

PROMOTING ELECTORAL GOVERNANCE IN TOGO

*An Analysis of the EMB and the Electoral System,
2010–2020*

*Maureen Namondo Lifongo, Anna-Mart van Wyk and
Victoria Graham*

Maureen Namondo Lifongo is a research fellow in the Department of Politics and International Relations, University of Johannesburg

Anna-Mart van Wyk is a professor in the Department of Politics and International Relations, University of Johannesburg

Victoria Graham is Senior Director (Associate Professor), Strategic Initiatives and Administration, University of Johannesburg and research associate, Department of Political Sciences, University of Pretoria

ABSTRACT

The death of Gnassingbe Eyadema ushered in a new era for Togolese politics. With the transition from military to civilian rule many political actors and citizens had renewed hopes for the birth of a new political dispensation. More than four decades later, under the new leadership of Eyadema's son Faure, they have been met with scepticism, even though considerable measures have been taken to ensure the promotion of electoral governance. Most political actors continue to question the legitimacy of elections held, and the alternation of power remains highly unlikely. This has led to voter apathy and deepening distrust in electoral management bodies and the electoral system. This paper therefore examines efforts by the Togolese government to promote electoral governance between 2010 and 2020 by analysing two of its important instruments: the electoral system, and the electoral body, the CENI. The paper argues that, despite all efforts made by the government to validate the credibility of elections, ensuring that the proper functioning of these mechanisms is credible, inclusive and transparent remains of paramount concern for the promotion of electoral governance in the country.

Keywords: electoral governance, electoral management body, electoral system, Togo, democracy

INTRODUCTION

Faure Eyadema was sworn in as president of Togo on 4 May 2005. He attained a landslide victory in the 2005 presidential elections following the untimely death of his father, Gnassingbe Eyadema in 2005 after nearly four decades of autocratic rule. According to the Constitution, the president of the National Assembly Fambaré Natchaba Ouattara was entitled to become the head of an interim government. However, this was rejected by the army, which proclaimed Faure as the new head of state. Confronted by massive international and local resistance over this appointment, the Togolese Parliament held an extraordinary session and amended the Constitution giving the military the authority to install Faure as the new president. This move again outraged the regional and international communities. The African Union, European Union, the Commonwealth, the United States and La Francophonie condemned the installation of Faure which they labelled a coup d'état (Dickovick 2013; Banjo 2008, pp. 151-158).

Efforts by the international and regional communities to condemn the military's unconstitutional imposition of Faure as president on the Togolese population could be viewed as an important step in ensuring the promotion of democracy in Togo. Faure subsequently yielded to pressure and, in a brief broadcast on state radio and television, agreed to conduct presidential elections within 60 days, as required by the Constitution, that is on 24 April 2005. Faure won the elections in a landslide victory, which was followed by protests with the opposition claiming massive electoral irregularities. The protests were brutally quashed by the military (Osei 2018, p. 1467).

With Faure's rule came the adoption of the Global Political Agreement (GPA) following negotiation talks between his ruling Rassemblement du Peuple Togolais (RPT), opposition parties and civil society groups in August 2006. The GPA laid the groundwork for constitutional and institutional electoral reforms, which included, *inter alia*, presidential limits, two rounds of voting in presidential elections and the establishment of different frameworks for an independent electoral commission and the different processes needed for the holding of credible elections (Kohnert 2018, p. 2). However, since the adoption of the GPA, subsequent presidential elections in 2010, 2015 and 2020, and legislative elections in 2013 and 2018, have been held in a tense political climate. Most opposition parties either protested, boycotted, or rejected the electoral outcomes, citing massive electoral irregularities. This has resulted in large wins for the ruling RPT party in both the presidential and legislative elections, much to the dismay of opposition parties.

Opposition parties and other political actors have consistently voiced their concerns over the lukewarm attitude of the government towards fully implementing all the provisions of the GPA and carrying out electoral reforms.

The inability of the Commission Electorale Nationale Indépendante (CENI) or the Independent Electoral Commission (IEC), for example, to act independently and transparently whilst executing their duties, has continually fuelled discontent amongst the population. Due to its structure, the CENI has very little control over the design and procurement of election materials, as this falls under the control of the Ministry of Territorial Administration and another structure, the Election Administration (EA), situated within the Ministry (NDI/IRI/IFES 2005, p. 11). Since the authority for decision-making on key electoral issues rests within the EA and the Ministry, it is therefore difficult to regard the CENI as an independent body. Findings of a 2019 Afrobarometer Report reveal the lack of trust citizens have in the CENI, as it is often accused of bias and of certifying disputed results (Isbell & Achinocho 2019).

The electoral system has been another bone of contention in Togo's political sphere. Previously, presidential elections conducted in 2010 and 2015 were in line with the 2002 constitutional provision, which provided for simple majority rule. This meant that in the first round, a candidate did not need an absolute majority to be the winner of the elections. This system of voting was strongly rejected by the two main opposition parties, the Union des Forces de Changement (UFC) led by Olympio Gilchrist (son of the first president of the country), and the Comite d'Action pour le Renouveau (CAR), under Dodji Apevon, who consistently preferred the two-round system of voting (Seely 2011, p. 373; Al Jazeera 2015). Though a constitutional amendment in May 2019 approved the changing of the electoral system from the single voting system to the two-round system, and reinstated the two five-year presidential terms limit that had been repealed in 2002 and proposed by the Economic Community of West African States (ECOWAS), it failed to garner citizens' confidence and support. The constitutional amendment was not applicable retrospectively, meaning that when the February 2020 presidential elections (conducted under the two-round voting system) resulted in a 71 per cent win for Faure, he was re-elected for his fourth term (Boucher 2020). He was then allowed to serve two more terms in addition to the three he had already served, much to the dismay of the main opposition leader, Agbeyome Kodjo of the Patriotic Movement for Democracy and Development, who accused the ruling party of widespread fraud and intimidation (BBC News 2020).

Despite these concerns, it is evident that the holding of credible elections is an important democratic element in Togo, although opposition parties have constantly rejected the electoral outcomes. This poses the question of whether regularly unfair elections sustain authoritarian rule, creating the foundation for its downfall, or provide both the opposition and elites with reasons to abandon the ruling government (Morse 2018).

The promotion of electoral governance highlights the importance of ensuring the transparency and credibility of democratic institutions and mechanisms. This article is therefore an overview of a decade of the organisation and administration of credible elections in Togo. It also analyses the role of the CENI and the provisions of the electoral system to ensure that electoral governance is guaranteed. The article adopts a case study qualitative approach allowing the researcher in-depth exploration from different angles. This qualitative approach investigates the unique complexity of a particular policy, programme, institution, system, or project (Simons 2009, p. 21). The article uses an explanatory research design, which allows for an increased understanding of the term 'electoral governance' and how it has been promoted in Togo during the last decade through an analysis of the electoral system and the electoral management body, the CENI. Secondary sources were used, with relevant literature sourced from journal articles, textbooks, official gazettes, textbooks, documents and newspapers.

The paper is divided into five sections: an introduction, which provides a background; the second section presents a thematic understanding of emerging literature on electoral governance by focusing on its steps, structure and processes; the third section presents an analysis of the CENI and the electoral system as the main drivers of electoral quality; the fourth section highlights reasons for the current state of electoral governance in the country; and the fifth and final section contains the conclusion.

ELECTORAL GOVERNANCE: AN UNDERSTANDING

Holding credible elections is widely viewed as a significant bedrock of democracy, and election organisation has been scrutinised by many scholars and practitioners of democracy. This may be due to the challenges around electoral outcomes, especially after highly contested elections. Historically, elections in Africa were restricted to a limited number of African elite and people of European descent, but this changed after the independence of many African countries in the 1960s (Mozaffar 2002, pp. 86-87). Since then, there have been competitive elections across the continent, albeit in some cases having only a semblance of democracy. This has led to the participation of a large number of people using their vote for the alternation of power. Contested elections have thus become a significant feature, if not an instinctive and legitimate practice in nascent democracies across the continent. They may also be deeply flawed in some societies which have been domestically or internationally pressurised to 'adopt – or at least to mimic – the democratic form' (Diamond 2002, p. 24). This significance has also highlighted the importance and challenges of electoral governance on the continent.

Electoral governance therefore entails the interplay of institutional, legal and constitutional rules and organisational practices that dictate the basic rules for electoral competition and election procedures; voter registration; campaign organisation; vote counting; dispute resolution; and result validation. In other words, electoral governance operates on three levels: rulemaking, rule application, and rule adjudication (Mozaffar & Schedler 2002, p. 8). It is therefore evident that electoral governance entails more than the administration of elections. Rulemaking is legislative; application is administrative, and adjudication is judicial. Also, there is an initial phase in which resolutions are made regarding which authority will decide the goals, constitutional dimension and rules (*ibid.*, p. 20).

Electoral governance can be simplified into two dimensions: electoral bodies as institutions of governance; and, secondly, the different stages of elections and the link between the different bodies that consist of the electoral system, including both judicial and administrative elements. Pastor (1999, pp. 12-13) believes that since elections are a precondition for democracy, electoral bodies play a vital role in ensuring the organisation of credible elections in democratic transitions. To achieve this, he outlines five ways to categorise them: an electoral office accountable to parliament; an electoral office with government supervision; an independent electoral office; a multiparty electoral office; and an electoral body supervised by a judicial body (*ibid.*). To guarantee internal governance, emerging African democracies usually create independent electoral bodies to coordinate the organisation and management of elections. Some of these bodies are tasked with ensuring the smooth overall running of the different stages of the electoral process (pre-election, election and post-election) to safeguard the credibility of elections.

In this regard the structure of Electoral Management Bodies (EMBs) as an element of governance is important. Lopez-Pintor (2000, pp. 201-221) states that in many new African democracies, EMBs are legally protected by the constitution as instruments to control abrupt change by normal legislative processes or executive action. As such, they are given a constitutional status. He further states that permanent EMBs are more professional and less expensive than those created on a temporary basis. For this reason, it is essential for permanent EMBs to secure the participation of political parties, foster transparency at all stages of the electoral process, be answerable to the public and legislature, implement cost-reducing measures, promote civic education for voters, and disseminate information (Lopez-Pintor 2000). Medina Torres and Ramirez Diaz (2015) opine that although Lopez-Pintor's recommendations are crucial, they could automatically generate enormous work for EMBs, as they will not only investigate cost-saving measures, promote its activities and provide education, but also conduct elections. As a result, the responsibility of EMBs is extensive, as they involve not only organising elections, but also managing them.

Recent studies on democratic elections in Africa have emphasised the importance of electoral governance due to the steady rise in façade democracies. Incumbents in authoritarian regimes conduct elections that do not meet democratic standards of fairness and freedom, and this often facilitates victory for those incumbents. Accordingly, some scholars posit that such regimes focus on the duration of their authoritarian rule and scout for different ways in which elections could benefit them or carry out measures to ensure that authoritarian institutions continue to favour the incumbent (Riedl, Slater, Wong & Ziblatt 2020; Morse 2018). This compromises those institutions responsible for ensuring the quality of competitive elections and has also created a favourable institutional context for the enforcement of long-term limits. Many African countries have developed stable patterns to effectively enforce them, while others have established a tradition of circumventing them (Hartmann 2022). As a result, most authoritarian governments find it hard to hand over power, especially when leaders declare themselves to be ‘president for life’, thus making them irreplaceable. This can only be addressed through constitutional provisions that regulate the transition of power, thus solving problems arising from peaceful entry to peaceful exit (Meng 2021, p. 951).

The effectiveness of electoral governance is therefore critically important in ensuring the holding of credible elections. Electoral governance involves providing procedural certainty which regulates ‘free and fair’ elections, and managing the uncertainties in elections. In weak democracies in Africa and elsewhere, designing and implementing the rules of electoral governance is of specific concern to political actors (Mozzafar 2002, p. 87). For instance, the disputes and controversies surrounding transitional elections uniformly and principally focused on elements relating to the opposition’s limited access to state-controlled media; incomplete or inflated voter registers; and pro-incumbent bias in applying the law (Bratton & Van de Walle 1997, pp. 201-203). In particular, the opposition places specific importance on the success of electoral governance due to their obvious organisational and political disadvantage in relation to autocratic incumbents who would, if possible, avoid holding competitive elections. But, when forced, the opposition would choose rules that would assist in reducing the uncertainties of competitive elections in order to guarantee their victory. This contrived plan even expedites the prospect of formulating rules on electoral governance in transitional elections, which provide some façade of procedural legitimacy (Mozzafar 2002, p. 88). In democratising countries where the electoral process is not deliberately manipulated and no systemic fraud recorded, both incumbents and opposition have similar interests in the conduct of credible elections. This facilitates the designing of electoral governing rules (Chao & Myers 2000).

The article has described how the promotion of electoral governance warrants the creation of rules, laws and bodies to enhance the integrity of elections. In order to understand the promotion of electoral governance in Togo during the last decade, the following section will examine the main drivers of election quality (in this case, the CENI and the electoral system) in Togo.

COMMISSION ELECTORALE NATIONALE INDEPENDANTE (CENI)

For many countries, the management and supervision of elections have been under the auspices of EMBs which are considered to be critically important entities that ensure the conduct of credible, inclusive, peaceful, and transparent elections. To do this, EMBs are expected to conduct activities ranging from determining the conditions for selecting and electing candidates and the eligibility of voters, to conducting polling, counting and validating votes. In addition, they must also manage and adjust the delimitation of electoral districts, carry out candidate and voter registration, and ensure the successful running of campaigns, finance and media monitoring, voter education and the adjudication of post-election disputes (Elklit & Reynolds 2005).

The CENI was created in 2006 after the revisions to the Electoral Code in 2002 and 2003 and as part of the negotiations led by former Burundian President Blaise Compaoré, which sought to end the political crisis stemming from Faure's victory in the 2005 presidential election (Dickovick 2013). Articles 6, 11, 12 and 13 of the Electoral Code created two bodies: the CENI and the EA. The role of the CENI is to ensure that elections and referenda are conducted according to the law; and the EA (situated in the Ministry of Territorial Administration) was tasked with the responsibility of organising elections (NDI/IRI/IFES 2005, pp.9-10; The Electoral Code 2012).

As alluded to previously, the CENI was given the mandate to conduct and manage elections. As such, it convenes during elections or referenda; to address any post-election dispute up to 40 days after the announcement of election results; during revisions to the legal framework; and in the wake of the annual revision of the voters' lists (NDI/IRI/IFES 2005, p.10). Its birth can be traced back to the GPA, where, during negotiation talks, opposition parties and civil society requested the creation of an independent electoral body to oversee elections and to promote democratic reforms. It consists of 17 members: five represent the parliamentary majority and five the parliamentary opposition. It also includes three members from civil society, three from 'extra-parliamentary political parties' and one from the administration (AU EOM 2018). Article 36 of the Electoral Code requires that the CENI's decisions are taken by consensus. However, in cases of dispute among

members, the Article also requires a vote. In the first round, a qualified majority of two-thirds is needed, while in the second round, a simple majority of members is required. Ten members are required to form a quorum, and theoretically, a decision by the CENI would be validated by six votes (The Electoral Code 2012).

Despite the aims and objectives of the CENI (that is to ensure that elections and referenda are conducted according to the law), it can be argued that it is not independent nor is it fully in control of the organisation and management of elections. The Ministry of Territorial Administration appoints its members at the national level and is responsible for the design and procurement of election materials. The CENI can only appoint polling staff working in the organisation of local elections (CELI), while other administrative staff are appointed by the EA, which is an extension of the Ministry of Territorial Administration (NDI/IRI/IFES 2005, p. 11). Since the authority for decision-making on key electoral issues rests within the department of the EA and the Ministry of Territorial Administration, it is difficult to regard the CENI as an independent body that can address critical electoral management issues.

THE ELECTORAL SYSTEM

Electoral systems are sets of by-laws that provide blueprints on how votes should be cast in an election and how they are translated to seats in a representative democracy (Menocal 2011, p. 6). The political structure of a country is determined by electoral systems because they are 'the cogs which keep the democracy wheels to function in a proper manner' (Farrell 1997, p. 2). Electoral systems are diverse and complex; therefore, their selection is an important aspect in any representative democracy. This is because an electoral system consists of all facets of elections, such as the capacity to stand for and vote in an election; voting procedures; rules on candidacy; control and administration of elections; principles of elections; and regulation of elections (Menocal 2011, p. 3). In addition, an electoral system can help to 'engineer' particular results, such as encouraging accommodation and cooperation in a divided society, as well as being the important link between leaders and their citizens (e.g., political responsiveness, representativeness, and accountability).

In order to promote electoral governance, Togo has two different electoral systems: the Togolese Constitution provides for the use of a proportional, closed party list system for legislative elections, and the absolute majority system for presidential elections. In the proportional system, political parties submit their lists, consisting of twice as many candidates as the seats to be occupied in the relevant constituency. The distribution of these seats is carried out according to the quotient derived by the highest average system, thus preventing any

threshold from winning a seat. It also allows for the election of substitutes and titular members simultaneously to occupy vacant seats that come up between general elections (IPU 2016).

The absolute majority system (also known as the run-off system, which allows the two best candidates to contest against each other) was used for several decades until it was replaced in 2003 by the relative majority / plurality system following the revision of the 2003 Electoral Code. This new system allows the candidate with more votes to win an election (NDI/IRI/IFES 2005, p. 9). The opposition strongly rejected the plurality system, and they had consistently expressed their frustration following the outcome of presidential elections (Seely 2011, p. 373). The May 2019 Constitutional Amendment Bill, however, replaced the plurality system with the absolute majority system previously used (Roberts 2019).

The essence of the proportional representation system is to promote equal representation as it provides for an equal number of votes for each representative in an assembly, and allows voters to choose their preferred candidate. However, it does not reduce the gap between the number of constituency seats and the sizes of the electorates. For example, across the 30 existing districts, 85 000 voters were allocated one seat in the Ewe Stronghold in the Grand Lomé electoral district, while in the Binah a Kabye stronghold, one seat was given per 20 000 voters. Also, with the implementation of the highest average rule, 26 (out of the 30 districts) had only two or three seats. These conditions therefore allowed the party with the largest number of votes in a district to gain extra seats to the detriment of a weaker party (Tobolka 2014, p. 2). It is therefore evident that in this case, the proportional representation system might strengthen the strongest party (in this case, the incumbent) to the detriment of a divided and weaker opposition.

With the reintroduction of the absolute majority system through the May 2019 Constitutional Amendment Bill, the government ignored calls by opposition leaders, civil society groups and the Emeritus Archbishop of Lomé for the postponement of the 2020 presidential elections, to give adequate time for carrying out reforms. This included, *inter alia*, reorganising the CENI; establishing a credible electoral register; and reorganising the Constitutional Court (CISA 2020). However, this led to big wins for the ruling UNIR party, and the opposition rejected the outcome of the elections, citing fraud.

PROMOTING ELECTORAL GOVERNANCE

Election contestation and respect for election procedures underpin the significance of electoral governance in Togo. Electoral governance has highlighted the importance of accountability in the electoral management bodies and the different stages of the electoral processes. For several decades election stakeholders have

decried the poor management and administration of elections in the country. Despite the existence of legal institutions and a framework to oversee the organisation of elections, the lack of trust by the opposition in these frameworks consistently casts doubt on the quality of Togo's elections due to high levels of electoral malpractice. Since electoral governance has been one of the highlights in democratic states (and Togo in particular), its promotion is viewed as important. This is because elections are widely regarded as an important tool for the alternation of power and are believed to be the sole means for the voice of the people to be heard. Any attempt to subdue their relevance has, however, been met with resistance from political actors.

Three presidential elections (in 2010, 2015 and 2020) and two legislative elections (in 2013 and 2018) were held between 2010 and 2020. However, these elections were characterised by protests and opposition rejection of electoral outcomes. They cited extensive electoral irregularities, despite the fact that the elections had been validated by local and international observers. The focus of this paper has therefore been to analyse how the electoral body, the CENI and the electoral system promote electoral governance in Togo.

Since electoral governance is achieved when laws, rules and regulations that guide the electoral process are enforced and respected and a candidate is elected in a free and fair manner, it is therefore imperative to examine how this is achieved in Togo. For this reason, Diamond (2002) suggests four important elements:

1. free participation of all individuals in the electoral process;
2. independent political parties must be able to contest freely and fairly;
3. a legitimate vote counting process must be guaranteed; and
4. every adult voter must enjoy equal voting rights.

In addition, democratic institutions must be independent and credible to ensure all election stakeholders are given an equal opportunity to contest in an election.

As a driver ensuring credible elections in Togo, the CENI, as previously discussed, is regarded as one of the most important mechanisms to promote electoral governance. This is because EMBs are widely believed to be responsible for the administration of elections. They carry out activities which include applying and interpreting electoral laws, voter registration activities, counting ballots and running polling stations. Three models of EMBs exist: government, mixed, and independent. The government model, for instance, manages elections through a government ministry, while independent EMBs, on the other hand, are completely independent agencies and are not accountable to the executive branch of government. The mixed model is a combination of both models (Fall, Hounpke, Jinadu & Kambale 2011). According to Van Aaken (2009, p. 306), an

important benchmark to differentiate a government EMB from an independent one is whether they are structured legally and to whom they are accountable. The electoral tasks of government EMBs such as the drafting of laws and staff appointments are often fulfilled by the Ministry of Territorial Administration. This compromises the credibility of decisions taken due to the belief that they are politically influenced or fostering the agenda of the current government (Van Aaken 2009, p. 309).

Based on the preceding definition, it is evident that the CENI is a government model, as its tasks are supervised by the Ministry of Territorial Administration. Important functions such as the organisation of elections and procurement of electoral materials fall under the responsibility of the EA, as the CENI has little control over the management of elections. It is a fallacy for the opposition parties to expect different outcomes, as if the CENI were an independent model. But Van Ham and Garnett (2009) argue that, despite the existence of a widely-held belief that independent EMBs are best suited for the organisation, monitoring and validation of elections in an impartial manner, studies have revealed conflicting proof on the relationship between electoral integrity and EMB independence.

Regional studies conducted in Africa and Latin America reveal that independent EMBs have positively influenced the integrity of elections (Fall et al. 2011; Hartlyn, McCoy & Mustillo 2008). However, comparative data propound that their institutional blueprint is weak and that this negatively affects the integrity of elections (Birch & Van Ham 2017; Norris 2015; Birch 2011). Elements such as the rule of law, the presence of institutional checks and balances and the level of democracy will probably influence the extent to which EMBs can function independently (Norris 2015; Van Ham & Lindberg 2015). Where there is a history of autocratic rule and weak democratic institutions to foster accountability, the terrain for an independent CENI is shaky. However, Martini (2013) believes that many election stakeholders are not interested in the different models of EMBs, but on whether they support the principles of transparency, integrity and impartiality.

Nonetheless, these considerations do not ignore the fact that elections are poorly managed in Togo. The CENI operates on an ad-hoc basis, as it convenes only during times of elections and up to 40 days afterwards to address any post-electoral disputes. This does not afford them sufficient time in which to address electoral issues to avoid a recurrence before the next electoral cycle. Sola-Martin (2018) believes that some African states may consider elections an event rather than a cycle, and the reliance of funding from the government or donor community is one of the challenges encountered by EMBs. Appointments of senior staff are done by the Ministry of Territorial Administration and the CENI is expected to appoint junior staff such as polling officers. This gives the CENI very little authority or

time to build rapport with all staff as the majority are usually appointed close to the elections.

The responsiveness of the CENI to the needs of all election stakeholders remains remote and it is regarded as partisan because it seemingly promotes the ideals of the ruling RFT party. This creates an unequal playing field: opposition parties frequently question its decisions as they believe that most are designed to favour the ruling RFT party. This leads to a growing distrust in the CENI regarding the handling of credible elections. Due to its partisan nature, the promotion of electoral governance remains questionable as it could be seen as a tool for the ruling party to cement its grip on power, to the overall detriment of the opposition. Furthermore, this partisanship makes it difficult for the body to correctly address electoral complaints which are levelled against the ruling party. This supports the argument that though elections are conducted within the specific electoral framework, they have been regarded as an event, not as a process that fosters electoral governance. In addition, it could create a fertile ground for voter apathy and an election boycott as election stakeholders believe that electoral procedures are flaunted by the CENI in favour of the ruling party.

Elections can only be effectively managed if the CENI is given independence in terms of its composition, capacity, funding and structure since both winners and losers of elections do accept election outcomes when they are managed effectively. As mentioned above, the legal provisions for the structure and composition of the CENI do not promote transparency and credibility in the electoral process. The CENI is structured as a semi-government body within the Ministry of Territorial Administration and any expectation of different outputs will be misleading. Birch and Van Ham (2017) opine that when EMBs are independent, this limits political control and protects them from manipulation by political parties. An independent EMB also increases voter confidence in the electoral process and possibly reduces voter apathy.

Since electoral governance fosters accountability, the reporting system of the CENI casts doubts on its effort to promote electoral credibility. This is because, after elections, results gathered by local electoral commissions are sent to the CENI headquarters for announcement. Attempts by civil society organisations (CSOs) for results to be read within the voting precinct for the purposes of transparency have been rejected. The CENI prefers to retain a reporting system where all results are sent to its headquarters before they are announced, thus opening avenues for rigging. Efforts by the CSOs and the opposition to demand an end to this style of reporting were squashed by the Ministry of Territorial Administration which refused to authorise any election-related requests (Boucher 2020). Proper accountability within the electoral process might allow the community to validate

results within their areas before they are formally announced at national level. This would build more confidence for all electoral stakeholders in the entire process.

Furthermore, the choice of electoral system is a major issue for voters, and its complex nature has exacerbated this concern. To recap: the proportional representation system is used as the basis for legislative elections, while the absolute majority system caters for presidential elections. Thus, the use of both electoral systems has different consequences in promoting electoral governance. However, the use of proportional representation has been widely advocated as the most appropriate system, as it fosters equitability, and addressing the disparity between the size of the district and the number of seats is paramount. This has consistently been an issue in the country as the opposition feel that the seats are unequally distributed. In addition, though the proportional representation system purports to have equal votes and equal seats during legislative elections, it has failed to reduce the disparity between the number of votes and the available seats in Parliament. This has resulted in large wins for stronghold districts of the ruling party while smaller parties continue to suffer due to the uneven playing fields.

If seat allocation were to be based on population and not political strongholds, then there would be proportionate representation, where constituencies with larger populations have more seats than those with smaller ones. Based on the current system, the majority will remain excluded as the focus will remain on how the strongholds of the ruling party might win more seats. This highlights the fact that the ruling party manipulates the electoral system for its own benefit, and this has led to consecutive wins with large margins for them during the period of this study (61 seats out of 91 seats in the 2013 elections and 59 seats in the 2018 legislative elections, respectively).

In her study on electoral systems and electoral violence, Birch (2007) remarks on data proving that campaign violence and increased misconduct are noted among countries practising the majoritarian electoral system. This is because elections can result in violent local competition, especially when ethnic groups are excluded from political power. Though Birch's argument does not provide enough evidence as to why campaign violence occurs in some districts and not in others (Birch, Daxecker & Hoglund 2020), it does shed some light on the political situation in Togo. Chief of these is the constant rejection of electoral outcomes due to uneven playing fields.

Opposition outcry over the previous plurality electoral system, which they alleged was not representative, led to the reintroduction of the absolute majority system. However, this has yet to yield much fruit. Lindberg (2004, p. 69) argues that an absolute majoritarian system limits the participation of all stakeholders. He further states that over two-thirds of states using this model have been undemocratic. Incumbents conduct elections which barely meet the standards

of freedom and fairness and, as a result, voters lose interest in voting and only a few opposition parties take part in the (unfree) elections. In some cases, voter scepticism is extremely high, even when credible elections are conducted. This could explain why voter turnout has remained inconsistent during the period under review. For example, in 2010 this was 64.6 per cent; in 2015, 60.9 per cent; and in 2020 it was 76.6 per cent.

Voter apathy continues to increase as the number of voters fails to translate into those who actually turned up for the elections (IFES 2023). In addition, the system does not promote fairness, as the margin of difference between the second and third candidate might be small but, based on the provision, the third candidate is automatically eliminated. It could also result in a case whereby supporters of the losing candidate refuse to take part in the run-off, thereby jeopardising the whole process. Given the poor management and administration of elections in the country, it is unsurprising that by the time the second round of elections was announced, the opposition had lost confidence in the process as they believed that it had already been rigged.

CONCLUSION

The promotion of electoral governance has highlighted the need to respect the election procedures of freedom, fairness and accountability. Its effectiveness hinges on several factors, including the fairness of the different electoral phases managed by the CENI, and the type of electoral system put in place to promote inclusivity. This study found that, to achieve electoral governance, the Togolese government designed the CENI and two electoral systems: the proportional representation for legislative elections and the absolute majority for presidential elections.

This article has established that while the creation of the instruments mentioned above is laudable, much still needs to be done to ensure that electoral governance is entrenched in the country. Since elections are viewed as the foundation of any democracy, their credibility, inclusivity, and transparency are also important. It is concerning that the CENI is regarded as a largely partisan body and appears to guarantee the ideals of the ruling party, much to the detriment of other political parties. As the CENI possesses traits of a government model it cannot be regarded as an independent body. The constant interference by the Ministry of Territorial Administration in the activities of the CENI has inhibited the body from being able to effectively manage its responsibilities as provided by the Electoral Code. As a result the opposition parties have become increasingly disillusioned and they consistently reject the electoral outcomes by carrying out protests or boycotts, which in some cases have turned deadly.

Regarding the electoral systems, the study affirms that both proportional and majoritarian representation favour the ruling party in both legislative and presidential elections, as they have consistently manipulated these provisions for their own benefit. This has resulted in the constant rejection of electoral outcomes by the opposition parties through protests, thus jeopardising the promotion of electoral governance. This then supports the argument that electoral governance is used in the country as a means of cementing the ruling party's grip on power. As a result, the opposition and other election stakeholders are left with no choice but to voice their grievances through protests or boycotts.

However, there is a more encouraging aspect. Elections in Togo are held frequently and within the specified timeframe and election stakeholders indicate a growing interest in the quality of elections. These indicate hope in fostering electoral governance. This in turn could create new opportunities for the opposition to devise novel strategies to address issues relating to electoral malpractices, much to the detriment of the ruling party. The lesson for future research is whether there might be such avenues to promote electoral governance within the current situation.

If an election is regarded as a strategic element of democracy and its conduct is not the start but the conclusion of the electoral process, proportional representation and absolute majority systems need to be more inclusive to promote electoral governance. Also, the CENI needs to be strengthened and endowed with the necessary authority it needs to carry out transparent and credible work.

Acknowledgement

This article is based on MN Lifongo's unpublished thesis (University of Johannesburg) titled 'The Role of Regional Organisations in the Promotion of Democracy in Africa: A Case Study of ECOWAS and SADC, 2009-2019'.

— REFERENCES —

- Al Jazeera 2015, 'Togo Opposition Party Rejects Presidential Poll Results', 29 April. Available from: <https://www.aljazeera.com/news/2015/4/29/togo-opposition-party-rejects-presidential-poll-results>.
- AU-EOM 2013, 'Rapport de la Mission d'observation de L'union Africaine aux elections Legislatives du 25 Juillet 2013 en Republic Togolaise'. Available from: https://au.int/sites/default/files/newsevents/workingdocuments/30174-wd-moeau_rapport_final_togo_2013.pdf.

- AU-EOM2018, 'Preliminary Statement: African Union Election Observation Mission to the Legislative Elections of 20 December 2018 in the Togolese Republic'. Available from: <https://au.int/en/pressreleases/20181221/preliminary-statement-african-union-election-observation-mission-legislative>.
- Banjo, A 2008, 'Constitutional and succession crisis in West Africa: The case of Togo', *African Journal of Legal Studies*, vol. 2, no. 2, pp. 147-161.
- BBC News 2020, 'Togo's Faure Gnassingbe 'wins re-election' amid fraud protest'. Available from: <https://www.bbc.com/news/world-africa-51606972>
- Birch, S 2007, 'Electoral systems and electoral misconduct', *Comparative Political Studies*, vol. 40, no. 12, pp. 1533-1556.
- Birch, S 2011, *Electoral Malpractice*, Oxford University Press, [New York].
- Birch, S, Daxecker, U & Höglund, K 2020, 'Electoral violence: An introduction', *Journal of Peace Research*, vol. 57, no 1, pp. 3-14.
- Birch, S & Van Ham, C 2017, 'Getting away with foul play? The importance of formal and informal oversight institutions for electoral integrity', *European Journal of Political Research*, vol. 56, no. 3, pp. 487-511.
- Boucher, A 2020, 'Five Issues to watch in Togo Presidential Elections', *Spotlight*, Africa Centre for Strategic Studies, Washington, D.C.
- Bratton, M & Van de Walle 1997, *Democratic Experiments in Africa: Regime Transformations in Comparative Perspective*, Cambridge University Press, New York.
- Chao, L & Myers, R 2000, 'How elections promoted democracy in Taiwan under atrial law', *The China Quarterly*, vol. 162, pp. 387-409.
- Catholic Information Service for Africa (CISA) 2020, 'TOGO: Archbishop Kpodzro Joins Calls for Suspension of February Presidential Elections'. Available from: <https://cisanewsafrika.com/togo-archbishop-kpodzro-joins-calls-for-suspension-of-february-presidential-elections/>
- Diamond, L 2002, 'Thinking about hybrid regimes', *Journal of Democracy*, vol. 13, no. 2, pp. 1-35.
- Dickovick, JT 2013, 'Foreign Aid and Decentralisation Policies for Autonomy and Programming for Responsiveness', *WIDER Working Paper No. 2013/044*. Available from: <https://www.econstor.eu/bitstream/10419/80899/1/743646576.pdf>.
- Elklit, J & Reynolds, A 2005, 'Judging elections and election management quality by process', *Representation*, vol. 41, no. 3, pp. 189-207.
- Fall, I, Hounpke, M, Jinadu, A & Kambale, P 2011, *Election Management Bodies in West Africa: A Comparative Study of the Contribution of Electoral Commissions to the Strengthening of Democracy*, Open Society Foundation, New York.
- Farrell, D 1997, *Comparing Electoral Systems*, Prentice Hall/Harvester Wheatsheaf, London/Wheatsheaf.

- Hartlyn, J, McCoy, J & Mustillo, TM 2008, 'Electoral governance matters: Explaining the quality of elections in contemporary Latin America', *Comparative Political Studies*, vol. 41, no. 1, pp. 73-98.
- Hartmann, C 2022, 'Authoritarian origins of term limits trajectories in Africa', *Democratization*, vol. 29, no. 1, pp. 57-73
- International Foundation of Electoral Systems (IFES) 2023, *Togolese Republic*. Available from: <https://www.electionguide.org/countries/id/213/>
- Inter-Parliamentary Union 2016, *Togo. Assemblée Nationale (National Assembly), Electoral System*. Available from: IPU PARLINE database: TOGO (Assemblée Nationale), Electoral system
- Isbell, T & Achinocho, H 2019, 'Most Togolese Mistrust Electoral Commission would prefer non-partisan, technical initiative', *Afrobarometer Dispatch*, No. 274.
- Kohnert, D 2015, 'Togo: Recent Political and Economic Development', *MPRA Paper No. 62029, 11 February*. Available from: <https://mpra.ub.uni-muenchen.de/62029/>.
- Lindberg, S 2004, 'The democratic qualities of competitive elections: Participation, competition and legitimacy in Africa', *Commonwealth & Comparative Politics*, vol. 42, no. 1, pp. 61-105.
- López-Pintor, R 2000, *Electoral management bodies as institutions of governance*, Bureau for Development Policy, United Nations Development Programme, New York.
- Martini, M 2013, *Electoral Management Bodies and Their Composition. Transparency International*. Available from: <https://knowledgehub.transparency.org/helpdesk/election-management-bodies-and-their-composition>.
- Medina Torres, LE & Ramírez Díaz, EC 2015, 'Electoral governance: More than just electoral administration', *Mexican Law Review*, vol. 8, no.1, pp. 33-46.
- Meng, A 2021, 'Winning the game of thrones: Leadership succession in modern autocracies', *Journal of Conflict Resolution*, vol. 65, no. 5.
- Menocal, A 2011, *Why Electoral Systems Matter: An Analysis of their incentives and effects on key areas of governance: Research Report*, Overseas Development Institute, London. Available from: <https://cdn.odi.org/media/documents/7367.pdf>.
- Morse, YL 2018, 'Electoral authoritarianism and weak states in Africa: The role of parties versus presidents in Tanzania and Cameroon', *International Political Science Review*, vol. 39, no. 1, pp. 114-129.
- Mozaffar, S 2002, 'Patterns of electoral governance in Africa's emerging democracies', *International Political Science Review*, vol. 23, no. 1, pp. 85-101.
- Mozaffar, S & Schedler, A 2002, 'The comparative study of electoral governance – Introduction', *International Political Science Review*, vol. 23, no. 1, pp. 5-27.
- NDI/IRI/IFES 2005, *Report of the Joint International Republican Institute (IRI), IFES and National Democratic Institute (NDI) Togo Assessment Mission, March 15 – April*.

- Available from: https://aceproject.org/ero-en/regions/africa/TG/CEPPS_Togo_Final_Report.pdf.
- Norris, P 2015, *Why Elections Fail*, Cambridge University Press, New York.
- Osei, A 2018, 'Like father, like son? Power and influence across two Gnassingbe presidencies in Togo', *Democratization*, vol. 25, no. 88, pp. 1460-1480.
- Pastor, R 1999, 'The role of electoral administration in democratic transitions: Implications for policy and research', *Journal of Democratisation*, vol. 6, no. 4, pp. 1-27.
- Riedl, RB, Slater, D, Wong, J & Ziblatt, D 2020, 'Authoritarian-led democratization', *Annual Review of Political Science*, vol. 23, pp. 315-332.
- Roberts, T 2019, 'Why Did 14 Opposition Parties Just Boycott Togo's Legislative Elections?', *The Washington Post*, 7 January. Available from: <https://www.washingtonpost.com/news/monkey-cage/wp/2019/01/07/why-did-14-opposition-parties-just-boycott-togos-legislative-election/>.
- Seely, J 2011, 'Togo's presidential election 2010', *Electoral Studies*, vol. 30, no. 2, pp. 372-375.
- Simons, H 2009, *Case Study Research in Practice*, SAGE, London.
- Sola-Martin, A 2018, *Triggers of Electoral Violence in Sub-Saharan Africa: A Comparative Perspective*, Institute for African Development. Available from: https://cornellpress.manifoldapp.org/read/triggers-of-election-violence-in-sub-saharan-africa/section/90af7e3b-49e2-4842-a66e-0e9cd60348ea#_idParaDest-1
- The Electoral Code 2012, LOI No. 2012- 002 - Portant Code Electoral (Togo).
- Tobolka, R 2014, 'Togo: Legislative elections of July 2013', *Electoral Studies*, vol. 35, pp. 389-394.
- Van Aaken A 2009, 'Independent electoral management bodies and international election observer missions: Any impact on the observed level of democracy? A conceptual framework', *Constitutional Political Economy*, vol. 20, pp. 296-322.
- Van Ham, C & Lindberg, S 2015, 'When guardians matter most: Exploring the conditions under which electoral management body institutional design affects election integrity', *Irish Political Studies*, vol. 30, no. 4, pp. 454-481.