

ROLE OF HUMAN RIGHTS MOVEMENT DURING THE DEMOCRATIC PROCESS IN TOGO

*Takuo IWATA**

ABSTRACT: 10 years ago, we began to speak the democratic transition in Africa. But after certain years, the African countries fell again in the authoritative regime. We analyze the democratic transition in Togo on the movement of human rights that directed the civil society. Discussions of the civil society in the African political studies missed the empiric discussion of the political stage. We think the relation between the civil society and democratization in the concrete analysis. We focalized the change of engagements of the human rights organization in the setting of democratization. At the end, we will think the role and the problematic of the civil society in the democratic process in Africa.

Keywords: Democratic Transition; Human Rights; Civil Society; Togo

1 INTRODUCTION

The political scientists have become used to paying attention to other political actors besides that of the state in African political studies, through the political change to a multi-party system in the 1990's. The concept of civil society¹ has not only been recognized as an analytical approach, but also been spread over the context of development. However, this concept is a subject in itself to

(*) Kobe University, Japan.

(1) The concept of civil society is far from fixed and clear definition, so it has to be used reflectively. This article treats this concept in minimal sense as "Politicised society". So civil society doesn't have automatically democratic character, nor will of democratisation. So we think that it is necessary to institutionalise civil society in the level of state institution and psychological level of people.

be discussed (Bayart 1992: 70). This article analyses the human rights movement as a new political actor in the democratic process in Togo.

There were many associations that constitute civil society for the democratic process in Africa. This article considers two reasons regarding the human rights movement in Togo. Firstly, it has been realized that the human rights movement plays a very important role in the democratic process in Togo. Civil society was expanded in the human rights movement. It started the democratic transition through the convocation of the Sovereign National Conference (Conférence Nationale Souveraine: CNS)² as a provisional political authority in the transition period. Human rights associations worked in the making of a new constitution draft and report of CNS.

Secondly, human rights aren't only domestic issue, but also a diplomatic one in Togo not unlike other African countries. In particular, economic co-operation is related to human rights directly. It is a matter of life or death for Togo. This ambiguity of domestic and diplomatic policy is an essential character of small country. It is well-known the violation of human rights of Togo in the international community, as political assassination, binding without judicial procedure, torture, control of expression and professional discrimination under the regime of General Gnassingbé Eyadéma since 1967. In the Cold War era, Western countries ignored the critical situation of Togo in order to keep and enlarge anti-Communist areas in Africa. However, in the post-Cold War era, anti-Communist policies disappeared. Western countries used to concern with human rights issues in African countries with international organizations, as a conditionality of economic co-operation. As a consequence, donor countries except France have principally stopped or limited their co-operation with Togo since 1993 due to human rights violations and delay of democratic transition³.

This article considers the human rights movement involvement in the democratic transition of Togo. Principally, it focuses on Ligue Togolaise des Droits

(2) Sovereign National Conference (CNS) was convened principally in francophone countries. But CNS wasn't convened only in francophone countries, but also some attempts in Anglophone countries. CNS suspended former state systems, as the National Assembly, the government and the constitution, and ruled transition period as a provisional supreme authority. CNS's goal was to realize free and transparent elections for democratic transition. CNS enacted acts of CNS as provisional constitution, the High Council of Republic (Haut Conseil de la République) as provisional legislative organization and the government of transition. Historical model of CNS is thought as Convention National in 1792-1795. CNS was convened about 200 years later of French revolution.

(3) After political agreement of July 1999 (L'accord-Cadre de Lomé) between presidential and opposition side, European Union announced to restart of economic co-operation to Togo, but it is very prudent to realize it.

de l'Homme (Togolese League of Human Rights: LTDH), which worked as a central role for not only the improvement of the human rights situation but also the empowerment of civil society for the democratisation in Togo. Therefore, this article also examines the human rights movement connection to the democratic process and what that means in relation to the concept of civil society.

2 CONCEPT OF CIVIL SOCIETY AND THE DEMOCRATIC PROCESS IN AFRICA

The concept of civil society is part of political thought in modern Western Europe that dates back to the Greek era (Manfred, 1990: 11-135). As well, the African continent has historical fusion through the events of colonization. In this historical background, the relativistic idea that it exists completely as a different type of civil society in Africa is not realistic, even Africa have not subordinate to Europe. However, in Europe, it doesn't exist, only one standard idea of civil society that has been continually changed throughout their histories and social situations. The definition is a common point; this concept of civil society has been recognized with the state in complementary relations since Aristotle's era. So this concept has to be discussed in the state reformation (Endo, 1998: 5).

In general, the concept of civil society in African political studies is based on liberalism after Locke as a norm. It has been used to recognize a dichotomy that state is a bad existence to make small, to the contrary, civil society is good. Also other "European" thoughts have been examined through ideas of Hegel, Marx, Gramsci and so on. In empirical analysis, students have paid attention to civil society as an apparatus of observation and resistance to state in the premise that the natural rights are violated in African countries.

This recognition of civil society in African studies is much influenced by Bayart's article "Civil Society in Africa" (Bayart, 1986) translated in English in 1986. Students understand that this article started the discussion on this concept in African political studies, and anti-state character is indispensable element of civil society (Endo, 1997: 6).

One of the reasons this concept is needed in African political studies is that it depends on insufficiency of governance of the African states. Almost all of the African countries have in place a modern institutionalized government through their heritage of colonial government. However, they are often just masks of modernity. Furthermore, the democratic transitions are started outside the state arena in many African countries. It increased the significance of this concept as an analytical approach even remaining its conceptual ambiguity. It is not that civil society appeared suddenly in 1990's Africa but used to be recognized in

relation to the state through activation of networks of social associations. Civil society is the concept related to the state. However, the distance among these arenas isn't the same. Human rights issues are directly affected by state comportment. So the human rights movement acts directly with the state. It also enables the rethinking of the relationship between civil society and the state through a study of the human rights movement.

3 LIGUE TOGOLAISE DES DROITS DE L'HOMME (LTDH)

It is the introduction of the LTDH that has played an important role in the democratic transition. Lawyers, professors, doctors, students and civil servants created the LTDH in July 1990 because of resolution of disappearance of Nayonne, student of Université du Bénin à Lomé, in April 1990 in a student demonstration against the regime. LTDH is one of first human rights NGO's constituted by many social stratum. In October 1987, 3 years before the LTDH's creation, the National Commission of Human Rights (Commission Nationale des Droits de l'Homme: CNDH) was founded through the permission of General-President Eyadéma as a state organization for the promotion of human rights⁴. In Togo, violations of Human Rights had been quotidian in Eyadéma's regime since 1967. Yawovi Agboyibo⁵, an internationally known lawyer, efforts led to the creation of the CNDH. It was very important in regard to opening the door for human rights activities and consciousness at a state level. However, the CNDH's role was limited because it was situated under Rally of Togolese People (Rassemblement du Peuple Togolais: RPT), created by General Eyadéma in 1969 and maintained a uni-party system until 1991. As well, the state has often been the violator of human rights. Even though there were limitations for the CNDH, it was very significant that human rights issues could be talked about at a state level as National Assembly, government, Generals and President of Republic. The CNDH's creation improved the human rights situation compared with the situation up to 1987 when it had been impossible to articulate anything about it. At the moment of the LTDH's creation, there was an intention to enforce what the CNDH had engaged⁶.

(4) Ligue Togolaise des Droits de l'Homme, *Droits & Liberté*, February-March 1991, p. 5.

(5) Agboyibo was the Togolese representative of Human Rights Commission of United Nations in 1987-88, a member of international deputy union in 1988-89 and a member pontifical council 1988-94. He was award a prize for African in human rights and democracy and social, economy domain by German government in 1992. He is the President of opposition party CAR (Comité d'action pour renouveau) since 1991 (Dégli 1996: 84)

(6) *Droits & Liberté* (1991), p. 18-19.

LTDH had three basic directions for education of the LTDH members and other Togolese people, for contribution of protection and promotion of human rights and for co-operation with other organizations to realize the purpose⁷. LTDH had an intimate relationship with the CNDH to make possible judicial intervention. The first President of the CNDH Agboyibo designed his post because of trouble with General Eyadéma but he kept a link between the CNDH and the LTDH members.

LTDH tried to realize the state of law as the only way for effective and sustainable development, through infiltrating the consciousness of rights of freedom, law and peace to Togolese people⁸. LTDH is constituted and managed by General Assembly as the supreme function and Executive Bureau with 9 members. General Assembly is convened once a year to discuss the organizational management, publication of reports and the financial program. LTDH had more than 3,000 members in 1999 and branches in principal cities such as: Kpalimé, Tsévié, and Dapaong. It can't ignore human rights activities outside of Togo because 400,000 Togolese, 1/10 of total population, had to leave Togo as refugees⁹. So the LTDH had a branch in France¹⁰.

LTDH played a very important role in the democratic movement for convocation of CNS. LTDH promoted the creation of other human rights associations and concentrated civil society associations for democratization. LTDH was connected with these associations in an organic network, Association Togolaise de Lutte contre la Torture, Association Togolaise de la Liberté de Presse, Groupe de Réflexion et d'Action Démocratique, Mouvement Estudiantin de Lutte pour la Démocratie, Association pour la Promotion de l'Etat de Droit¹¹. This network was not only formed on a domestic level but also at an international level, with International Commission of Jurists, whose headquarters situated in Geneva and Fédération Internationale des Droits de l'Homme (FIDH) in Paris, as a member association¹², Ligue des Droits et Liberté du Québec and Amnesty International. Further, the LTDH had intimate relations with foreign governments and international organizations. LTDH has contacts with embassies of France, Germany, United

(7) *Ligue Togolaise des Droits de l'Homme (LTDH)*. Bilan des droits de l'homme au Togo de 1960 à 1991, July 1991, p. 1.

(8) *Droits & Liberté* (1991), p. 5.

(9) Interview with Mr. Jean-Yaovi Dégli, President of Batir le Togo, former President of LTDH, in his office of Paris, on 9 September 1999.

(10) *Droits & Liberté* (1991), p. 13.

(11) *Ibid.*, p. 12-13.

(12) *Ibid.*, p. 10-11, 13.

States and Canada, and cultural centres of these countries. As well it has connections with international organizations such as: UNHCR, UNESCO and the Council of Europe¹³. LTDH was awarded a prize for human rights from the Republic of France¹⁴. These connections didn't only enable it to provide information on the human rights situation of Togo to the world, but also get financial support. In the next part, human rights activities of the LTDH regarding democratization are considered.

4 LTDH'S ACTIVITIES UNTIL THE END OF TRANSITION PERIOD

LTDH played an important role in the democratic process in Togo. However, its approach wasn't always the same way. The big turning point came at the end of the CNS institutions (CNS system), as the government of transition and High Council of Republic as a main actor of democratic transition CNS convened by principally civil society started the transition period through achieving sovereignty and diminishing the power of President Eyadéma. However, CNS system was weakened by military intervention ordered by General Eyadéma and an internal division. In this situation the transition process was delayed and it was able to recover from the power of General Eyadéma. This article distinguishes two periods, the end of CNS system's transition by ensemble declaration of President Eyadéma and Prime Minister Koffigoh in January 1993 and considers the LTDH's activities for democratization.

A characteristic of the LTDH's activities before the end of CNS system was to contact directly with the state power through the human rights movement. At that moment, the LTDH emphasized that human rights issues were an indivisible relationship with the state. LTDH considered that the human rights movement wasn't automatically political in its actions, but the LTDH recognized that it was impossible to improve human rights conditions without examining political power¹⁵. In almost all African countries after their independence, people understood that the democracy under uni-partism was an illusion¹⁶.

At the moment of the LTDH's creation, the student movement began to expand and clash with military police and student section of RPT¹⁷. In this conflict, there were many wounded, and captured without any judicial procedure.

(13) *Ibid.*, p. 19.

(14) *Annual Report of LTDH. Rapport d'Activités*, 1998, p. 9-10.

(15) *Droits & Liberté* (1991), p. 27-28.

(16) *Ibid.*, p. 32.

(17) Interview with Mr. Augustin Améga, ex-leader of student group, Chief of *Journal A Propos*, in Lomé, on 26 August 1999.

LTDH demanded the release of democratic activists captured in August 1990 and accused the state of ignorance to the rules of law. LTDH didn't only work as an association, but also as a centre of civil society network. This network grew for the realization of CNS convocation.

October 5th 1990 is a very important day, even at the new millennium, Togolese people still talks about this day as the birthday of democratization in Togo. It was after this day that the democratic movement expanded rapidly. The demonstration of this day was planned as an accusation against the judgement of 5 years imprisonment for 2 activists who distributed anti-governmental pamphlets (MTM, 1990: 2876-2877).

In the early morning of October 5th, a number of groups concentrated in front of Palais de la Justice (Court) of Lomé and sang the old national anthem "Terre de nos aïeux" (Our Ancestor's Earth) prohibited in 1979¹⁸ and started demonstration march crying for the end of the Eyadéma's regime. Military troupes tried to suppress this demonstration, the biggest to date, and this led to five casualties and 34 wounded (MTM, 1990: 2347). Several groups of participants developed into mobs. Car tires were burned everywhere in Lomé and the area was veiled in a black smoke. So to this day it has been called the "Vendredi noir" (Black Friday) (Dégli, 1996: 26). LTDH protested against military intervention before Vendredi noir. This event led to stimulate the LTDH's actions.

In December 1990, the LTDH convened a General Assembly to improve its organizational functions. The General Assembly consisted of an elected president and other executive members. A very famous lawyer Joseph Kokou Koffigoh was elected as the first president. After the LTDH's creation, many human rights associations were born. In these younger associations, Association Togolaise de Lutte contre la Torture led by Jean-Yaovi Dégli had very radical attitude against the state. Dégli was a lawyer who organized student groups well and assisted Prime Minister Koffigoh in the transition period. He would also become the second president of the LTDH after Koffigoh's demission in 1992.

General Eyadéma thought that it was inevitable that the transition to multi-partism would occur for recovering calm in Togo. President Eyadéma began to think how the transition process would be realized while still keeping his status and honor. Eyadéma made a speech on constitutional modification to move multi-partism, creation of constitutional commission and nomination of its 109 members. However, this speech couldn't tranquilize democratic movement and he had to compromise one after another. On media, private news paper was legal-

(18) This chorus was not programmed and started by singing of one young participant. Interview with Améga.

ized by press code "Loi No 90-25 du 30 novembre 1990 Portant code de la presse"¹⁹. On liberation of political prisoners, President Eyadéma announced general amnesty on January 10th 1991. However, the amnesty list excluded the names of the prisoners who had tried to attack Eyadéma in 1986. So, the LTDH required to deputies the total number and requested general amnesty a few days after the President's announcement.

In Mid-March 1991, the upsurge of political consciousness of Togolese people came into fruition as Front des Associations pour le Renouveau (FAR) concentrated on ten associations, which pursued convocation of CNS and organized a general unlimited strike. Through the discussions with President Eyadéma, FAR succeeded in forming a Forum National de Dialogue, in June constituted by 200 representatives from the presidency side and the civil society side. In April, uni-partism finished through the enactment of party law "Loi n°. 91-04 Portant charte des partis politiques". LTDH appealed to AFP (Agence France Presse) at the event held on April 5. They stated that soldiers shot two participants when they had tried to protest against the status of General Eyadéma showing a picture of the victim's headshot using a rifle (MTM, 1991: 953). In April, FAR was dissolved but reformed to Front de l'Opposition Démocratique (FOD) and expanded to Collectif de l'Opposition Démocratique (COD). FOD/COD concentrated again in the aim to reach democracy and organized unlimited strike in June. Economic activities were completely stopped. Clashes among groups from the regime side and the society side occurred everywhere in Lomé. Finally, President Eyadéma had to accept the convocation of CNS to finish economic paralysis and confusion in Togo. On June 12th, the convocation of CNS was signed. Associations, Catholic churches, students, political parties and the military constituted CNS delegations.

In this situation LTDH played a significant role. LTDH engaged in drafting work for the CNS Acts in the transition period and development of the new constitution to replace the former constitution of 1980 suspended by CNS, and making a report for CNS on human rights. This report of July 1991 is very important to show political tendency of the LTDH. In this report, Togo achieved autonomy by referendum in 1956 and independence in 1960. Human rights in Togo insured political, religious and possession freedom following the spirit of Universal Declaration of Human Rights until the fall of Sylvanus Olympio's regime by military coup d'état in 1963. However, after second coup in 1967, the regime continued extra judicially in that condition until 1979. Due to lack of rules in law, no one could expect any respect for human rights and the international community was in a cold war framework. France ignored the violation of human rights in political

(19) Liberation of television and radio wasn't achieved.

assassinations, tortures, arrest and execution outside of law in Togo for keeping anti-Communist and pro-France countries particularly in francophone Africa. In 1980, the third constitution was enacted after 13 years absence but it had enacted the expansion of the President's power. Accusations of human rights in Togo by Amnesty International or so had never stopped. Other types of violations were: prohibition of publication of newspaper except of national paper *Nouvelle Marche* (Togo-Presse), negation of association freedom, telephone tapping, disturbance of exchange, arrest and binding without judicial procedure, disappearance, lay off, confiscation of property, imposed migrant, electric torture and kidnapping in foreign countries²⁰.

The CNS made another report on human rights²¹. This report explained the following: distribution of national resources has been distorted by tribalism and nepotism through corruption and human rights has been violated in a uni-party dictatorial regime of General Eyadéma and RPT during the past 24 years. Togolese people were marginalized by political control. The CNS tried to perform a smaller state role from an orchestra conductor of national development to enable the overcoming of the former regime's problems. Former constitutions of 1960, 1963, 1980 emphasized the State of law (*L'Etat de droit*), but they were just slogans. It is indispensable to divide administrative, legislative and judicial function, particularly judicial and state power for State of law. Justice has to respect fundamental human rights and the State of law has to have been constituted by pluralistic political parties that have different ideologies for criticizing freely. It means that a multi-party system is the centre of democracy. In a political system, the term for a President of Republic should be shortened to 5 years from 7 years of fifth French Republic style and re-elected one more term only. The Prime Minister should be elected in a major party of National Assemble, not by President's designation in an actual system. National Assembly introduces the unicameral system. It means a semi-presidential system.

These two reports relative with the LTDH have principally common contexts. However, remarkable differences exist on evaluation of the human rights situation of Olympio's term in 1960-1963 after independence. Southern originated people principally as Ewé and Mina had power since colonial time until 1963. In Olympio's term also, human rights violations were reported against northern people as physical binding and professional discrimination. It is recognized in CNS's report but the other ignored it.

(20) LTDH (1991.7), p. 4-6.

(21) *Rapport Générale de la Conférence Nationale Souveraine*, Conférence Nationale Souveraine, République Togolaise, August 1991.

At the debut of the CNS, the LTDH played an important role in democratic transition. However, the LTDH gradually reduced its direct political actions through the stagnation of democratic transition caused by divisions in the transitional regime, conflict between HCR and the Prime Minister of transition government, enforcement of military intervention and recovering political power by General Eyadéma.

5 HUMAN RIGHTS ACTIVITIES AFTER THE DEMOCRATIC TRANSITION

5.1 LTDH'S ACTIVITIES AFTER THE CNS SYSTEM

LTDH contributed greatly in achieving a democratic process in Togo. However, after the end of transition in the CNS system, LTDH's approach changed drastically. At the debut of 1993, President Eyadéma and Prime Minister Koffigoh declared together the end of the CNS system in democratic transition. President Eyadéma once again designated Koffigoh as the Prime Minister. Even though it was the same status as the Prime Minister, its meaning was completely different. Togolese people were deeply discouraged that Koffigoh was no longer the representative of the LTDH nor the civil society but rather a politician looking after his personal interests.

Dégli, second president of LTDH had mobilization ability and a radical political tendency that he required Eyadéma's retiring as a first condition for democratization. His accession of the LTDH's president couldn't be ignored by Eyadéma's regime that has just recovered political power from the previous CNS. Military aggression enforced against the LTDH led to the destruction of the office, confiscation of documents and attacking the members. Dégli had to flee the country.

In the absence of Dégli, Koffimessa Dévotsou was elected as the third president of the LTDH. He depoliticized rapidly LTDH's activities. LTDH has not directly accused the state for human rights violations and not required a pressure on Togo from the international community.

LTDH categorizes human rights protection and promotion in their activities. LTDH thinks that human rights protection is about accusations of human rights violations, requires its improvement, and promotion enhances the consciousness on human rights for consolidation of freedom under law, rule of law for the Togolese people. Accordingly the LTDH's categorization of human rights activities, character of the LTDH's activities has changed from the sensational human rights protection to the quiet promotion at the point at the end of the democratic transition.

From 1967 until 1991, General Eyadéma's uni-party authoritarian regime maintained military influence. During 24 years, human rights violations in Togo

were well known, with 400,000 refugees but the international community ignored this. LTDH moved its focus towards vulgarization of human rights consciousness more than accusation of state. LTDH organized seminars not only for elementary and junior high school teachers, but also for other human rights and women's associations.

In June 1994 in Lomé, the LTDH organized two seminars with FIDH on human rights associations and administration on the theme "Good function of human rights NGO" and "Domestic adoption of regional and international norm of human rights". Other seminars were organized on themes regarding practices and human rights activities in November 1997 by support of the South African NGO Coalition for Peace in Africa, and in January 1998 by the British Council²².

LTDH evaluated that human rights consciousness has diffused in the higher educated people, but not in the lower educated as yet. The present purpose of the LTDH is the realization of human rights enlightenment activities at a grass root level, those that live in a state of unconsciousness regarding human rights.

United Nations declared "International Human Rights Year" in 1998 as the 50th Anniversary of the Universal Declaration of Human Rights. With the UN declaration, the LTDH aimed to advance human rights education as a first purpose in 1998 for vulgarization of human rights consciousness. In January 1998, the LTDH organized a seminar for learning "Charter of Banjul" (Charte Africaine des Droits de l'Homme et des Peuples) concluding in 1981 and "Universal Declaration of Human Rights". This seminar discussed the state's obligation on human rights, NGO's role and importance of human rights education in school education²³. LTDH also appealed to the necessity of thorough documentation of human rights, positive use of the media, translation of documents from French to regional languages, and creation of a student's section and commission for sustainable activities in the LTDH²⁴.

Recently, the LTDH efforts have led to the enlightenment of human rights of prisoners. LTDH practiced education program for jailers teaching that prisoners have human rights and teaching them the meaning of human rights. In October-November, the LTDH organized human rights education programs in Protestant high schools from principal cities with Amnesty International²⁵.

(22) *LTDH* (1998), p. 2-3.

(23) *Ibid.*, p. 4-7.

(24) *Ibid.*, p. 7.

(25) *Ibid.*, p. 8.

Human Rights are very delicate and diplomatic issue in Togo. The dispute since May 1999, between Togolese government with Amnesty International is symbolic. Human rights issues in Togo aren't only on domestic politics, but also diplomacy that links directly to economic cooperation. Since 1993, with the exception of France, other principal donor countries have stopped or limited their economic cooperation for Togo. In this situation, the Togolese government reacted strongly against Amnesty International which published the report titled "Togo: rule of terror"²⁶ in May 1999. The most disputed point of this report was that regarding the electoral campaign of June 1998, Togolese forces executed more than 100 people including soldiers and abandoned dead bodies in the Guinea gulf. These bodies were found in Benin. The Togolese government immediately prohibited this report in Togo and accused Amnesty International of false representation. Amnesty International also accused of human rights violation in Togo and required an investigation by an international organization. This dispute hasn't concluded as yet. The Togolese government is very nervous regarding human rights problems and that has been the major reason for the suspension of economic co-operation by the European Union, particularly by Germany. However, in this hot dispute between Togo and Amnesty international, the LTDH has kept silent on this issue. This attitude of the LTDH was unexpected, and symbolized the change of the LTDH's character.

Finally, the investigation group composed by United Nations and Organization of African Unity (OAU) was sent to Togo for the request of Togolese government. The report of UN/OAU released in February 2001 confirmed existence of human right violations and extra judiciary executions in Togo. Togolese government immediately accused this report as the imperialism of international organization.

At the time of the presidential election of June 1998, the LTDH assisted electoral observers of EU and investigated on human rights violations during the electoral campaign with Amnesty International and FIDH²⁷. On refugees, the LTDH informed to L'observatoire-Paris, the FIDH, and l'organisation mondiale de lutte contre la torture²⁸. However, the LTDH doesn't publish any report under it's own title. LTDH explained that financial difficulties and avoiding same type of report published already by other organizations as above-mention were reasons for not making publications on this matter²⁹. However, it is evident they are avoiding conflict with the regime.

(26) *Amnesty International-Report-AFR 57/01/99*. Togo. Rule of Terror, 5 May 1999.

(27) *LTDH* (1998), p. 13-14.

(28) *Ibid.*, p. 15-16.

(29) Interview with Mr. Kofimessa Dévotsou, President of LTDH, in headquarter of LTDH in Lomé, on 7 September 1999.

LTDH's activities became compromised with the state. LTDH petitioned the diffusion of human rights education to the ministry of education³⁰ and the CNDH, not by accusation and protest. The Togolese government declared "Human rights and dialogue year in Togo" in 1999³¹.

Associations change their activities sensitively in the circumstances and history. There isn't one fixed desirable type. So it can't be decided which is better. Here, the causes of the changing of the LTDH's activities are considered. There are 4 principal causes for examination. Firstly, military intervention was enforced by restoration of power by General Eyadéma after the end of CNS system. So the LTDH's activities were limited. Secondly, the leaving of principal members weakened the LTDH. At the time of the LTDH's creation, opposition party didn't exist in RPT uni-party regime. However, political party law (Loi n^o. 91-04 Portant chartre des partis politiques) legalized it in April 1991. Many members participated in political parties and left from the LTDH. Thirdly, it's financial difficulty. At the time of convocation of the CNS, the LTDH could expect financial resources from broad social stratum. However, at the end of the CNS system that meant failure of democratization by civil society, the LTDH couldn't expect contributions from mass. Further, in 1993 the principal donor countries and international organizations stopped their economic cooperation for Togo because of the delay of democratization and human rights violations. Through cooperative suspension or limitations this has had serious damage on the Togolese economy. In this economic crisis, the LTDH counts more than 3000 members in 1999 but almost all members don't pay the annual membership fee³².

These above reasons are important factors but not decisive one. The principal reason for changing the LTDH's activities was the falling of their legitimacy by disappointment caused by Koffigoh, the first president of the LTDH and Prime Minister of the transitional government. At the time of convocation of the CNS in July-August 1991, Koffigoh was the symbol of democratization and civil society. There existed an optimistic atmosphere that Togo would be changed to a democratic country by Koffigoh's leadership. In fact, he deepened the division and weakened the CNS system. Finally, he handed over the democratic process to General Eyadéma on the condition of preserving his status as Prime Minister. Because Koffigoh embodied the LTDH, betrayal of Koffigoh fell instantly and directly on the legitimacy of the LTDH. In this situation, the LTDH could no longer expect big mobilization of demonstration. LTDH had to change the direction of their activities.

(30) *LTDH* (1998), p. 7.

(31) *Ibid.*, p. 9.

(32) Interview with Mr. Nicolas Koffi Amulalo, Secretary of project of LTDH, in Lomé, on 6 September 1999.

Due to these reasons, the LTDH changed the direction and almost all other small associations stopped their activities in Togo. However, outside of Togo, human rights associations went different road.

5.2 HUMAN RIGHTS ASSOCIATION IN FOREIGN COUNTRIES: BATIR LE TOGO

Now, there are 400,000 Togolese refugees, about 1/10 of total population. These refugees organize human rights movements in foreign places. Here, it considers on "Batir le Togo/Togo Aufbauen" (BT) as one of associations. With official documents written in French and German, BT's activities across in France and Germany. Togo was ruled under German colonization until 1914, defeat of World War? by France and Great Britain that divided German Togoland. So Togo has an intimate relationship with Germany and there are many Togolese refugees in Germany. BT accused of Eyadéma regime, on human rights violation, election fraud and extra-judiciary execution.

BT appeals to support young people after the failure of democratic transition that it was expected the state of law by the wind of East³³. BT's slogans are "Fidelity, Cohesion and Fraternity." BT has 22 sections in 3 principally categories as: association, social and economic. Financial resources of BT are a membership fee, personal property of president of BT Dégli and financial support from foreign governments and NGO's.

Generally, human rights movement in abroad tends to be more radical than domestic activities because of less physical risk, insufficiency of information and necessity sensationalism for financial support. BT isn't an exception. BT is lead by Dégli. He is said to be a presidential candidate in 10 years for his ability to achieve mass mobilization³⁴. Dégli has a deep rancour against General Eyadéma because his family was attacked by military and was disappointed by the division of oppositions and betrayal of Koffigoh³⁵. Dégli looked malfunction and formalization of CNS system by division caused by Koffigoh and other opposition leaders. Dégli accused the opposition leaders of lack of vision on refugee and economic policy³⁶. He also accused the LTDH of holding as election for president during his absence.

BT shows its radical character from their report. BT accused very strictly on human rights violation in the Eyadéma's regime, lack of transparency and

(33) *Statuts de Batir le Togo*, 14 February 1997, p. 1.

(34) Interview with Améga.

(35) Interview with Dégli.

(36) Interview with Dégli.

manipulation of the election³⁷. BT also accused Western countries including France of supporting Togo.

In the after election's report, BT accused the National Electoral Commission of tampering with the election results and human rights violations, detection of 20 young people by military police, and their suffocation. Also BT accused the international community for being ignorant of violations and supporting General Eyadéma. BT insisted on boycotting the election of Togolese, cooperation among opposition leaders for avoiding division, and pressure to Togo to make an Independent Electoral Commission and reorganize the election to involve the international community, such as the United Nations, EU, OAU and France³⁸.

But BT tends to exaggerate because of insufficient information resources in Togo and sensationalism to get financial support. For example, BT reported that if the counting of ballot had been organized in transparency, General Eyadéma would never have won in presidential election in August 1993. However, opposition leaders boycotted this election because the Supreme Court refused the presidential candidate of Gilchrist Olympio, son of first President Olympio assassinated in 1963, due to a document problem. This election was conducted regardless of the apathy of the Togolese people. The participation rate was only 36% principally northern region of General Eyadéma and broadly boycotted in the southern region. In this situation, it was impossible to get another result besides Eyadéma's win.

6 UNIVERSAL HUMAN RIGHTS AND LTDH

This article considered the human rights movement in relation to the democratic process in Togo principally through the LTDH's activities. It is necessary to rethink the meaning of the concept of human rights in Africa before any conclusion can be made on how the human rights movement contributed to democratization. This is in light of a context of civil society. The recognition of the LTDH on human rights known from their documents and interviews with members is based on modern European concept. LTDH has reasons in "Declaration des Droits de l'Homme" in 1789 and "Universal Declaration of Human Rights" in 1948. This concept exists on the premise of universality of human rights and individual as a minimum unit of society.

(37) Déclaration de Batir le Togo, 14 June 1998, p. 1-2.

(38) Communiqué de Batir le Togo, 24 June 1998, p. 1-3.

In this premise, the LTDH recognizes that it is important to develop civil society in adaptation of tradition and custom to universal norm of human rights stage³⁹. It is possible to make the individual with the process of obtaining relatively homogeneous identity in the people of a certain territory in the direction of nation-state. There are some questions on the LTDH's recognition. Because nation-state is still one of possibility in future not as premise in Africa, and the individual isn't necessarily a social atom in African societies.

LTDH is the biggest human rights association and has legitimacy. So the LTDH looks to be outside of ethno-regional problem, one of biggest reasons of political instability in Togo. It exists in northern-southern, Kabyè-Ewé (Mina) conflict in Togo. Southern people ruled since the colonial era under the German and French colonial government until the first coup by Eyadéma in 1963, and northern people has ruled in present after 2-coup d'état.

LTDH hasn't been outside of ethno-regional scheme in Togo. Almost all members of the LTDH are southern people. Some members don't deny that the LTDH has ethnic tendency for restoration of rights of Ewé⁴⁰. This tendency appeared in the LTDH's attitude to ignore on human rights violations against northern people in Olympio's era 1960-1963 in the above-mentioned human rights report of the CNS in July 1991. It is far Kara for the LTDH, northern principal city situated 430km north from Lomé and 10km from General Eyadéma's village of birth, Pya, than Paris distanced some thousand kilometres. In the end of 1990's, even the northern region influenced by General Eyadéma is a way to liberalization of association and information. However, the LTDH has no office and no intention of its installation in Kara.

Even in the LTDH, an association for universal human rights, it is visible the ethno-regional identities advantages on national identities. Is it possible to discuss the consolidation of human rights consciousness in Africa without thinking how complex and diverse African's identities and individual of European concept cross each other? It is an inevitable theme for the human rights movement in Africa.

7 CONCLUSION

This article analysed the human rights movement in the democratic process in Togo through the LTDH's activities. LTDH changed drastically their direction of activities after the end of the transition period. It may not be appropriate

(39) LTDH (1998), p. 12.

(40) Interview with Dévotsou.

to generalize on civil society's role in democratization from a consideration of the LTDH. However, the LTDH's actions for democratization are much more significant than an association.

Before the CNS, the LTDH accused directly against the state regarding human rights violations and worked as a centre for the civil society network. In the transition period, the LTDH contributed in making a draft of new constitution and human rights reports. Also after democratic transition, the LTDH depoliticized their activities. There are several reasons, but this article focused on the fall of legitimacy by the betrayal of Koffigoh as the decisive one. In diverse civil society spheres, human rights issues are very sensitive with regard to what the state should be. Concerning ethno-regional relations, the LTDH doesn't exist outside of them in spite of their universal appeal. This issue isn't only concerned in Africa, but it isn't inevitable to think in African politics. It is necessary to think of the concept of human rights not only in dichotomy between tradition and modernity, nor society and individual.

Finally, the approach of the concept of civil society is indispensable for political analysis in the democratic process in African countries that have incomplete state governance. It is necessary to understand political engagement of non-state spheres. However, the relationship between state and civil society is not fixed. Civil society is not just in opposition to the state, nor a necessary-sufficient condition for development of democracy.

BIBLIOGRAPHY

- BAYART, Jean-François. Civil Society in Africa. IN: CHABAL, Patrick (ed.). *Political domination in Africa*. Cambridge, 1986. (Translated from French text: Bayart, Jean-François, *La revanche des sociétés africaines, Politique Africaine*, n. 11, Karthala, 1983.)
- BAYART, Jean-François. Achille Mbembe, Comi Toulabor (eds.). *Le politique par le bas en Afrique noire*. Paris: Karthala, 1992.
- DÉGLI, Jean Yaovi. *Togo: La tragédie africaine*. Editions Nouvelles du Sud, 1996.
- ENDO, Mitsugi. Africa ni Okeru/Shimin Shakai. *Soubun*, 1997.
- ENDO, Mitsugi. Minshuka'Go no Minshusei Teichaku Kyokumen ni Okeru NGO no Yakuwari to Kinou, Zambia no Jirei. *Document of Kaihatsu Enjo Seminar*, 1998.
- RIEDEL, Manfred. *Shimin Shakai no Gainenshi (Begriffe und Geschichte)*, translated into Japanese, Ibunsha, 1990.

MAGAZINS:

Marchés Tropicaux et Méditerranéens (MTM).

La Nouvelle Marche (NM) (Togo-Presse: TP).

RESUMO: Dez anos atrás começamos a falar da transição democrática em África. Depois desses anos, os países africanos caíram em um regime autoritário novamente. Alisamos a transição democrática do Togo no que diz respeito aos movimentos de direitos humanos que se manifestaram na sociedade civil. As discussões da sociedade civil dos estudos políticos africanos perderam a discussão empírica da fase política. Nós pensamos a relação entre a sociedade civil e democratização utilizando uma análise concreta. Focalizamos a mudança de compromissos da organização de direitos humanos na colocação da democratização. Finalmente, refletiremos sobre o papel da problemática da sociedade civil no processo democrático na África.

Palavras-chave: Transição democrática; Direitos humanos; Sociedade civil; Togo