



AFRICAN UNION ELECTION OBSERVATION MISSION TO THE LEGISLATIVE
ELECTIONS OF 20 DECEMBER 2018 IN THE TOGOLESE REPUBLIC

PRELIMINARY STATEMENT

INTRODUCTION

Following the holding of legislative elections in the Togolese Republic on 20 December 2018, the President of the African Union Commission (AUC) **His Excellency Moussa Faki Mahamat** deployed an election observation mission to observe and assess the conduct of the electoral process.

The African Union Election Observation Mission (AUEOM) was led by **His Excellency MATATA PONYO Mapon, Former Prime Minister of the Democratic Republic of Congo**. The Mission was made up of 30 members and arrived in Lome on 16 December 2018. It comprised Ambassadors accredited to the African Union Commission, Pan-African Parliamentarians, and officials from Election Management Bodies as well as members from the African Civil Society. The observers come from the following 19 African countries: Benin, Burkina Faso, Cameroon, Chad, Congo, Cote d'Ivoire, Democratic Republic of Congo, Djibouti, Ethiopia, Gabon, Guinea, Mali, Mauritania, Rwanda, The Comoros, Tanzania and Tunisia.

The assessment of the Mission was based on the International Convention on Civil and Political Rights (1966), the African Union Declaration on the Principles of Democratic Election (2005), African Union Guidelines for Election Observation and Monitoring Missions (2002), the African Charter on Democracy, Elections and Governance (2007), as well as the current legal framework governing legislative elections in the Togolese Republic.

I - OBJECTIVES AND METHODOLOGY OF THE MISSION

1. Based on defined objectives, the AUEOM conducted an equidistant, objective and independent assessment of the 20 December 2018 elections, in line with the international instruments governing elections as mentioned above and in accordance with the laws in force in the Togolese Republic. As prescribed by the provisions of the African Union Guidelines for Election Observation and Monitoring Missions, the AUEOM interacted with stakeholders involved in the

electoral process, notably the Togolese authorities, the Independent National Electoral Commission(CENI), political actors, the Dean of the Diplomatic Corps and Ambassadors accredited to Togo, the Resident Representative of the Economic Community of West Africa (ECOWAS) / President of the Facilitator's Commission, Members of Government, the President of the High Audiovisual and Communication Authority, the President of the National Commission for Human Rights and the Resident Representative of the United Nations Development Programme (UNDP).

2. In line with the African Union (AU) election observation methodology, the AUEOM organized a briefing session for the observers on 18 December 2018. This focused on the AU's election observation methodology (benchmarks for election observation and monitoring with the use of tools for the collection and compilation of data).
3. The Mission deployed observers in 13 teams. Three were based in the capital city and 10 covered the other regions of the country. The teams visited 178 polling stations amongst which 106 were in urban areas and 72 in the rural milieu.
4. This preliminary statement is based on the data collected from the field on the overall environment within which the vote was conducted, the opening of polling stations, voting, counting and from the meetings held by observer teams with stakeholders in the electoral process.

II - PRELIMINARY FINDINGS AND OBSERVATIONS

A. Political context of the 2018 legislative elections

5. The legislative elections on 20 December 2018 in the Togolese Republic were conducted within a political context characterised by a breakdown in political dialogue between the presidential majority and a significant portion of the opposition despite the mediation efforts engaged by ECOWAS. This absence of consensus in the present electoral process engendered the boycott of the elections by part of the opposition. The areas of divergence raised, border on the consensual updating of the voter roll, an electoral calendar accepted by all, the timing and adoption of institutional and constitutional reforms and election boundary or constituency delimitation.
6. The Mission found that, despite the political tension perceived and the divergent views of the actors, 12 political parties and 18 independent candidates took part in the elections and a total of 856 candidatures were registered.

B. Legal framework for the 2018 legislative elections

The legislative elections of 20 December 2018 were governed essentially by the following texts:

7. **The Togolese Constitution** of 27 September 1992 as amended by laws N° 2002/029 of 31 December 2002 and N° 2007/008 of 7 February 2007 which guarantee the principles of liberty and political rights that contribute to the conduct of credible, transparent and just elections (right to vote, right to political participation, freedom of expression and opinion, gender equality). Article 5 of the Constitution consecrates universal, equal and secret suffrage. The members of the National Assembly are elected for a 5 year mandate and the elections must take place within the thirty days preceding the end of the mandate of the parliamentarians.
8. **The electoral Code** of 29 May 2012 as successively modified on 19 February 2013 and on 22 March 2013 spell out in its Chapter IV, provisions related to the elections of members of the National Assembly.
9. The electoral system for the election of Members of the National Assembly is that of proportional representation with the use of the bloc list. The attribution of seats is done through the use of the Electoral Quotient and the remaining seats using the Highest Average formula.
10. Revisions to the law have reinforced the participation of women in elective positions. Article 220 (new) imposes the respect for parity between men and women on the lists of candidates to be presented for the election compared to the old provision which did not adequately guarantee the presence of women in the National Assembly.
11. In the same vein, the revised law reduces by half, the amount of money to be deposited in the Public Treasury as caution for female candidates in the elections. However it was stated in Article 2 of law N° 2013/004 that these provisions concerning parity will not apply to the 2018 legislative elections.
12. The decree N° 2018/ 164, convoking the electoral college for the 20 December 2018 election.
13. It is worth mentioning that Togo has ratified the two key African Union instruments on elections and democracy: The African Charter on Human and Peoples Rights (ratified on 05/11/1982) and the African Charter on Democracy, Elections and Governance (ratified on 24/01/2012).

C. Election Administration

14. The Mission notes that, the Independent National Electoral Commission enjoys administrative and budgetary autonomy in carrying out its role of organizing and supervising elections. The State puts at the disposal of this permanent election management body, the means required for the practical organisation of elections and for the proclamation of the provisional results.
15. The inclusive nature of the CENI is demonstrated through the composition of its members. Amongst its 17 members, 5 are chosen by the parliamentary majority, 5 by the parliamentary opposition, 3 from extra-parliamentary political parties, 3 from civil society and 1 from the administration. If parity between political parties from the majority and from the opposition is respected in the composition of the present CENI, it is nevertheless evident that part of the opposition abstained from being part of the current CENI.

D. Voter Registration

16. Voter registration is done by CENI with the support notably from the Ministry of Territorial Administration. In order to be registered on the electoral list, one must be Togolese, aged 18 and in be entitled to his or her civil and political rights. For the 2018 legislative elections, CENI organised ordinary voter registration from 1st to 25 October 2018 and exceptional voter registration from 16 to 18 November 2018.
17. After an audit of the electoral lists aimed to eliminate irregularities noticed particularly the enrolment of minors and multiple registrations, the voter roll at the end of the 2018 voter registration process, comprised of 3 041 599 voters amongst whom 1 428 273 are male and 1 613 326 are female. Though the voter roll used for the 2018 elections is credible, there is however need for it to be improved upon in a consensual manner.

E. Registration of candidates and election campaign

18. Every Togolese by birth aged 25 who could read and write the official language is eligible to run for legislative elections.
19. The CENI registered 856 candidates from 12 political parties and 18 independent candidates for the 2018 legislative elections.

20. The campaign for the legislative elections went on from 4 to 18 December 2018 over the national territory. The Mission noted that the campaign activities for these elections were timid as compared to the past.

F. Media

21. By virtue of Article 130 of the Togolese Constitution, the High Audiovisual and Communication Authority has as mandate to guarantee and ensure the protection of press freedom and other means of mass communication. To this end, it ensures the respect of deontology in the field of information and communication as well as the equitable access of political parties and associations to official means of information and communication.

22. However, the mission noted that debates between contesting candidates were not organized by most media organs. Those who organised few debates ensured in a general manner, that they respected the rule of distribution of broadcast time between the candidates.

G. Civil Society

23. Reputed for its implication in previous electoral processes, the civil society was less active in election observation and in the sensitization of voters. The AUEOM came across a very small number of national election observers from the civil society in the polling stations visited.

III. ELECTION DAY OBSERVATION

A. Opening of polling stations

24. In all the polling stations observed, the Mission noted that some opened slightly late by 15 – 30 minutes as required (7 a.m). This lateness was attributed to delays in arranging polling stations and to the absence of some electoral personnel. Turnout was relatively low during the opening in almost all polling stations visited.

B. Election Materials

25. The Mission noted that election materials were available in all polling stations visited and in sufficient quantities, with the exception of certain polling stations which lacked holograms and voting registers. Ballot boxes were generally well sealed.

C. Turnout

26. The mission witnessed a low turnout in the polling stations visited in the urban areas. However, this trend was different in rural the milieu where turnout was comparatively higher.

D. Participation of women

27. Following the statistics collected by observers, the participation of women on Election Day was considered as satisfactory. The Mission also noted that an estimated 25 % of the electoral personnel in polling stations visited were female. This was same for the representatives of political parties.

E. Election personnel

28. The Mission noted that in most of the polling stations visited, the required number of 6 polling personnel was not met. However, their mastery of polling station procedures was satisfactory. Meanwhile it is worth mentioning the insufficient number of supervisors of CENI noticed in some regions.

F. Voting

29. The vote was conducted in a calm atmosphere. The polling stations were properly arranged and polling booths well placed to guarantee the secrecy of the vote.
30. The ballot boxes were placed in positions which allowed for clear visibility of the voting operations. Several voters had a good mastery of voting procedures and accomplished their civic duties without difficulties.
31. The verification of voter identification against electoral list was systematic prior to the issuing of ballots, in line with the provisions of the electoral law.

G. Representation of candidates in polling stations

32. The Mission noted a limited presence of candidate representatives in polling stations visited. Often, some of these candidate representatives had difficulties to state the names of those they were representing and lacked mastery of procedures in polling stations.

H. Security

33. The presence of defence and security forces was witnessed on the major highways. Security was visible and reinforced in the urban areas and less present in the rural milieu. Conversely, inside polling centers, the presence of security personnel was discrete and even insufficient in certain areas.

I. Closing and Counting

34. Polling stations closed at the time prescribed by the law – 4 p.m. The procedures for closure and counting went on under calm conditions in the polling stations observed by AUEOM teams.

CONCLUSION

At the end of observation, the AUEOM concludes that the legislative elections on 20 December 2018 in the Togolese Republic went on in a calm atmosphere. However, the inclusive nature of the electoral process was mitigated by the boycott of the election by a part of the opposition.

The AUEOM express its appreciation to the authorities of the Togolese Republic for the measures put in place to facilitate its work throughout its stay in the country.

RECOMMENDATIONS

In line with the above, the Mission makes the following recommendations:

❖ To the Government:

- Continue and intensify efforts of openness aimed at ameliorating an atmosphere of confidence and appeasement between all the actors and components of the Togolese society;
- Strengthen an inclusive approach in the adoption and application of constitutional, institutional and electoral reforms;
- Give priority to the creation of a conducive environment for dialogue between political actors within the permanent consultative framework.

❖ **To CENI:**

- Put in place a consensual permanent framework to update the voter roll;
- Develop a programme to strengthen the capacities of its members.

❖ **To Political actors:**

- Reinforce the permanent framework for political dialogue;
 - Place the interest of national cohesion above all partisan considerations;

❖ **To Civil Society:**

- Work to increase its involvement in the electoral process notably:
 - In sensitisation on civic and voter education;
 - In non-partisan and impartial election observation.

❖ **To the International Community:**

- Explore ways and means for a consensual implementation of the roadmap adopted at the sub-regional level;
- Get more engaged to appease the political situation in the country, after the election.

Done in Lome this Friday 21 December 2018

For the Mission

H.E.M. MATATA PONYO Mapon

Head of Mission