/Lettre-9-propositions-al-UE-pour.html>

recognizable. Between 2005 and 2010, European positions, that were previously based on the Cotonou Agreement, lost all steadfastness. In parallel, the UN's mission in Togo, the High Commissioner for Human Rights and the United Nations Development Programme (UNDP), has become a source of confusion because it accompanies the regime in human rights and development issues without really putting in place the conditions for political change, thus allowing the regime to win international legitimacy through window dressing.

During the presidential election, between 24 and 29 April 2015, a Monitoring Committee or "ad hoc committee for the technical monitoring of elections in Togo", consisting of the International Organisation of La Francophonie (OIF), the Ambassadors of France, Germany and the United States, the European Union and representatives of the UNDP, the African Union and ECOWAS monitored and controlled the Independent National Electoral Commission (INEC) in its compilation of the electoral results. This committee, whose mission was technical, was led by General Siaka Sangare of the OIF. The work of compilation and verification of the Electoral Returns under the supervision of the committee was interrupted by a televised proclamation made by Mr. Tafa Tabiou, the president of the Independent National Electoral Commission (INEC-CENI), on the evening of 29 April 2015 without prior joint consultation.

The 29 April intervention by the Ghanaian President, John Mahama, Chairman of ECOWAS, and the Ivorian president Alassane Ouattara is understood to have been at the origin of the interruption of Electoral Return monitoring the same evening. After this happened, the monitoring committee did not communicate in any way about the interruption of the INEC's work, even though General Siaka Sangare was clearly not in agreement with the decision to stop the checking of returns after only 12 Independent Local Electoral Commissions (CELI or ILEC) out of 42 had been taken into account, and transmitted the results to the Constitutional Court. On April 30, the personal representative of the UN Secretary-General in West Africa, Mr. Mohammed Ibn Chambas came to Lome to say that the elections had been "free and transparent"² "credible and inclusive"³.

From 2002 to 2007, Mr. Mohammed Ibn Chambas was executive secretary of the Economic Community of West African States (ECOWAS), and then, from 2007 to 2011, President of the ECOWAS Commission. In 2005, he participated in the international negotiations which led to the acceptance of the power takeover by Faure Gnassingbe, in spite of objections made to the military intervention, interpretation of the constitution and electoral fraud. This participation in the 2005 negotiations on behalf of ECOWAS, does not make him an actor neutral enough to intervene on behalf of the UN in the Togolese election conflict of 2015. This lack of neutrality calls into question the UN's ability to intervene impartially in Africa.

Reference to Constitutional Courts in non-democratic countries has entered diplomatic practice. Unfortunately, even if the so-called "legal channels" through Constitutional Courts facilitate peaceful diplomatic relations between democratic and non-democratic states, they do not help to impose standard international electoral processes on Heads of State who refuse to follow the tenets of democracy and the rule of law. Moreover, knowing that there is no consensus about internationally recognised methods of arbitration, the level of difficulty encountered in getting to a valid electoral result can never justify abandonment of international monitoring of the quality of the electoral process.

"Fight for Democratic Change in 2015" (CAP 2015) and its candidate, Jean-Pierre Fabre, who requested that the votes be recounted by the Monitoring Committee and the International Office of La Francophonie (OIF) because of voting irregularities in the vote count of 16 Independent Local Electoral Commissions (ILEC-CELI)⁴, said on 9 May 9 2015 that "the electoral process overstepped its legal framework because the president of the Independent National Electoral Commission (INEC-CENI) and the Regime violated the

² <http://www.romandie.com/news/Presidentielle-au-Togo-credible-libre-et-transparente-estime-IONU/589320.rom>

³ <http://www.afreepress.info/index.php/component/k2/item/2051-mohamed-ibn-chambas-valide-la-pr%C3%A9sidentielle-du-25-avril-2015>

⁴ <http://www.letogovi.com/jean-pierre-fabre-je-crois-que-ce-coup-de-force-doit-etre-le-dernier-au-togo/>

<http://www.icilome.com/articles/?idnews=806186&t=Le-CAP-2015-donne-jusqu-au-15-mai-al-OIF-pour-le-recomptage-des-voix>

Electoral Code, the directive concerning the centralisation of results adopted by the members of the INEC and the Agreement of 24 April".

If an electoral process is to be satisfactorily evaluated as to its reliability, it needs to be studied from beginning to end, over a period of several months. The reduction of the evaluation of an electoral process to only a few of its aspects and to a short period of time is a criterion for judging the seriousness of the observation process, and the real motivations of its observers. The existence of observation missions not vested with adequate legal authority and without the will to democratise Africa is a well known fact. The electoral process was unfair in its upstream preparation and, after the illegal coup de force against the INEC, it ended up in the Constitutional Court. A clear-cut result will be hard to obtain because the effects of different types of fraud are mixed up in evaluations of the result, especially in the superposition of frauds, the unfair points upstream and the frauds on election day.

Since the "coup de force" of the move from the INEC to the Constitutional Court, Togo finds itself living under the constraint of the "fait accompli", between censorship of the independent press⁵ and international communications by the Togolese government to impose its version. The armed forces are displayed on the streets to prevent protest.

Too often, democracy in Africa is sacrificed for the sake of peacekeeping. Sometimes, on the contrary, democracy is considered an essential component of peacekeeping; in Guinea-Conakry since 2009, Congo Kinshasa since 2014 and Nigeria in 2015. Togo is at peace and the issue of stability from the viewpoint of "peace and security" concerns only the neighboring countries of Mali, Nigeria and the Ivory Coast.

The international community seems to be entrapped by its historical indifference when faced with fraud and the misuse of electoral processes. During this presidential election, it has once more been asked to act as a witness and once more has been led, in spite of itself, to give a regime a stamp of approval. As a consequence, via this fifth failure of the electoral process in Togo since 2005, the international actors are once again being questioned with regard to the necessity to declare strong support for the democratization of Africa.

Thanks, among other things, to increased use of the internet, understanding of the frauds and the logic behind them was immediate. When there is progress in the understanding of electoral processes, when analysis of the different types of logic underlying State electoral coups, massive fraud, or turning around of results, is becoming faster and more accessible to the media, non-democratic regimes see their authoritarian nature being laid bare much more rapidly. They then try to compensate with more sophisticated communications strategies that count on connivance from international organisations, and which blur the role that the international community is expected to play.

The success of the presidential and legislative elections to be held in Africa in 2015 and 2016, 50 presidential and legislative elections over two years in 54 countries,⁶ will be critical to the democratization of Africa. The issue of presidential term limits⁷, often raised by diplomats and heads of state in 2014, and on which the Secretary General of the UN spoke at the African Union (AU) summit of 30 January 2015 also shows the urgent need for a concerted international approach to duration in power.

If there is to be democratization, these 50 elections need to benefit from technically neutral observation and based with no concessions to the compromising of electoral processes. The OIF seemed to wish to state this message clearly during the Togolese presidential election, and its failure could have serious consequences in

⁵ Togo: Internet censorship after the presidential election - OMDG France, <http://afrikaexpress.info/?p=10363>

⁶ 2, if two implausible polls in South Sudan are not taken into account, 30.06.15, Synthetic agenda of elections in Africa 54 countries from 2015 to 2016: <https://regardexcentrique.files.wordpress.com/2012/08/141215syntheseagendalectionsafrique2015-2016limitationnombremandats.pdf>

⁷ Campaign by the NGO "Tournons la page - Turn the Page" <http://tournonslapage.com/> Regis 15.10.14 Marzin, 'In 2015 and 2016, limiting the number of mandates of African presidents, a lever to accelerate democratization?' <https://regardexcentrique.wordpress.com/2014/10/16/en-2015-et-2016-la-limitation-du-nombre-de-mandats-des-presidents-africains-un-levier-pour-accelerer-la-democratisation/>

Africa. The examples of Madagascar or Guinea-Conakry have shown that the right mix of political and technical support can allow countries to get out of deadlock, confrontations, and vicious circles and to move towards more rapid democratization.

African presidents who refuse the idea of political change and the strict implementation of fair, honest and transparent electoral processes have been strengthened by the Togolese presidential election. There is a risk that this presidential election will serve as a negative example which will lead to deterioration in the quality of future electoral processes in Africa, particularly in Burundi, Côte d'Ivoire, Djibouti, Chad, Congo Brazzaville, Gabon, Guinea Equatorial and the Democratic Republic of Congo. The modus operandi gradually being established between the African Union (AU), the European Union (EU), the United Nations (UN) and African Regional Economic Communities (RECs), based on subsidiarity and complementarity, must not prevent discussion of some African States' structural resistance to democratization, particularly those in francophone Africa.

Therefore, following the halting by force of the electoral process in Togo on 29 April 2015, the Collective for Solidarity with the Social and Political Struggle in Africa recommends:

That the International Organization of La Francophonie, the European Union and the United Nations:

- Schedule international negotiations on the subject of respect of electoral processes in Africa, and what is at stake if quality electoral processes are not respected, addressing in particular the need for real independence and inclusiveness of Electoral Commissions, the quality of electoral registers, the quality of the compilation of the results contained in Electoral Returns, the need for real possibility of legal challenges before undisputed independent courts, and the implementation of joint international political and technical observation missions.
- Require transparency from private companies brought in for electoral biometrics, with regard to technical specifications, contract amounts, and respect for international standards in the preparation of electoral registers, transparency with the media about difficulties they may encounter, and require from States an inclusive transparent framework in the preparation of electoral registers.
- Require experts in electoral processes working for the EU and the UN impartiality vis-à-vis governments in power, this is in response to the calling into question of the involvement of the expert Clément Aganahi and his Success software in Togo.

To the General Secretariat of the International Organization of La Francophonie:

- Publish without censorship the observation report of the 2015 presidential election in Togo taking into account what was in reality observed by the OIF officials present and General Siaka Sangare.
- Given the OIF's position as mediator in the Observation Mission, accede to the request of CAP 2015 for a recount of the votes of the 25 April 2015 presidential election in Togo so that the verdict of the ballot box can clearly be shown.

To the External Action Service of the European Union (EEAS):

- Redefine EU policy in agreement with the Member States, in the sense of increased support for democracy, by correcting the imbalance between the three major poles of defence and security policy, economic development policy and support for democracy and the rule of law.
- In the political and diplomatic handling of electoral processes, take into account when presidential or legislative electoral results are made to say the complete opposite of what was expressed at the ballot box, take into account recent electoral history, and redefine the modalities of economic sanctions to restore partial conditionality of aid that does not directly affect populations.
- To avoid wasting European aid on peripheral civil society observation missions, that are very much under the influence of the powers in place, improve the implementation of "democratic governance" projects funded

by the European Development Fund, through strengthening of technical specifications and monitoring and evaluation, and by making independent from the government of the recipient country the choice and the funding of partners.

To the General Secretariat of the United Nations:

- Reassert the neutrality and impartiality of the United Nations in the Togolese election conflict in 2015, require the Special Representative of the United Nations Secretary-General in West Africa to justify the remarks he made made at the press conference of 30 April 2015 in Lome, in particular, and demand that he explains the role and the capacity of the observation missions raised with regard to the frauds.
- Do an audit, going back to 2005, of the UN missions in Togo, OHCHR and UNDP, with regard to human rights, freedom of expression, the Truth and Justice process on the massacres of 2005, the rule of law and democracy, and to investigate the dysfunctions of this mission and its relationship with power.
- Assert the will of the United Nations to have optimal quality in electoral processes in 2015 and 2016 in West Africa, in Togo, in Guinea-Conakry and in Côte d'Ivoire.
- Given the number of elections in Africa in 2015 and 2016, and the doubts that have arisen around the UN message given in Togo, firmly assert the support of the General Secretariat of the United Nations in the democratization of Africa through the quality of electoral processes and the need for change among leaders.

Collective for Solidarity with Social and Political Struggle in Africa, Paris, 19 May 2015

14 Signatories: Togo: Ile-de-France chapter of National Alliance for Change (ANC-IDF), Djibouti: Union for National Salvation (USN), Movement for Diplomatic Renewal (within the USN coalition), Cameroon: Collective of Democratic and Patriotic Organizations of the Cameroonian Diaspora (CODE, Brussels), Congo-Brazzaville: Federation of the Congolese Diaspora, Chad: Chadian Vital Forces in Exile, National Republican Rally (RNR), Equatorial Guinea: Movement for Democratic Restoration (MRD), France : Afriques en lutte (African Struggles), Amicale PanAfricaine, Pan-African Platform, French Communist Party, The Left Party, Ensemble!, Europe Ecology-The Greens

Open letter to Mr. Ban Ki-Moon, Ms. Federica Mogherini, Ms. Michaëlle Jean, with email copies to :

- Mr. Jan Eliasson, Deputy Secretary-General of the United Nations
- Mr. Neven Nimica, European Commissioner for International Cooperation and Development
- Mr. Nick Westcott, Managing Director for Africa, European External Action Service (EEAS)
- Mr. Hans-Peter Schadek, Director West and Central Africa, EEAS
- Mr. Silvio Gonzato, Director Human Rights and Democracy, EEAS
- Mr. Elmar Brok, Chair of the Foreign Affairs Committee of the European Parliament
- Ms. Linda McAvan, Chair of the European Parliament's International Development Committee
- Mr. Christophe Guilhou, Director Peace, Democracy and Human Rights of the Organisation Internationale de La Francophonie (OIF)
- Mr. Tharcisse Urayeneza, Director of the Regional Office for West Africa of the Organisation Internationale de La Francophonie (OIF)
- Mr. Laurent Fabius, Foreign Minister of the French Government
- Ms. Hélène Le Gall, Mr. Thomas Mélonio, French Presidential Advisors for Africa
- Mr. James Duddridge, Parliamentary under-secretary of State, UK Foreign and Commonwealth Office
- Mr. Günter Nooke, Personal Representative for Africa to the German Chancellor
- Mr. Nicolas Berlanga-Martinez, European Union Ambassador to Togo
- Mr. Marc Fonbaustier, Ambassador of France to Togo
- Dr. Volker Berresheim, Ambassador of the Federal Republic of Germany to Togo
- Mr. David R. Gilmour, US ambassador to Togo
- Mr. Peter Jones, United Kingdom Ambassador to Ghana

<https://electionsafrique.wordpress.com>

The **Collective for Solidarity with Social and Political Struggle in Africa** has devoted itself to a number of events and crises, focusing on electoral processes, in particular:

[May 2015, Togo : Letter to the UN, UE, OIF: presidential elections and support for democratization in Africa](#)

[April 2015, Togo: Presidential election, are democracy and political change possible?](#)

[February 2015, Nine proposals to the European Union to support democratization in Africa](#)

[February 2015, EU and African elections in 2015 and 2016: revive Europe relationship - Africa through increased support to democratization](#)

[November 2014, Chad, widespread repression against demonstrators cut international communications](#)

[October 2014 Burkina Faso, Africa: limiting the number of presidential terms, no exception is no longer acceptable](#)

[October 2014, Chad, support for civil society in Chad following the day 'dead city'](#)

[March 2014, CAR and Chad, influence and involvement in CAR I Déby of mid-2012 to January 2014](#)

[January 2014, Djibouti, press repression, electoral disputes and European politics](#)

[December 2013, Chad, Information Package on possible rehabilitation of Idriss Déby](#)

[November 2013, Togo, press following the visit of Faure Gnassingbé at the Elysee](#)

[October 2013, Chad, release on French policy in Chad](#)

[September 2013, Cameroon, communicated on legislative](#)

[July 2013, policy of France in Africa, statement on military influence](#)

[May 2013, Equatorial Guinea, parliamentary elections and elections Oil Press](#)

[April 2013, Togo, business fires, letter to Laurent Fabius](#)

[February 2013, Djibouti, Togo, Cameroon, Guinea, elections: open letter to National Assembly](#)

[February 2013, Djibouti, elections: press](#)

[January 2013, Togo, elections, collective open letter to the European Union](#)

[July 2012, Congo Brazzaville, elections, collective statement](#)

[December 2011, Gabon, elections: information package](#)

[October 2011, Cameroon, presidential election: information package, mobilization and rally](#)

[2010: fifty years of independence: participation in organizing the demonstration on July 14, 2010](#)

[March 2010, Togo, presidential election: mobilization, advocacy and communicated to EU](#)