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**Togo's 2012 Legislative Elections and
Political Violence: Reaping the Failure
of the 2006 Comprehensive Political
Accord**

Dorina A. Bekoe

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Comprehensive Political Accord**

Dorina A. Bekoe

Executive Summary

- Togo's legislative elections, expected to have taken place in October 2012, were postponed. No new date has been proposed, and the country appears to be at a political stalemate.
- Togo's major opposition groups have waged near constant protest since the 2010 presidential elections, which were accepted internationally but heavily criticized at home. Currently, the major opposition is represented by the *Collectif Sauvons le Togo* (CST, Let's Save Togo Collective) and the Coalition Arc-en-Ciel (CAEC, the Rainbow Coalition).
- The protests by the opposition have been met with robust force by Togo's security services; political violence has increased dramatically over the past two years.
- Should the Togolese government push forward with holding the elections in the face of severe opposition protests, it will not only guarantee the persistence of the political impasse, but it will also return the country to its violent past. Unfortunately, in the face of little international pressure on Togo's ruling party to seek compromise, dialogue, and free and fair elections, there is little prospect to halt the country's march in this direction.



INSTITUTE FOR DEFENSE ANALYSES

**GLOBAL COVERAGE ANALYSES PROGRAM – AFRICA
ELECTIONS, REGIME SUCCESSION, AND GOVERNANCE**



**TRENDS IN DEMOCRATIZATION AND
ELECTORAL VIOLENCE IN AFRICA
TOGO'S 2012 LEGISLATIVE ELECTIONS AND POLITICAL
VIOLENCE: REAPING THE FAILURE OF THE 2006
COMPREHENSIVE POLITICAL ACCORD**

DR. DORINA A. BEKOE

NOVEMBER 26, 2012

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Togo's 2012 Legislative Elections and Political Violence: Reaping the Failure of the 2006 Comprehensive Political Accord

The Stalemate of Togo's 2012 Legislative Elections

The legislative elections, which had been expected between October 12 and November 11, are still not scheduled.¹ The major opposition political parties and civil society groups would prefer to postpone the polls until there is an agreement that the elections can be held in a transparent and credible manner; currently, the opposition and civil society groups assess that the ruling party has biased the electoral institutions in its favor. The opposition is also calling for an inclusive dialogue with the government that includes international mediation. So far, the government has not addressed these demands.

The opposition's protest regarding the legislative elections is only the latest round of confrontation with the government. In fact, the opposition has been protesting the government since the March 2010 presidential elections. In general, the opposition is deeply dissatisfied with the government's attempts at political reform, charges that the ruling party continues to use fraud and opacity to skew policy and political decisions in its favor, and offers no opening for the opposition to legitimately and fairly participate in the government. This paper places the tension surrounding the legislative elections in the context of the breakdown in opposition-government relations and assesses the likelihood for continued stalemate and violence.

Who Are Togo's Opposition?

Three main groups comprise Togo's opposition: *Collectif Sauvons le Togo* (CST, Let's Save Togo Collective); *Coalition Arc-en-Ciel* (CAEC, the Rainbow Coalition); and *Union des Forces du Changement* (UFC, the Union of Forces for Change). The CST and CAEC are at the forefront of the opposition's protests.

The CST brings together civil society, five political parties, and the social movement *Sursaut Togo*. The appendix (in Table 1) lists the civil society and political party members. The CST was formed in April 2012 in response to a variety of social, political, and economic grievances: the failure of two decades of political accords and dialogue to yield any political reforms; the continued politicization of institutions; the widespread and frequent incidents of political violence and clashes with security forces; a

failed economy; the revelation by the Togolese League for the Defense of Human Rights on the widespread torture in Togo's prisons; and the violent suppression of students at the University of Kara, who were protesting students' allowances and calling for the release of jailed colleagues.²

CAEC comprises six political parties (see Table 2 in the appendix for the list). Of the six parties, only the *Comité d'Action pour le Renouveau* (CAR) has representatives in parliament (four representatives out of 81). The rationale behind the formation of the CAEC in August 2012 was to unify the political opposition as a means of increasing its representation in parliament.³ The CAEC and CST work to coordinate their activities.

The UFC is not considered true opposition by the CAEC and the CST, despite its history as the country's longest existing political opposition party. In fact, the UFC today is not the same UFC that contested the 2010 presidential elections; the UFC split after its leader, Gilchrist Olympio, controversially decided to join the government in a Government of National Unity following the 2010 elections (see box). The CST and the CAEC consider the government and the UFC as the same.⁴

The UFC Split

Despite the UFC's decision to participate in the 2007 parliamentary elections, the February 2010 presidential elections proved problematic. As election day drew near, the UFC withdrew its representatives from the Independent National Electoral Commission (CENI), the National Assembly, and the inter-political dialogue, citing the ruling party's apparent intention to ensure that election went in its favor. The UFC criticized the composition of the CENI and the failure of the ruling *Rassemblement du Peuple Togolais* (RPT) to make decisions consensually.¹

The UFC contested the election under the coalition *Front Républicain pour l'Alternance et le Changement* (FRAC) with Jean-Pierre Fabre as its candidate. When Jean-Pierre Fabre, lost to Faure Gnassingbe, the FRAC began to stage weekly protests in Lomé, the capital. Then, in a surprise move, Gilchrist Olympio, the founder of the UFC, joined the RPT in a unity government.

Today, the UFC outside of government is the Alliance Nationale pour le Changement (ANC), with Jean-Pierre Fabre as its president.¹ The FRAC continues to exist, comprising three political parties and the social movement *Sursaut Togo*.² But the main opposition also includes the *Collectif Sauvons le Togo* (to which ANC belongs) and the *Coalition Arc-en-Ciel*.

¹ Panapress. 2010. "Togo: Party Suspension Does Not Affect CENI, Says Togo's Electoral Body." Feb. 14. www.panapress.com/pana-lang2-index.html; Isabelle Ameganvi, phone interview, September 2010.

² Alliance pour le Changement (<http://www.anctogo.com>). See Table 3 in the appendix for a list of political parties.

Opposition-Government Relations in Togo

Political tension and violence have existed in Togo since the country adopted multiparty elections in 1990. The ruling *Rassemblement du Peuple Togolais* (now the *Union de la République*, UNIR) frustrated the opposition with its authoritarian rule and uneven political playing field. From 1990 to 2005, eleven “Political Dialogues” were held between the government and the opposition in an attempt to create equitable conditions for the opposition’s credible participation in politics. All failed.⁵ The twelfth inter-Togolese Dialogue, however, which took place in 2006 and produced the 2006 *Accord Politique Global* (APG, or Comprehensive Political Accord) between the government and the UFC, the main opposition at the time, seemed to hold a stronger promise of reform.

The impetus for the 2006 APG was the intense electoral violence during the 2005 presidential elections. The 2005 elections resulted in the election of Faure Gnassingbe, who replaced his father Gnassingbe Eyadema, who had died in February 2005, after 38 years of authoritarian rule. In the 2005 violence, between 400 and 800 Togolese lost their lives and 40,000 fled to neighboring Ghana and Benin.⁶

Thus, the APG was meant to develop a framework through which the opposition could participate in politics, as well as usher in a host of needed institutional reforms, which included the following:

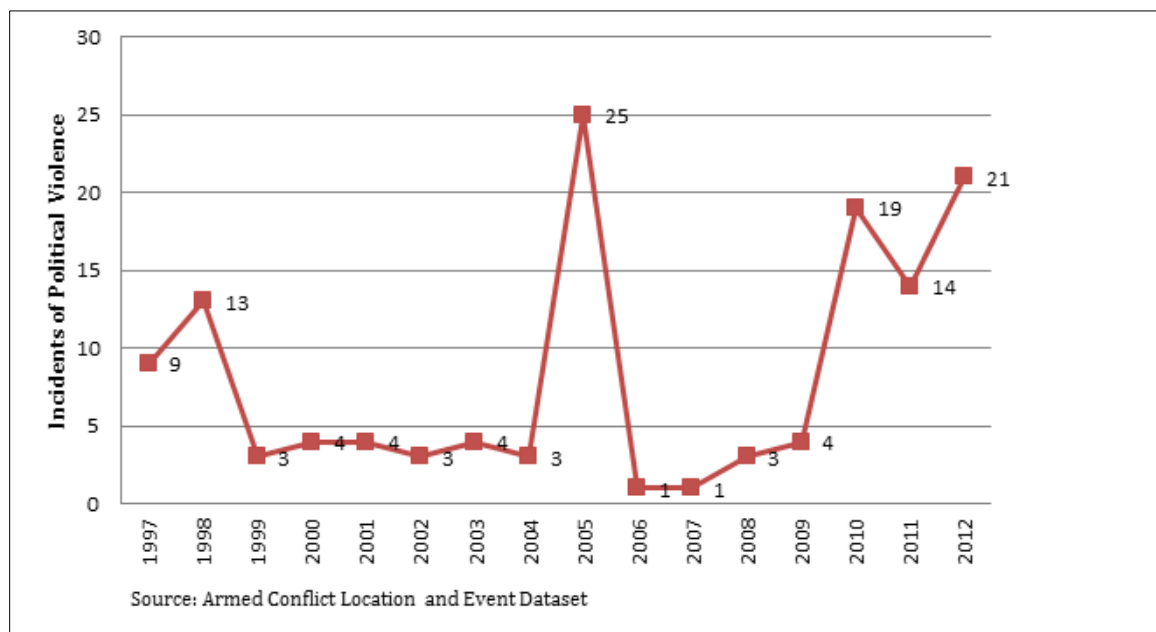
- The reform of the electoral commission
- Redistricting of constituencies based on population size
- A credible voter registry and voter identification card
- Provision of national and international election observers
- Recomposition of the Constitutional Court
- Opposition access to state media and state financing
- Quotas for women candidates.⁷

The implementation of the APG was mixed, but there were limited and acceptable reforms to the electoral commission and the Constitutional Court, which were key areas of concern for the opposition. Perhaps most importantly, the 2006 Inter-Togolese dialogue provided a platform for the opposition to meaningfully participate in political reform. In a significant change, the UFC did not boycott the 2007 parliamentary elections. Furthermore, it used the courts to register its complaints, rather than protest in the streets. For the first time in a long time, there was no violence associated with the elections.⁸

Current Levels of Political Violence in Togo

After the re-election of Gnassingbe in 2010, the opposition, now led by the *Front Républicain pour l'Alternance et le Changement* (FRAC), staged weekly protests in Lomé, the capital. These protests have continued over the last two years. With the CST and CAEC, the political opposition is more united than ever in pressuring the government to enact reforms. Their challenges to the government have resulted in a rise in political violence.

The steady rise in political violence since the rupture of the APG in 2010 is depicted in the chart below. The data included incidents of violence collected in the Armed Conflict Location and Event Dataset (ACLED) from 1997 to October 2012.⁹ They show that after a peak in 2005 – also the year of Togo's highest level of electoral violence – political violence dramatically decreased in the ensuing years. The APG had seemingly succeeded in reducing political violence. The failure of the government and opposition to resolve the disagreement in the lead-up to and after the presidential election in 2010, however, has resulted in a sharp rise in political violence since its low point in 2006.



Togo: Incidents of Political Violence, 1997 - 2012

The Opposition's Conditions for Optimal Elections

One of the main grievances cited by the CST and CAEC is the composition of the Independent National Electoral Commission (CENI, *Commission Electorale Nationale Independent*). The government's appointed members to the CENI have been criticized by the CST and CAEC for their political bias. In response, the CST and CAEC have refused to take up the seats reserved for the opposition.

The composition of the CENI is important because the body makes the rules for the election. The lack of impartiality of those rules has been one of the main recurring grievances cited by the opposition: the government has won elections by violating rules, crafting rules in its favor, or appointing members that would decide in its favor. For this reason, CST and CAEC want a return to the 2006 APG. They cite the provision in the APG that the CENI should equally comprise representatives of the government, political parties, and the civil society.

The 2006 APG in fact produced a CENI that included nineteen members: five from the ruling *Rassemblement du Peuple Togolais*; ten from the other political parties (two each from five political parties); two from civil society; and two from the government. The two from the government did not have voting rights.¹⁰ With two of the political parties essentially pro-government opposition and one of the civil society groups representing female parliamentarians in a parliament devoid of the opposition UFC, the immediate post-2006 CENI provided the government with a slight edge of 10 of the 17 voting members of the CENI. This composition was acceptable to the UFC at the time.

The trouble with the APG began when the 2010 CENI composition remained unchanged. The UFC charged that the government was attempting to impose its will on the electoral body. It was one of the main reasons that the UFC and the *Comité d'Action pour le Renouveau* (CAR) withdrew their members from the CENI.¹¹ The elections went on as planned, but it marked the breakdown of the APG and the aforementioned split in the UFC.

The 2012 CENI's composition is even less accommodating to the opposition than was the case in the past. According to the CST and CAEC, 15 of 17 CENI members are biased toward the government; it is the crux of their protest over the organization of the elections. The two "legitimate" opposition members – in the view of the CST and CAEC – are Mr. Boutchou Sibabi, representing the *Convention Démocratique des Peuples Africains* (CDPA), and Mr. Date Yao, who represents civil society and is also close to the CAR.¹² Even so, Mr. Sibabi and the CDPA did not attend the swearing in ceremony of the CENI, in protest of its composition. While it is acknowledged that two spots remain for either *Alliance Nationale pour le Changement* (ANC, National Alliance for Change, the party formed after the UFC split) or CAR, it still means only three political opposition parties are in the CENI – which is not viewed as fair.¹³

Attempts at Political Dialogue and Resolution

Both the government and the opposition have acknowledged the need for political dialogue to resolve this impasse, yet they remain far apart on the conditions under which those talks should take place. The CST, CAEC, and ANC or CAR refused to join the September 2012 talks citing that the appropriate conditions had not been met. In particular, the CST and CAEC are pressing the government to hold a dialogue that is

facilitated by a credible international mediator¹⁴ – a condition that also recalls the APG process, which was mediated by Burkinabè President, Blaise Compaoré. The international community is present in 2012 through the representation of the European Union and the UNDP, but they only have observer status.¹⁵

On November 16, the government began a new round of political dialogue with the opposition. Invitations were extended to the CST and CAEC; they accepted but the CST walked out. The CST subsequently issued a communiqué decrying the “infernally cycle of fraudulent elections – protests – bloody clashes – biased political dialogue.”¹⁶ The CST continues to state that the conditions for dialogue have not been met:¹⁷ they are calling for a frank and sincere attempt to discuss the profound political, social, and economic problems facing Togo, with a view to institutional and constitutional reforms.¹⁸ CAEC seems to be more open to joining the dialogue,¹⁹ but it is clearly trying to balance this view with a stated need to present the government with a unified opposition.²⁰

The (Silent) International Community

A significant difference between the conditions under which 2006 Inter-Togolese dialogue took place and today is the absence of pressure from the international community. In 2006, Togo was entering its twelfth year since the European Union had suspended all but humanitarian assistance to the country; the EU had stopped aid, citing a “democratic deficit” in the 1994 elections. In 2004, the EU promised to resume aid if the Togolese government would undertake 22 reforms, among which the organization of credible elections was the most critical. Those preparations and talks were underway when President Eyadema died. They formed the basis of the 2006 Inter-Togolese Dialogue. Importantly, re-engagement by the EU would also mean re-engagement by the IMF and the World Bank. The stakes were high and the impetus strong for the government to reach an acceptable compromise with the opposition on needed reforms.²¹

Once the inter-Togolese dialogue got underway, the EU resumed assistance. Thus, the promise of development assistance and re-engagement was a critical component of creating conditions for credible elections. When the opposition raised complaints in 2010, however, the international community was silent, stating that the presidential elections had been Togo’s freest and fairest to date.²² The absence of the international community’s voice in supporting the opposition and civil society’s criticisms of the government reduces the pressure on the Togolese government to compromise.

Conclusion

The political impasse in Togo is likely to persist. The opposition is emboldened and has not been deterred by the force used by the government in the past two years. Should the government press ahead with legislative elections, without conceding anything to the

opposition – in particular, the CST – there will almost certainly be violent clashes as the movement will call its members into the streets.

Togo's elections have been among Africa's deadliest; the country is fourth in fatalities during elections, behind Kenya, Côte d'Ivoire, and the Republic of Congo. Only international pressure on the government of Togo will enable the CST and the CAEC to participate in political dialogue to resolve the impasse, reverse the steady rise in political violence, and avert a return to violence in the legislative elections.

Appendix

Table 1. Members of *Collectif Sauvons le Togo* (Let's Save Togo Collective)

Human Rights and Civil Society Organizations

Association des Chrétiens pour l'Abolition de la Torture – Branche Togo (Association of Christians for the Abolition of Torture – Togo)

Association Togolaise des Droits de l'Homme (Togolese Association for Human Rights)

Association Togolaise pour la Défense et la Promotion des Droits Humains (Togolese Association for the Defense and Promotion of Human Rights)

Collectif des Associations Contres l'Impunité au Togo (Collective of Association Against Impunity in Togo)

Coalition Togolaise des Défenseurs des Droits de l'Homme (Togolese Coalition of Human Rights Defenders)

Journalistes pour les Droits de l'Homme (Journalists for Human Rights)

Ligue Togolaise des Droits de l'Homme (Togolese League of Human Rights)

SOS Journalistes en Danger (SOS Journalists in Danger)

SYNERGIE TOGO (A Paris-based diaspora group)

Political Parties

Alliances des Démocrates pour le Développement Intégral (Alliance of Democrats for Holistic Development)

Alliance Nationale pour le Changement (National Alliance for Change)

Organisation pour Bâtir dans l'Union un Togo Solidaire (Organization to build a Togo of Solidarity)

Pacte Socialiste pour le Renouveau (Social Pact for Renewal)

Parti de Travailleurs (Workers' Party)

Political Movement

Sursaut Togo (Jump start Togo)

Source: Collectif Sauvons le Togo (<http://www.collectifssauvonsletogo.com/les-membres-du-cst>)

Table 2. Political Parties in the *Coalition Arc-en-Ciel* (Rainbow Coalition)

Comité d'Action pour le Renouveau (Action Committee for Renewal)

Convention Démocratique des Peuples Africains (Democratic Convention of African People)

Parti Démocratique Panafricain (Panafrican Democratic Party)

L'Union pour la Démocratie Sociale (Union for Social Democracy)

Mouvement Citoyen pour la Démocratie (Citizen Movement for Democracy)

Nouvel Engagement Togolais (New Togolese Engagement)

Source: Afriqinfos, «Togo: Six Partis de L'Opposition en Coaliton Arc-en-Ciel pour les Legilatives,» August 8, 2012 (<http://www.afriqinfos.com/articles/2012/8/4/togo-partis-lopposition-coalition-arc-en-ciel-pour-legislatives-207719.asp>)

Table 3. Political Parties and Movements in the *Front Républicain pour l'Alternance et le Changement* (Republican Front for Alternation and Change)

Political Parties

Alliances des Démocrates pour le Développement Intégral (Alliance of Democrats for Holistic Development)

Pacte Socialiste pour le Renouveau (Social Pact for Renewal)

Alliance Nationale pour le Changement (National Alliance for Change)

Political Movement

Sursaut Togo (Jump start Togo)

Source: Alliance pour le Changement (<http://anctogo.com>).

Endnotes

- ¹ Lynxto.info, “Ceni: Les experts togolais en elections truquees au grand complet!” October 29, 2012 (<http://www.lynxto.info/politique/politique/3147-ceni-cest-reparti-avec-els-experts-togolais-des-elections-truquees-.html>).
- ² Collectif Sauvons le Togo, «Déclaration Liminaire du 04 Avril 2012» April 4, 2012 (<http://www.collectifsauvonsletogo.com/declaration-liminaire-du-04-avril-2012-1>); on University of Kara see: Collectif Sauvons le Togo, «Crise de l’Université de Kara: Déclaration des ODDH» February 20, 2012. (<http://www.collectifsauvonsletogo.com/crise-de-luniversite-de-kara-declaration-des-oddh-24>).
- ³ Afriqinfos, “Togo: Six Partis de l’Opposition en Coaliton Arc-en-Ciel pour les legislatives,” August 4, 2012 (<http://www.afriqinfos.com/articles/2012/8/4/togo-partis-lopposition-coalition-arc-en-ciel-pour-legislatives-207719.asp>).
- ⁴ CST, “Designation des membres de las CENI: CST et Arc-en-Ciel denoncent un coup de force du regime au pouvoir,” October 19, 2012 (<http://www.collectifsauvonsletogo.com/designation-des-membres-de-la-ceni-cst-et-Arc-en-Ciel-denoncent-un-coup-de-force-du-regime-au-pouvoir-4734>).
- ⁵ Dorina A. Bekoe, “Postelection Political Agreements in Togo and Zanzibar: Temporary Measures for Stopping Electoral Violence,” in Dorina A. Bekoe, editor, *Voting in Fear: Electoral Violence in Sub-Saharan Africa* (USIP Press, 2012), p. 122.
- ⁶ The United Nations Office of the High Commissioner for Human Rights (OHCHR) estimates that 400 to 500 were killed, while the Ligue Togolaise des Droits de l’Homme (LTDH) estimates that 800 were killed (UN OHCHR, “La Mission d’établissement des faits charge de faire la lumiere sur les violences et les allegations de violations des droits de l’homme survenues au togo avant, pendant et après l’élection présidentielle du 24 April 2005, August 29, 2005, pp. 18-22 (<http://www2.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6H3JDK?OpenDocument>); and UN OHCHR, «Togo: Human Rights Group Says 790 Killed in Election Violence,» IRINNEWS. May 13, 2005 (<http://www.irinnews.org/report.aspx?reportid=54415>).
- ⁷ Accord Politique Global, August 20, 2006 (http://www.consultations-nationales-togo.org/files/fichiers/documents/12ACCORD_POLITIQUE_GLOBAL.pdf).
- ⁸ Dorina A. Bekoe, “Postelection Political Agreements in Togo and Zanzibar: Temporary Measures for Stopping Electoral Violence,” in Dorina A. Bekoe, editor, *Voting in Fear: Electoral Violence in Sub-Saharan Africa* (USIP Press, 2012).
- ⁹ Armed Conflict Location and Event Dataset (ACLED), Raleigh, Clionadh, Andrew Linke, Håvard Hegre and Joakim Karlsen. 2010. *Introducing ACLED-Armed Conflict Location and Event Data*. *Journal of Peace Research* 47(5) 1-10. Data downloaded from: <http://www.acleddata.com/data/africa/>.
- ¹⁰ Accord Politique Global, Annex I (http://www.consultations-nationales-togo.org/files/fichiers/documents/12ACCORD_POLITIQUE_GLOBAL.pdf); European Parliament, “Delegation for the Observation of the Parliamentary Election in Togo (11 to 16 October 2007),” 2007, p. 3 (www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20071014_togo_en.pdf).
- ¹¹ Panapress. 2010. “Togo: Party Suspension Does Not Affect CENI, Says Togo’s Electoral Body.” Feb. 14. www.panapress.com/pana-lang2-index.html; Isabelle Ameganvi, phone interview, September 2010.
- ¹² Lynxto.info, “Ceni: Les experts togolais en elections truquees au grand complet!” October 29, 2012 (<http://www.lynxto.info/politique/politique/3147-ceni-cest-reparti-avec-els-experts-togolais-des-elections-truquees-.html>).
- ¹³ Lynxto.info, “Ceni: Les experts togolais en elections truquees au grand complet!” October 29, 2012 (<http://www.lynxto.info/politique/politique/3147-ceni-cest-reparti-avec-els-experts-togolais-des-elections-truquees-.html>).

- ¹⁴ CST, “Designation des membres de las CENI: CST et Arc-en-Ciel denoncent un coup de force du regime au pouvoir,” October 19, 2012 (<http://www.collectifsauvonsletogo.com/designation-des-membres-de-la-ceni-cst-et-Arc-en-Ciel-denoncent-un-coup-de-force-du-regime-au-pouvoir-4734>)
- ¹⁵ LeTogolais.com, “Togo: Dialogue Politique sur fond de boycott et de tension,» September 11, 2012 (<http://www.letogolais.com/article.html?nid=7474>).
- ¹⁶ IciLome.com «Dislogue [sic]: Réaction du cst avant de quitter la salle à la primature» November 16, 2012 (<http://www.icilome.com/nouvelles/news.asp?id=1&idnews=22812&pays=>).
- ¹⁷ Icilome, “Prochaine législatives: Nouveau dialogue politique prévue vendredi a la Primature,» November 14, 2012 (<http://www.icilome.com/nouvelles/news.asp?id=1&idnews=22717>).
- ¹⁸ IciLome.com «Dislogue [sic]: Réaction du cst avant de quitter la salle à la primature» November 16, 2012 (<http://www.icilome.com/nouvelles/news.asp?id=1&idnews=22812&pays=>).
- ¹⁹ TogoOnline, “Togo: the Coalition-Arc-en-Ciel Rallies its Grassroots,» November 9, 2012 (<http://www.togo-online.co.uk/political-party-news/togo-the-coalition-arc-en-ciel-rallies-its-grassroots>).
- ²⁰ Icilome, “Me Apevon ‘Si on est prêt a aller dialoguer, on ira. Sinon, on n’ira pas et la situation rester comme telle,»” November 15, 2012 (<http://www.icilome.com/nouvelles/news.asp?id=1&idnews=22766&pays=>).
- ²¹ Bekoe, pp. 124, 128-129.
- ²² Bekoe, pp. 128-129;131; Tyson Roberts, “Togo 2010 Presidential Election,» March 15, 2010 (http://themonkeycage.org/blog/2010/03/15/2010_togo_presidential_electio/)

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