THE LEGACIES OF TRANSITION GOVERNMENTS IN AFRICA

The Cases of Benin and Togo

JENNIFER C. SEELY

THE LEGACIES OF TRANSITION GOVERNMENTS IN AFRICA

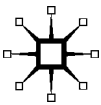
This page intentionally left blank

The Legacies of Transition Governments in Africa

The Cases of Benin and Togo

Jennifer C. Seely

palgrave
macmillan



First published in 2009 by
PALGRAVE MACMILLAN®
in the United States—a division of St. Martin's Press LLC,
175 Fifth Avenue, New York, NY 10010.

Where this book is distributed in the UK, Europe and the rest of the world, this is by Palgrave Macmillan, a division of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN: 978–0–230–61390–4

Library of Congress Cataloging-in-Publication Data

Seely, Jennifer C.
The legacies of transition governments in Africa : the cases of Benin and Togo / Jennifer C. Seely.
p. cm.
Includes bibliographical references and index.
ISBN 978–0–230–61390–4
1. Benin—Politics and government—1990– 2. Togo—Politics and government—1960–2005. 3. Democratization—Benin. 4. Democratization—Togo. 5. Democracy—Benin. 6. Democracy—Togo. 7. Political culture—Benin. 8. Political culture—Togo. I. Title.

DT541.845.S446 2009
966.8'0329—dc22 2009000555

A catalogue record of the book is available from the British Library.

Design by Newgen Imaging Systems (P) Ltd., Chennai, India.

First edition: September 2009

10 9 8 7 6 5 4 3 2 1

Printed in the United States of America.

To Carlotta and Scott, for your love and support

This page intentionally left blank

Contents

This page intentionally left blank

Figures and Tables

Figures

Tables

This page intentionally left blank

Preface

The historic 1990 National Conference in Benin sparked a series of political transformations in francophone Africa by providing an example of how to structure a successful democratic transition, peacefully remove a dictator, and pave the way for a democratic constitution. Many countries attempted to follow Benin's path, including Togo, but did so with far less success. What is not often acknowledged, however, is how significantly Togolese politics has changed since the attempted democratic transition: changes that, as in Benin, trace their origins to events in the transition period. The comparison between the two countries is instructive from the point of view of fundamental political processes: both countries saw significant changes to the important political actors, institutions, strategies, and agendas as a direct result of events and choices in transition. This distinction between politics "before" and "after" transition in the two countries, or the legacies of the transition governments, is the focus of this study.

This book is a testament to the battle for democracy in a part of the world that continues to struggle to establish effective governance. On the African continent, where politicians and citizens often seem hopelessly constrained by poor economies and international pressures, this book demonstrates that the actions of African politicians matter in the long run. On these pages, transition actors tell their own stories of transition: how they overcame conflicts or why they refused to compromise. Supporting my arguments are new and original research data from Benin and Togo, including National Conference documents never before collected and analyzed by English-speaking scholars, and information from 74 interviews conducted with a cross-section of National Conference participants, including government ministers, political party leaders, representatives of organized labor, civic associations, military leaders, religious representatives, and university students. The first-hand accounts of transition events that have influenced social, economic, and political development for more than a decade will be of interest to scholars in many disciplines of African

studies. Both the data and the analysis contained in this book offer new perspectives on key issues of interest to students of politics on the African continent and elsewhere. This work also represents an important step in theoretical development by contributing to a body of scholarship on democratization that has often been applied to African cases, but seldom inspired by them.

This project has undergone a great many variations and revisions since I traveled to Benin in the summer of 1997 to collect background materials and conducted my first few interviews with National Conference participants. Therefore, I have a great many people to acknowledge and thank. In the first place, this research was supported by a Fulbright grant in 1998–1999 as well as a Washington University pre-dissertation grant in 1997. I also benefitted from a Carnegie Mellon Post-Doctoral Fellowship from Brandeis University 2002–2004, during which time I received the support of the Politics Department and first began to see my way clear of the prevailing dichotomy of success and failure in transition. Victor LeVine has been an incredibly supportive mentor and friend throughout my education and early career, and supervised the initial research and writing on this project. Jack Knight, Sunita Parikh, and other faculty and graduate students at Washington University in St. Louis also lent useful insights. The Politics Department at SUNY Potsdam, particularly Phil Neisser, Richard Del Guidice, Susanne Zwingel, Jack McGuire, and Jackie Rush provided me with a friendly and intellectually fertile working environment as I was laboring to turn my ideas into a worthy theoretical contribution. The Politics Department at Earlham College has been extremely understanding and supportive during the final push. My family and Martin Battle have demonstrated unconditional love and support over the years, which has made this process much more enjoyable than it otherwise would have been. Most important of all, I received incredibly generous cooperation from people in Benin and Togo as I was conducting field research. I am very grateful to all those who graciously agreed to be interviewed by me, and I have endeavored to pay homage to their struggles and triumphs in this volume. All the French language translation in this volume was done by the author, and any mistakes therein are my own. I am very thankful for the cooperation of the Ministries of Education and National Archives in Benin and Togo, as well as the American Embassy and American Cultural Center personnel who provided me with logistical and practical help. Finally, to my good friends who helped me professionally but did much more for my sanity and peace of mind in the field: Thank you Jean Togbe, Bienvenu Olory, Kuamvi Kuakuvi, Lea Palanga, and Vie Kobina "Hugo" Odonkor and family.

Chapter 1

The Legacies of Transition Governments: Practical Changes and Theoretical Optimism

Introduction

A democratic transition can be a transformative experience, with crowds of demonstrators in the streets, protesters facing off against armed security forces, late night wrangling and jubilant celebrations marking the end of years of dictatorship. Successfully managing the intense uncertainty and fast pace of events requires a combination of skill, luck, and timing, as elites attempt to gauge the prevailing winds and win control of a political system without making the mistakes of their predecessors. Those who find themselves at the helm of a transition government are uniquely placed to face these challenges while being under the scrutiny of observers both foreign and domestic. If the transition succeeds, then by definition the political system will be thoroughly overhauled. But even if the transition fails, the political elite cannot simply return to business as usual, as the political landscape has changed: the incumbents have shown their vulnerability, the crowds in the street and their prodemocracy leaders have shown their strength. The balance has shifted away from dictatorship, even if democracy has not been achieved. These circumstances have characterized transitional periods in a number of African countries since the 1990s as dozens of attempted transitions to democracy on the continent have encountered varying degrees of success. But analysis of this variation in African transition outcomes is often colored by the prevailing wisdom about the prospects for transition, in particular, the heady optimism of the early 1990s or the pervasive pessimism of more recent years. All too often, what observers both inside and outside

of these countries see today reflects their own dissatisfaction with the limitations of political reform, rather than the remarkable contrast between a post-transition political system and what came before. This tendency is understandable, but not particularly fruitful for understanding political outcomes of interest.

Benin and Togo are two cases of attempted political transition in the early 1990s with many features in common, but Benin succeeded in its transition, whereas Togo failed. When I began this project, I was interested in the dichotomy of success versus failure, and I wanted to explain how Benin, similar as it is to Togo, was able to achieve a meaningful transition. Both countries held dramatic National Conferences in the early 1990s, formed transition governments to signal the end of one system and bridge the gap to a new constitution, and planned free and fair elections. Benin's government in 1989 was bankrupt and out of ideas; Marxism-Leninism was no longer a viable ideology and the country badly needed to recover international ties for the sake of paying civil servant salaries and getting striking workers back to their jobs. The National Conference was a concession to appearances, where representatives of political factions, civil society groups, and the government could sit down and discuss the future, hopefully appeasing the crowds in the street as well as the international donors. But Benin's Conference delegates went far beyond their original mandate, dissolving the old organs of government, electing a transition prime minister and legislative body, and laying the groundwork for a meaningful political transition. It was called a "civilian coup d'état" and its striking success (coupled with a lack of bloodshed) prompted many francophone African countries to copy the model. Togo was one such country, but despite the fact that a broad swath of the population sought a change of government and the National Conference there was superficially similar to Benin's, the transition there did not unfold as many hoped. Whereas Benin completed its transition roughly on schedule, culminating in a new constitution, new elections, and the start of a new political era, Togo's transition government struggled to keep the incumbent party in check, and endured several instances of violent military intervention that prevented them from completing their work as planned. The narratives of these two cases are striking, but as it became clearer that Benin was a "success" in establishing a fledgling democracy and weathering early political problems, it became easier to dismiss Togo's political situation as "failure" and even a return to previous levels of dictatorship.

Togo is not alone in being given this assessment; many have lamented the fact that despite widespread democratic transitions on

the continent in the early 1990s, there has been relatively little turnover in the ruling elite (Daloz 1999), and some have even argued that a flawed transition is worse than no transition at all (Kohnert 2007). Even African transitions that succeeded in replacing authoritarian institutions with competitive ones, like Benin, have been given the labels "virtual" (Joseph 1999) or "minimal" democracies (Doorenspleet and Kopecký 2008), as if to caution against undue optimism.[1] The more things change, the more they stay the same, is the somber message, but does this message reflect the political reality on the ground? In fact, this pessimism reflects the stark dichotomy in which transitions have been placed: the dominant possible outcomes are success or failure, even when a given case cannot comfortably fit under either heading. Having no other way to define a completed political transition than "success," scholars and observers rush to hedge their bets and point out flaws so that success is not equated with complacency or mistaken for an assessment that the political journey is over. Even worse, those countries that are classified as failure no longer have any place in a discussion of democratization or consolidation, except as they provide additional reasons to be pessimistic about the prospects for meaningful change on the African continent. Today in Togo multiple political parties and candidates stand for election, a freer press keeps citizens informed, and though the ruling party has kept a hold on power, they have less room to maneuver than ever before. In Benin the Constitutional Court mediates conflicts between the legislative and executive branches, and there have been several turnovers of power via the ballot box. These are political outcomes that beg for a meaningful explanation, and we must not allow an analytical relic to interfere with our attempts to understand these realities.

The dichotomy of success versus failure in democratic transition has outlived its usefulness. Inserting a third category in between the two will not remedy the problem. Instead, it is time to consider political transitions in terms of what has changed from previous political practice so that we can understand the political realities in a post-transition system—who has power, how decisions are made, and the range of feasible outcomes—regardless of whether or not the democratic transition can be deemed a success. In this study I seek to explain four aspects of a post-transition political system: who the important actors are, the nature of the political institutions, the strategies actors use to try to get what they want, and the broad political agenda that shapes the rest. These four elements of a political system are integral to understanding and predicting political outcomes, and they are likely to be significantly different in the pre-transition period

than in the post-transitions period, thus explicitly highlighting the differences between past and present, regardless of whether or not the transition can be said to have succeeded or failed. The explanatory variables I employ in this study are the precedents established by the transition governments, which shape the new political system and set it on a new political path. Choices made in the transition period determine the four legacies of transition governments: actors, institutions, strategies, and agendas. Understanding these four legacies gives us a much more well-rounded understanding of the day-to-day politics of countries than any yardstick that measures the degree of successful democratic transition or consolidation. In this chapter, I will briefly review the literature on democratic transition, the nature and mechanics of transition governments, lay out my argument about the legacies of transition governments, and preview the evidence to come.

The Study of Democratic Transition

One prominent feature of political transition is the tension between continuity and change. This tension has been transferred to the study of democratization, where scholars debate the analytical benefits of studying the structure or institutional constraints in transition, as compared to the benefits of focusing on the agency or process that shapes democratization. The focus in this study is on change rather than continuity, specifically how the agency of the transition government shapes the new, more permanent, rules of the political game. For example, in Benin the Constitutional Court that emerged from transition has been able to play a valuable role in arbitrating disputes between the executive and legislative branch. This institution owes a great deal of its credibility in playing this role to the fact that the highly respected outgoing transition legislature, the High Council of the Republic, served as the Constitutional Court for the first few years under the new constitution. In Togo today, incumbent and opposition are routinely encouraged by the international community to negotiate for the sake of holding elections. But in a recurring pattern, one side or the other breaks the agreement and employs extreme tactics like military deployment or a general strike in an attempt renegotiate from a position of greater strength. These strategies were developed in the transition period, which was the first time in decades that these two sides conducted any meaningful negotiations at all.

Both of the examples above highlight rules of the political game in Benin and Togo that are significantly different from the pre-transition patterns of political interaction. In Benin prior to democratic transition,

there was no check on the executive branch at all, and any dissent in the ranks of the one party (or dissent from the outside that became too threatening) was dealt with through repression, not consultation. In Togo, the opposition was never granted a seat at the bargaining table prior to the attempted (and abortive) democratic transition. Today, the role of the opposition may not be institutionalized in the traditional sense, but it has a persistent role to play, and one that took shape during the democratic transition, as there was essentially no other precedent to follow.

This study of the impact of transition governments highlights how actors and the decisions they make in the transition period have a significant impact on the post-transition system of government. It is linked to studies that focus on "critical junctures" in transition, though the focus on the specific legacies of transition governments in this work is new. A critical juncture, defined by Collier and Collier (1991) in their definitive work, is "a period of significant change, which typically occurs in distinct ways in different countries . . . and which is hypothesized to produce distinct legacies" (29). This idea was applied to post-1990 Africa by Villalón (1998), who deemed that the political transformations of the 1990s were critical junctures because: first, elites were obliged to make significant changes in response to crises and pressures for change; second, these new choices were constrained by the nature of the postcolonial state, but there was still ample room for intentional action; and third, the choices made in this critical period would impact state and society for "some relatively significant time to come" (7). I take the perspective that some very important legacies of this period in African history can be traced to the transition governments that were established in some countries, as one-party states began to collapse as part of the Third Wave of democratic transitions (Huntington 1991). As such, the transition governments dislodged the previous institutional arrangements (Collier and Collier 1991, 36) and the political patterns they produced remained intact even after the transition government gave way to a new constitutional order.

To date, the post–Cold War transition experiences of countries in Africa, Latin America, and Eastern Europe have been used by scholars largely to make arguments about what produces success and failure in democratic transition. These studies were the logical place to start studying the Third Wave of democratic transitions that began with Portugal in 1974 and ended with South Africa in 1994, but this overarching dichotomy of success versus failure has not left room to explore more subtle, but still fundamental, political outcomes. Perhaps

a country is not democratic, but we might still be interested in the relative influence of executive and legislative branches, the degree to which civil liberties are protected, and the nature of political competition, even if it is much more limited than we would ideally hope to find. The dichotomy of successful versus failed transitions continues to shape research agendas even as the questions being asked have evolved. When transitologists next turned their attention to the study of democratic consolidation, they necessarily left out those cases of "failed" democratic transition, even though political outcomes begging explanation were present regardless of the transition outcome.

There are two main problems with this dichotomous division in transition studies: first, there is the danger that the "transition paradigm" has normative implications about the inevitability of democratization despite evidence to the contrary (Carothers 2002; Chabal 1998); and second, political events in cases classified as failed transitions become uninteresting to scholars and policy makers except as they serve to illustrate the nature of democratic failure. To borrow from a critique of the study of history, this has the effect of "dividing the world into the friends and enemies of progress" (Butterfield 1965, 5). Analyses of transitions have tended in one of two directions, either tracing the process of democratic consolidation in cases of successful democratization (Diamond 1997; Gasiorowski 1998), or classifying and labeling unsuccessful democratizers according to the nature of their failures (Schedler 2002). This section acknowledges the nature of the literature in this respect, but as I unfold my own argument below, I will expand the analysis as a means of understanding the broader process of political development, rather than explaining the success of one country to transition versus the failure of another.

My argument differs from those that have come before because I view the events in transition as the independent variables that help determine political outcomes beyond the success and failure in the transition period. Where the critical junctures literature for Africa has considered effective state structures and stability of the political and social order (Villalón 1998, 5), this study focuses on specific elements of political practice and the degree of change from the past. This is different from continuing to measure the distance from some ideal goal, whether "democracy" or "stability" or "government effectiveness." In the post-transition period there are actors, institutions, strategies, and agendas that differ significantly from those that dominated the political scene prior to the attempted transition. The nature of these four elements owes a great deal to events in the short yet decisive transition period. This study differs from those that have

come before in that it focuses on the transition government as having a significant impact on the political system that follows.

Later in this section I will give a brief overview of the study of transition governments followed by a closer examination of the analytical prospects for transition period itself, and discuss the few existing studies that focus on transition (or "interim") governments, before building my own argument.

Attributes versus Process in the Study of Transition

Broadly speaking, political scientists focus on the attributes of a particular country when it reaches a transition, or they focus on the process of transition itself. For example, one way to approach the study of transition to democracy is to ask what structural conditions improve the chances that democracy emerges. The state of the economy is certainly an important structural variable for democratization, though scholars disagree on how much the economy matters to the process. For many years, political scientists accepted the proposition that improving economic conditions was favorable for democracy (Lipset 1956; Przeworski and Limongi 1997). This view has come under attack in more recent times, especially with respect to Africa. Both Robert Bates (1994) and Barbara Grosh (1994) suggest that poor economic conditions make authoritarian regimes in Africa more likely to liberalize because political elites can no longer effectively utilize their patronage networks. Though it may be true that the world's richest countries are democracies, the economy as an explanatory variable appears to cut both ways, and has therefore never been entirely satisfactory in explaining why some transitions succeed and others fail.

Another attribute of a country that factors into democratization is the strength of civil society. Where associational networks are better formed, political opposition to authoritarian rule may be better able to take advantage of political opening. Putnam (1993) famously described this with respect to political development in Italy. John Heilbrunn (1993) and Samuel Decalo (1997) both offer this argument for the success of Benin's transition, claiming that Togo's opposition did not have the benefit of years of social organization (as did Benin's) to draw upon when the regime fell into crisis.[2] But Jennifer Widner (1997) argues that even where associational life is vibrant on the continent, civil society leaders cannot deliver votes as effectively as can more traditional or ethnically based clientelistic networks. Others argue that foreign pressure influences democratic transition (Joseph 1997;

Monga 1996; Widner 1994). Kathryn Nwajiaku (1994) argues that the ruling regime in Togo got greater support from the French than Benin, which explains why that ruling regime was able to survive in the face of so much opposition.[3]

Providing a more institutional approach to the study of democratization, Michael Bratton and Nicolas van de Walle (1997) find that increased participation and competition (as measured by opposition seats in the legislature and voter turnout, for example) in past political institutions helped to promote democratization in the early 1990s. Benin's successful transition, in their view, can be explained by that country's longer experience with democracy since independence as compared to Togo. Bratton and van de Walle's multivariate analysis has been very influential in the study of democratic transitions, and it would be difficult to argue that past institutions do *not* affect transition outcomes. There is notable continuity in the political processes of African countries before and after transition: certain politicians and ethnic groups that were influential before continue to exercise power, and the patronage networks that infused politics in the past remain relevant for distributing resources and staying in office. However, the remaining political outcomes that are not explained by this approach—the political processes that do change significantly in transition—do not deserve to be relegated to the error term or treated as random noise. I argue that these important changes from pre-transition politics as usual are systematic by-products of the bargaining in transition and patterns established by the transition governments. In other words, there is continuity between pre- and post-transition politics, but I would like to contribute a parsimonious explanation for the discontinuities between pre- and post-transition politics, which must take into account some of the attributes of a country at the moment of transition, and also the transition process itself.

In contrast with studies of attributes, studies of process in transition generally focus on negotiations between groups where the end result is not necessarily a foregone conclusion. Dankwart Rustow (1970) first opened up the "black box" of democratic transition to focus more on the process than the circumstances surrounding transition. He emphasized the importance of conflict and compromise in transition, and pointed out that democracy may not be any one group's preferred option; instead, it might be the option that all groups in society can best settle on. The study of "pact-making" originated with scholars of Latin American transition to democracy, and focused on decisions by political elites. For Guillermo O'Donnell and Philippe Schmitter (1986), the relevant actors are "hardliners" and "softliners"

in the regime, and "maximalists" and "opportunists" among the opposition, and the most important choices that these actors make involve pacts that will sustain the political game. If these parties refuse to make pacts and seek to eliminate opponents, they will fail to achieve democracy. Adam Przeworski (1992) takes a game theoretic view of democratic transitions, in which actors fall into categories analogous to those above, but actors in both the regime and the opposition have different payoffs for siding with another group. Przeworski predicts that democracy will occur when reformers in the regime ally with moderates in the opposition. Huntington (1991) takes a similar view of the relevant groups involved in transition, but gives more attention to the balance of power among these groups. "An authoritarian system exists because the government is politically stronger than the opposition. It is replaced when the government becomes weaker than the opposition" (Huntington 1991, 143). Huntington expands the traditional pact-making view by suggesting that the relative strength of groups is just as important as their preferences.

My focus is on the study of process of transition, and how that process lays down precedents that shape the political system to come. Rather than focusing on the continuities that exist before and after political transition, I focus on what has changed: the actors who play an important role in political decision making, the new institutions that change the rules of the political game, fresh decision-making strategies by new actors facing new situations, and new issues on the political agenda. These four legacies of political transition are most profoundly shaped by the immediate events and unfolding of the transition process. These legacies also represent vital dimensions of the political process in a country, without which it would be nearly impossible to analyze a young political system. This is not to deny that post-transition events are shaped by earlier periods in a country's history, but rather to refocus the dependent variable on those features of transition that represent a significant change from past practices. This focus frees the analysis from the strict dichotomy of success versus failure, because actors, institutions, strategies, and agendas all change in a country that has undergone transition, even if that transition did not cross some threshold of democratization.

The Period of Transition

Most scholars agree that democratic transition refers to a change from an unelected to a popularly elected regime. This is important because it distinguishes democratic transitions from military coups, for example,

in which one government is replaced by an unelected government. However, countries may attempt democratic transition and not succeed. Therefore, events in the transition period may look similar in countries where the end result is very different. The transition period may well be identified in retrospect: in Togo, for example, the arrest of two minor prodemocracy activists might not have seemed momentous in 1990, but their trial later in that year descended into chaos and sparked both elite action (angry lawyers marched to the presidential palace), and mass action (demonstrators took to the streets) that ultimately brought about the National Conference. Though the National Conference, a gathering of representatives from civil society groups as well as important political actors that helps determine the nature and process of political transition, was unique to countries in francophone Africa and unique to this time period, the general features of transition governance, especially the use of transitional legislatures and executives, was widespread. The transition period is one of uncertainty and instability when the old ruling regime is under threat but the parameters of a new regime have not yet been determined, let alone established. Michael Bratton (1997) identifies the "period of regime transition" as generally including political protest, liberalization reforms, and (usually) elections (69).

For National Conference transitions such as Benin and Togo's, the transition period began with widely expressed popular discontent, included bargaining between the sitting government and prodemocracy groups, then led to the Conferences themselves, followed by periods in which transition institutions governed the country leading up to the establishment of a new constitution and elections. In cases of more gradual, reform-led transition, the transition period also includes popular unrest and bargaining between the government and opponents, and ends with competitive elections. The difference in more gradual transitions is that the lack of structure makes it more difficult to ascertain what transition events or decisions explicitly influenced post-transition political institutions and outcomes. Comparing Benin and Togo, two cases where the transition period has a clear structure, helps highlight how the transition bargaining leads to temporary institutions, which in turn lead to more permanent institutions. What is interesting about transitions that employ transition institutions is not that they are more likely to lead to successful democratic reform, but that their formal nature means these institutions leave a more easily identifiable mark upon the subsequent political arrangements. Though many political transitions take place without these formal structures, the ones that do are not outliers: 14 of

the 24 transitions that took place in sub-Saharan Africa from 1990–1994 did so with the help of formal, temporary, institutions that constitute transition governments.[4]

For my purposes, a transition government is defined as a temporary leadership body that is appointed by an existing government or occupying authority (rather than popularly elected) to serve for a limited term with the intention of creating conditions for new leadership to be chosen. Other transition institutions that constitute transitional governmental institutions are constituent assemblies like the National Conferences, constitutional conventions, as well as interim executive and legislative structures. Military juntas that come to power in a coup d'état do not conform to this definition. Focusing on these transition institutions is a useful device for highlighting the turning point in a political transition: when one set of political rules ceases to be relevant, what factors influence the establishment of the new political rules? Actors in transition institutions make some choices that represent a reaction against past practices (banning old ruling parties, for example, or replacing an unelected government with an elected one), some that, for the sake of expediency, are consistent with the past (maintaining the existing administrative divisions in a country, or leaving the bureaucracy untouched), and some that are entirely new. The extent to which the choices that are made in transition affect that which is entirely new about the emerging political system is the focus of this study.

Analyzing Transition Governments

Transition governments, despite their widespread use in such recent and high-profile cases as postwar Iraq and Afghanistan, have seldom been submitted to systematic study. What studies exist, not surprisingly, have followed the broader pattern of assessing the success or failure of democratic transition as linked to the nature of the interim arrangements. In order to assess the impact of different transition governments on outcomes, a number of different typologies have been created and examined in comparative perspective. The general tendency to focus on continuity between pre- and post-transition political systems, however, has led to general pessimism about the benefits of using transition governments to bridge the gap between one form of government and another. Though more recent studies have turned to the idea of transition government "engineering" as a fruitful strategy for facilitating transition, I take this idea further by suggesting that whatever the choices in transition, they will leave a

meaningful legacy, regardless of whether we consider the resulting political system democratic or not.

The treatment of transition governments in the Third Wave scholarship has been largely incidental, such as when negotiations over transition governments formed part of the narrative of transition, or when they serve as examples of the "type" of transition. For example, in Samuel Huntington's (1991) three categories of transitions, "transformations" are controlled by the ruling regime, and therefore are unlikely to involve transition governments, whereas examples of "replacements" and "transplacements" did involve transition governments (124–161). Giuseppe Di Palma (1990) discusses transition governments in terms of who is in charge (members of the ruling regime, secessionists, or opposition) and the difficulties each type of interim administration might have in bringing about speedy elections. In Bratton and van de Walle (1997), the National Conference gatherings of representatives from the ruling parties, the opposition, and civil society emerged as an important variable for political liberalization, but the transition governments that came after the Conferences were never systematically analyzed.

One comprehensive attempt to analyze transition governments in comparative perspective was undertaken by Shain and Linz (1995), who offered a classification of transition governments and a series of case studies to support their argument that some forms of transition government are more conducive to successful democratization than others. They identify "revolutionary provisional" governments that are generally radical governments that come to power with a revolution or after the dramatic breakdown of an old regime; "power-sharing" governments where the outgoing regime and opposition work together, but an imbalance of power between the sides could undermine a democratic outcome; "incumbent caretaker" governments headed by the outgoing regime, which initiates the transition to head off some political threat or crisis; and "international interim" governments arranged and supervised by international bodies, particularly the United Nations. By examining examples of these governments from all over the world, they conclude that revolutionary provisional governments are less likely to result in respect for human rights and free and fair elections, though in any transitional situation a strong bureaucracy and respect for the rule of law help guide successful transitions.

According to Shain and Linz's classification, Benin and Togo's National Conference transitions fall somewhere between power sharing and incumbent caretaker interim governments. In both cases, the presidents "initiated" the transitions by calling National Conferences,

which is consistent with the incumbent caretaker model, but there is little evidence that these rulers wanted meaningful political change to result from that initial step. The sitting presidents in both cases remained as head of state while a member of the opposition took on the responsibilities as head of government, suggesting the power-sharing model is the best fit. However, both transition governments evolved away from notions of power sharing even in the first few months of the transitions: Benin's opposition sidelined the president early on, while Togo's transition was quickly undermined by the intervention of the military, which tipped the balance in favor of the incumbent party and president. In addition to the difficulties of placing these transitions in the existing classification, if we want to know more than why Benin and Togo succeeded or failed, we can't glean much from these categories. In this study, as well as elsewhere (Berat and Shain 1992), the authors suggest that interim governments created and presided over by the United Nations or another international group can be the most successful at avoiding the manipulation of these institutions for individual political gain.

Shain and Linz are certainly in good company when they downplay the potential of a transition government, or even of any attempted democratic transition. Pessimism reigns when analyzing the potential for meaningful political reform, especially in the African context. Bratton and van de Walle (1997) state in their concluding chapter, "Although most of these democratic experiments will fail, a handful of imperfect multiparty electoral systems could well survive" (268). When democratic transitions are studied from the perspective of success versus failure, it may indeed be disturbing how few cases can be deemed unqualified successes. Focusing on the continuity between pre- and post-transition political processes helps heighten the sense that very little has been accomplished. But beyond the success/failure dichotomy, politics in countries that undergo democratic transitions, especially those that set up interim governments, have undergone political transformations and made significant departures from past practices. This study deliberately takes the view that transition brings about significant political changes, and that those changes have not yet been sufficiently understood or explained.

Guttieri and Piombo (2007) have made a welcome effort to craft a theoretical basis for when and how interim institutions should be developed and used. They build on Shain and Linz's classification but focus their attention on internationally sponsored postconflict transition governments. They are interested in understanding how transition governments channel political conflict, and what impact they

may have on post-transition regimes, especially in terms of legitimacy and governing capacity. They define a successful transition by the point at which there is an "*effective* or *genuine* transfer of power" (24, italics in the original) that keeps the focus more or less on success in transition. Though they do not study transition governments of domestic origin, two of their preliminary conclusions are worth noting here. First, they agree with other studies of political transition in finding that groups in power before transitions tend to remain in power in the post-transition arrangements. Second, they find that "elite-driven power-sharing arrangements and transitional governments have difficulty extending their powers" (33) in terms of post-transition legitimacy and governing capacity. Their analysis is rather pessimistic about the prospects for meaningful transition through an interim government; though they do point out that domestically designed transition governments have a better chance of attaining a real transfer of power. I maintain, however, that the prevailing analytical dichotomy of success versus failure contributes to this pessimistic outlook. Though more things may stay the same after a transition than observers and prodemocracy activists would like, the changes that do take place are directly traceable to their roots in the transition period.

Prior to Guttieri and Piombo, the literature on international mediation and oversight of transitions focused on case studies of high-profile transitions, such as South Africa's.[5] This scholarship has the potential to be beneficial for practitioners, as well as political analysts, as the international community in the post–Cold War era seems prepared to intervene to bring about democratic transition. But the scholarly divide between the study of democratic transitions, which tends to fall under the heading of comparative politics, and the study of postconflict political transitions supervised by the international community, which tends to fall under the heading of international relations, has unnecessarily limited this benefit to postconflict situations. Transition governments that spring from domestic imperatives and do not require international mediation or oversight could still be improved in the future by a more systematic understanding of how the choices of the past impact longer-term political processes. This work seeks to broaden our understanding in hopes of building a comprehensive understanding of how interim governments impact post-transition politics, independent of whether they ultimately lead to peace or democracy.

My contribution to the study of transition governments will be to show that political processes that emerge from transition, and represent

a meaningful break with past practice, are systematically traceable to the transition bargaining and institutions. The focus here is more on domestic wrangling over political outcomes, though some international players made their presence felt in Benin and Togo during the transitions. The link between transition bargaining and institutions and post-transition political systems should hold regardless of whether the transition can be considered successful or not. In the next section, I detail the hypothesized relationship between aspects of transition governments and political outcomes in the post-transition period.

Determining the Legacies

This study seeks to explain specific changes to political practice between the pre- and post-transition periods by examining the actions, events, and choices under transition institutions. These changes happen in all political systems that undergo transition, of course, but it is worthwhile to explain what is systematic about these changes, even if an ideal form of democratization does not result, for two reasons. First, political transitions are products of design by transition actors, and as such, can be improved by knowing what elements of transition produce what transition outcomes. A country cannot change its past political history, so the only element that is under the control of political actors is the shape and direction of a political transition. Whether domestic or international actors are involved, they should know as much as possible about the ramifications of the choices they make in the transition period, so as to make optimal tradeoffs and not squander an opportunity for political change by focusing on short-term gain only. Second, whatever changes emerge from a political transition lay the foundation from which the next political transition will emerge, even if these changes fall short of multiparty democracy. For example, viewing a transition prime minister as one who is likely to win the first founding election in a presidential system may lead to a different choice of transition prime minister. Take the cases of Iraq and Afghanistan, for example, which recently underwent political transitions with the help of interim institutional arrangements. Given their strategic importance, politics in Iraq and Afghanistan will continue to have global relevance *whether or not* these countries make successful democratic transitions. In Iraq's transition, the unicameral interim parliament drafted the 2005 constitution providing for a bicameral parliament, but only gave specific provisions for the lower house.[6] The composition and powers of the upper house are to be determined by law, and therefore by the

lower house. This decision was an expedient one for those trying to implement democracy in a hurry, but what will be the long-term consequences for the relative power of these two houses of parliament? The balance of power in postwar Iraq's legislature is a legacy of the transition process under a transition government, and will be relevant whether or not Iraq's political system emerges as a successful democracy. Countries promoting democratization in that region of the world (or organizations trying to do business or humanitarian work) will be interested in knowing who has power in the new political system, not how far off the democratic mark a country is, nor how strikingly similar current political patterns are to those of prior decades.

The dependent variables in this study are those political practices that represent a clear break from pre-transition political practices. Systems of patronage, for example, have endured in African countries from precolonial times to the present (Bayart 1993b). But the attempted democratic transitions of the late 1980s and early 1990s brought about significant political changes. New parties formed, new candidates were eligible to run for office, new constitutions were drafted, new electoral systems put into place, new civil society groups lobbied for policy reform, and political players had to find new ways to interact with one another in quest of the outcomes that would suit them (and their constituents) best. I will trace the political changes post-transition with particular reference to political actors, institutions, agendas, and strategies, highlighting how each represents a distinct break with pre-transition practice for Benin and Togo. But I will also show that these new aspects of political landscape and behavior are directly traceable to events and choices from the transition periods themselves.

I assume, for the purposes of this research, that actors in transition (and after) are trying to gain some advantage for themselves or their constituents, though that does not necessarily include trying to win electoral office or positions of power. Whatever the rank or profession of transition actors, however, they are acting during a transition period rife with uncertainty, and they may not be sure how to act in order to secure their preferred outcomes. They can easily make mistakes, as well, by assuming that taking one course of action will lead to a desired outcome, but finding in the end that they were wrong. These intentional choices, whether the full consequences are anticipated or not, do have systematic implications for post-transition politics—in particular, the elements of post-transition politics that represent meaningful departures from past practices. However, this focus on change does not imply that politics in these countries will

enter a dynamic period where change happens frequently. These changes take place in one intense period under the transition government, and then settle into identifiable patterns that persist for years to come. I seek only to explain why, once a country is in transition, some features of politics in the country undergo significant transformation, whether or not the country emerges from transition as a fledgling democracy. My answer is that decisions by transition governments systematically impact post-transition politics. Key decisions and important tradeoffs, which are a product of bargaining in transition, will contribute to changes in four areas, as detailed below: political actors, institutions, strategies, and agendas.

Actors

According to Manning (2007), there are three ways in which actors who participate in transition governments influence the nature of the political system that follows transition. First, they play a prominent role in drafting the post-transition constitution, and can "tilt the process in a way that plays to their own strengths" (56). Second, those who participate in transition governments gain experience and understanding about the formal and informal rules of politics—and the degree to which they can be bent—which can give them an edge when competing in the post-transition system. Third, elites from nontraditional backgrounds may have the opportunity to participate and gain these benefits, perhaps with the blessing of the international community. In sum, the experience and support gained during a tenure in the interim government becomes part of the "initial resource allocation at the onset of permanent institutions…" that shapes the institutional arrangement that emerges from transition, and will be difficult to change (57). Actors participating in a transition government have a tendency to continue participating in politics post-transition, and therefore I will expect to see new politicians, parties, and other civil society organizations emerge on the scene during the transition period and remain important players in the post-transition political system.

Transition governments since World War II have provided opportunities for new political actors to emerge on the national scene and/or for actors outside the political mainstream to capture a mass audience. Often these actors, whether individuals, parties, or other sociopolitical organizations, have some history that was instrumental in enabling them to play a key role in transition. What is relevant for this study, however, is the fact that these actors continue to play an important

role after the transition government mandate has ended, and a new, post-transition period has begun. They may not entirely supplant reigning elites or organizations from the pre-transition period, but their continued presence and influence is an important break with politics as usual prior to the transition.

In the 1950s and 1960s transitions from colonialism to independence in African countries, outgoing colonial administrations often set up provisional governments in the last few months or years before their departure. The French gradually ceded power to their African territories through a series of legal maneuvers leading up to local elections, thus incrementally giving local leaders meaningful powers and the opportunity to prove themselves as national leaders (Manning 1998, 143–147). For better or for worse, experience in transition governments can lend legitimacy to political leaders who might otherwise be marginalized on the national stage. It may also discredit actors whose efforts in transition fail to live up to expectations. By establishing themselves as part of a transition government, these elites have the opportunity to continue to play an important role in post-transition politics.

Postconflict situations are also ripe for transition governments, and sometimes rebel groups are legitimized by participation in an interim institutional arrangement as part of a peace and reconciliation process. In Mozambique, the Portuguese colonial authority faced an armed resistance group and ultimately resolved the conflict by setting up a transitional government, including members of the resistance, The Liberation Front for Mozambique (FRELIMO), in 1974 (Chazan et al. 1999). FRELIMO built on this experience to become a political party that ruled the country as a one-party state and still dominates the modern political scene in multiparty contests. Not only individuals but also political parties can be constituted in a transition period, and go on to play an important role in post-transition politics.

Beyond individual politicians and political parties, the rise of civil society has also been acknowledged as an important result of political transition. Collier and Mahoney (1999) note that, in South America and Southern Europe's Third Wave transitions, "...labor-based organizations...often won a place in the negotiations, and they expanded the scope of contestation in the successor regime" (98). The explosion in the number of active civil society groups in Africa in the early 1990s was one of the most notable features of Third Wave transitions on the continent (Gyimah-Boadi 2004; Monga 1996; Tripp 2001). Though many of the civil society organizations that formed in haste once liberalization was underway did not survive in

the longer term, the occupation of the newly liberalized political space by civil society groups became an accepted and expected element in post-transition politics. Even if politicians preferred to ignore the input of civil society on a particular policy issue, those views became a legitimate part of the political discourse. Despite this potential for post-transition prominence, the importance of individual actors as legacies of transition governments may be one of the first legacies of transition governments to expire. The critical junctures literature does not expect legacies to last forever, as new political realities will inevitably arise. At least one decade of impact is a reasonable test of the legacies in this study, as we reach the 20-year anniversaries of these transition events.

In the cases to be examined here, the transition prime ministers are good examples of new actors being elevated to prominence by their roles in transition, for better and for worse. Benin's transition prime minister went on to be the first post-transition president, and the competition between him and Mathieu Kérékou, the former dictator, shaped political competition in the country for the next decade. Kérékou himself was arguably rehabilitated by his willingness to participate in the transition government and support the efforts of the prodemocracy opposition. Togo's transition prime minister was not a very adept politician and found himself compromised early in the process of transition for appearing to collude with the incumbent president. The prodemocracy opposition, who had chosen him, was forced to live with this leader not only for the duration of the transition, but in the post-transition period as well. Elevated to national prominence and having some opposition credentials made this politician a convenient showpiece member of government when President Gnassingbé Eyadéma needed to demonstrate his supposed tolerance and inclusiveness.

Institutions

Transition governments themselves are institutional arrangements, albeit temporary ones designed to bridge the gap between the end of one political system or regime, and a new one. The actors involved in transition must find ways to compromise on the interim rules of the game, but doing so provides an opportunity to reflect and bargain about which more permanent institutional arrangements will emerge from this period of uncertainty. Some of the transitional arrangements are likely to prove successful at managing potential conflicts and responding effectively to public demands for policy action, and these arrangements may be replicated in the post-transition period.

Formal, if short-term, transitional institutions were especially numerous in the 1990s as a result of the breakup of the Soviet Union and important political changes throughout Eastern Europe and Africa. According to Elster (1996), during the Roundtable talks in early 1990s Eastern Europe between incumbent Communists and the opposition, prodemocracy activists fought for a weakened presidency in the new constitutions, believing that members of the Communist Party were likely to win. In Bulgaria, for example, prodemocracy opposition groups worked to create a weak presidency, believing that a Communist Party candidate would win the position. When a prodemocracy opposition candidate ultimately won, the new parties regretted they had not created a stronger position for their president, which they would have preferred, had they known more about voter preferences when they wrote the constitution (Elster 1996, 16). No doubt the institutional compromises drawn up during the post-Soviet transitions also reflected longer-term historical realities in these countries, and the pressure on decision makers in transition was broader than only domestic interests, but the progress of institutional development can be traced to the first rules of the game established when the outgoing authoritarian structures were dismantled. Whether groups in transition effectively predict the future impact of their interim decisions or not, new institutions are directly traceable to the institutional arrangements in transition.

A new constitution is one of the most obvious legacies of transition governments, but there are both formal and informal rules about relations between the branches of government that can be established in the transition period and continue to influence the post-transition period. Restrictions on who is eligible to hold particular offices are often laid out in the constitution, but the relative powers of two parts of a split executive or how often cabinet positions will be reshuffled generally reflects practice, rather than design. The first time these institutional relationships are tried is under a transition government, so important precedents may be set even before the institutions are formalized. With respect to the balance of power between branches of government, in most authoritarian regimes the executive branch is disproportionately powerful. The transition government represents the first opportunity for the antecedents of new legislatures and judiciaries to exercise their power and test their limits. How well members of these branches navigate the period of transitional uncertainty will almost certainly be reflected in their post-transition role.

Institutional arguments about democratic transition have been used to highlight the continuity from pre- to post-transition systems

by emphasizing path dependency. Once institutions are established, they are self-sustaining and difficult to change. From a path dependency point of view, the most powerful predictor of the institutional arrangement of a country is the institutional arrangement in a previous time period. In this vein, studies like Bratton and van de Walle's focus on the extent to which institutions were participatory and competitive in a given African country prior to transition, highlighting a correlation between higher degrees of participation and competition in pre-transition systems and successful transition to democracy.

While acknowledging that institutions, once established, are difficult to change, this study takes the view that transition governments are important institutional starting points, rather than speed bumps in a larger process of path dependency. The presence of a transition government indicates that the existing institutional structure is not adequate to guide a country through a transformative process, and that the old ways have been soundly rejected. The critical junctures approach is particularly useful for explaining institutional change when the predominant tendency is for institutions to self-perpetuate or change only incrementally. Stephen Krasner's idea of punctuated equilibrium has been applied to Africa's Third Wave transitions, as specific points in time when institutions were reformulated but then remained constant in the new form for years afterward, not unlike the shift from colony to newly independent state (Conteh-Morgan 1997, 19–21). In my view, the relevance of institutions in political transition comes on two levels. First, the transition institutions are a product of bargaining between important actors in the transition period, and the short-term decision rules that shape that bargaining process. Second, transition institutions provide the structure in which decisions about permanent, post-transition institutions are made. The transition institutions represent a key turning point in the institutional development of a country, and should not be viewed as evidence of continuity, particularly when there are sharp differences between the pre- and post-transition institutional designs.

Transition institutions may be agreed upon during a period of uncertainty and with the understanding that they not permanent, but once the institutions are established, they take on a life of their own. Who participates in transition governments, the roles of different players and organizations, and how decisions are made and conflicts resolved can establish precedents that promote certain vested interests over others. These precedents, as part of the process by which permanent institutions are built, can become institutionalized in the longer term, giving transition governments political impact disproportionate

to their short duration. I expect to find that institutional arrangements that represent significant departures from pre-transition practice were the result of bargaining between members of the transition institutions, and that these bargains were, in turn, shaped by the interim rules under which they were crafted. This should be reflected in the post-transition period by the durability of the rules of the game drawn up in the transition period, even as a country sees political turnover thanks to elections, or those who directed the transition retire from politics.

The transition governments in Benin and Togo both produced new constitutions that remain in force to this day. Without assessing whether or not these new constitutional arrangements meet some criteria for democracy, we can still examine the extent to which these institutional arrangements constrain the actions of political players and shape political outcomes of interest. There is no doubt, moreover, that these constitutions are legacies of the transition governments, but it remains to be shown the extent to which the institutions draw on the interim institutional arrangements, and whether the working of these new institutions in practice conforms to patterns established in the transition period. This evidence would lend support to the claim that specific institutional arrangements are a product of transition government bargaining, regardless of whether a country emerges from transition as a democracy.

Agendas and Strategies

Less straightforward than the actors and institutions that rise to prominence in transition and remain influential after transition ends are the new political strategies and updated political agendas that are established under transition governments. Political strategies will necessarily change when new actors come into the process, and when the rules of the game change. But new political strategies do not simply fall from the sky; they must be introduced at some key period and be tested through some process of trial and error. The interval of a transition government provides just such an opportunity. The political agenda is also subject to change in the transition period, when new actors bring the concerns of their constituents to the bargaining table. Groups that had not previously had a hand in setting the political agenda, such as civil society groups, labor unions, or international actors may find an opportunity to voice their interests in transition. If these groups continue to be influential in the post-transition period, then the items they push for on the political agenda will have to be

taken into account, even if they are not always resolved to the satisfaction of these groups.

Taking changes to the political agenda first, there are many examples of transition opening up the public arena to new considerations. With the fall of Tito in Yugoslavia, as well as with the breakup of the Soviet Union, ethnic concerns that had long been repressed in the name of national unity could no longer be ignored. In some cases, groups took advantage of the political opening to launch a violent offensive; this was the case with the Communist New People's Army (NPA) in the Philippines (Bermeo 1999) as well as the Tuareg in Mali (Seely 2001a). Corruption, which may have been tacitly ignored under a previous political system, is likely to come under the spotlight during and after a political transition, even if it is not always satisfactorily dealt with. Uganda's Yawaori Museveni, for example, came to power in 1986 under the principle of "clean leadership" in the wake of ruthless dictatorships that squandered public funds for their own benefit (Ruzindana 1997). This meant fighting corruption was now on the political agenda in what constituted a significant break with past political practice.

Villalón (1998) points out that one of the responses to the critical juncture in Africa was that elections were now part of the political agenda for most countries, with at least 39 countries holding national elections between 1990 and 1995 (15). Elections could also be a strategy for installing a new government or lending legitimacy to an incumbent. There are limits to the extent to which the political agenda might be shaped by the process of transition, however. Some issues important to African country agendas are clearly products of broader international changes, such as the free trade agenda that flowed from global changes in the late 1980s and early 1990s. In any case, I do not claim to be able to explain all changes from past practice by examining the legacies of transition governments, but only to uncover some important political processes that have previously been overlooked.

The preeminent item on the agenda in both Benin and Togo at the start of the National Conferences was the sovereignty of those gatherings, so that the political opposition would have real power to make transformative decisions. In Benin, the debate was more novel, and arguably Kérékou did not know how important that decision would be, and the extent to which he would be sidelined politically by agreeing to this condition. In Togo, on the other hand, the participants all knew the value (or the risk, in the view of the sitting government) of allowing the Conference to declare itself sovereign, and so a great

deal of strategic effort went into forcing the issue on to the agenda, or attempting to block it. Once the transition governments in these two countries had been established, the agenda shifted away from sovereignty and toward the upcoming elections. Who would be on the ballot was a major agenda item, with the transition prime minister and President Kérékou in Benin both taking some observers by surprise in declaring their candidacies. These elections set up an electoral rivalry that would shape the first 12 post-transition years. In Togo, who would appear on the ballot was part of a broader set of agenda concerns: first, the free and fair nature of elections—would serious challengers be eligible to compete?—and to what extent could the sitting government allow sufficient competition to earn international community approval and restart the flow of aid, without actually putting incumbency in jeopardy. Though the nature of the political agenda was subject to change in political transitions, the direction of the change was specific to the political realities in each country.

Moving from agendas to strategies, we have already seen that some new political strategies that emerge post-transition come from the new political actors who make their presence felt, while others arise to deal with the new agenda items. Riker (1986) in his study of heresthetics describes the importance of individual creativity in setting the ground rules during various negotiations. These individuals, in Riker's recounting, sometimes benefit from the transformative nature of the circumstances, and sometime the individuals create it themselves. According to Manning (2007), "...The shift from elite-mediated politics to competitive popular elections—which now constitute the basis of most permanent governance arrangements in post-conflict cases—will imply a major shift in the mentality and strategies of those seeking political power" (57). Incumbent dictators also developed new strategies to stave off the new challengers, especially as the number of transitions increased over time and they had more examples to draw on (Joseph 1999). The sources of new strategies in transition came from a combination of the new actors introduced and the new institutional structures put in place during this period. For the purposes of this study, it is relevant to note whether the new political strategies introduced in transition are valid only in that limited context, or endure to the post-transition period.

In the African Third Wave transitions, opposition elites in transition governments most easily agreed on what they did *not* want: a continuation of the old system and preservation of the existing leadership. It is always easier to unite on these points than to agree on what system and leadership should replace the old. Even once a prodemocracy coalition

agreed on what they wanted, they were by no means assured of getting it without employing some clever strategies for legitimizing their claims and undermining the strength of their opponents.

In general, there are some outcomes that transition actors are anxious to promote or repress, and they employ various strategies to get their desired outcomes. Countries like Burkina Faso tried to manage the rise of ethnic identifiers in politics by forbidding parties to form according to ascriptive characteristics (Boudon 1997). Candidates may also adjust their party messages and even sometimes their own ethnic identifiers in hopes of making a more successful electoral appeal (Posner 2005). In Mali and elsewhere, decentralization was carried out in the post-transition period after having been lobbied for by rural representatives in National Conferences. Having a freer, more independent press—as most African countries did after the transitions of the 1990s—also changes the strategies that parties and candidates can employ in getting their message out and managing their own public images. Trying to manage what strategies and agenda items will emerge from transition is a problem that must be addressed by transition actors in a more indirect way than the more clear-cut bargaining over who takes a key post or which provisions will be enshrined in the constitution.

In Benin, leaders in transition began, from a very early date, to collect opinions from diverse sectors as part of the transition decision-making process, and they put these collected opinions to good use in a strategy to help legitimize decisions in the midst of uncertainty. The National Conference itself was a gathering of many constituents, and the very representative nature of the body gave it sufficient legitimacy to play the transformative role it ultimately did. In the post-transition period, all three presidents have held issue-specific "estates-general" where stakeholders in a particular issue, such as education or administrative decentralization, could voice their opinions and make recommendations that went on to shape policy choices. The strategies from the transition period were mirrored in the post-transition period. In Togo, during the run-up to the National Conference and during the Conference itself, representatives of the government or the opposition withdrew from negotiations when they felt the structure or the outcome was not in their favor, only to reenter the negotiations again at a point when circumstances were more favorable to their interests. Employing this strategy may have been beneficial in the short term for each side when they were able to get a particular agreement negotiated in their favor. But the use of this strategy has continued in the post-transition period, where opposition leaders have withdrawn their

representatives from the National Assembly when confronted with unforeseen checks on their participation, and the government has withdrawn from negotiations designed to set up competitive elections when the constraints infringed too heavily on the military, an important base of support. One of the consequences of the use of this strategy is that neither side trusts the other not to renegotiate every bargain, should the opportunity present itself.

In order to support my argument about the legacies of transition government, I must demonstrate that the political agenda experienced a significant change from the pre-transition period to the post-transition period, and that at least some of the roots of this change were to be found in the conditions faced by the transition governments. I would also expect to find that political leaders employed novel strategies during and after the political transition to cope with the new realities. And I would expect this to be the case in Benin, with a new democratic system, as well as in Togo where the former dictator remained in power. If these new strategies and new agenda items were first introduced and tested under the transition government, and persist in the post-transition period, then they may be considered legacies of the transition government.

The Argument in This Book

In order to make my argument, I will analyze the transition governments in Benin and Togo, and demonstrate how actors, institutions, strategies, and agendas established during the transition period remained legacies in the post-transition period, and in some cases, until today. I expect to find direct connections between the manner and results of bargaining in the transition period and what has significantly changed from the pre-transition to the post-transition periods. This should be the case in Benin, considered a more successful case of attempted democratic transition, as well as Togo, where the transition stalled. My argument will be supported not just by recounting events of the transition and post-transition periods, but by the insight and analysis of participants in the two democratic transitions. From 1997–1999 I collected interview data from a total of 74 participants in both transitions. Most of the participants were delegates at the National Conferences, and many were members of other transition institutions. A few represent dissenting or excluded groups, like the Communist Party in Benin and the armed forces in Togo. These interview subjects answered questions about the mechanics of each transition, how they arrived at the decisions they did, what was intentional

and what was unintentional, and whether those decisions have had further implications since that short but crucial transition period. These interviews provide evidence about when and how particular actors, institutions, strategies, and agendas were introduced in the transition periods, and which points of negotiation had lasting impact. I also provide some content analysis of communications made by transition participants during the transition period to help back up the interview subjects' memories. The interviews provide a unique trove of information on a brief and uncertain time in each country's history, and the perspectives of these participants are fascinating in their own right. In many cases the participants tell their own story in a way seldom accessible to an English-speaking audience.

The following chapters expand on the experiences of Benin and Togo during their attempted democratic transitions, and the more permanent political systems and policy debates that emerged from transition. In chapter 2, I detail the earliest stages of transition, when the authoritarian governments were weakening and the prodemocracy movements were on the rise. First, I will give a brief overview of the political history of Benin and Togo and an introduction to the political scene pre-transition, which is essential for striking the comparison between this period and the important changes in the post-transition period. The earliest stage of transition happened in Benin in 1988–1989 and Togo in 1990, with tens of thousands of people demonstrating in the streets in both countries, precipitating political crises. In both Benin and Togo, this unsettled "liberalization" period was resolved with a transition institution: a constituent assembly called a National Conference. Who would participate in these gatherings was a subject of intense negotiation in both cases. At this point, the most important events are the negotiations over the National Conferences: who will participate and what will the nature of the Conference agenda be? For the purpose of my argument, this period also begins the process of removing old institutional structures and laying the foundation for new ones, as well as the important work of shaping the political agenda for transition in both countries. The rise to prominence of new actors and testing of new strategies, for the most part, take place in later stages of transition.

The National Conferences themselves, and the transition governments that rule for a year (or so) afterward, are sufficiently complex to merit a chapter each for both countries. Keeping the focus on the importance of new actors being introduced into the process, the progress from one interim institutional arrangement (the National Conference) to another (the interim administration, under which

constitutions were hammered out and elections organized), and the use of political strategies and agenda-setting, I will detail key moments and debates under the transition government that represent important changes to past practices, and might endure in the post-transition political system. In Benin (chapter 3), for example, there was considerable debate over the sovereignty of the National Conference, as well as restricting eligibility for the presidency by setting an upper age limit for the office in the constitution. In Togo (chapter 4), decisive moments included negotiations about disbanding the former ruling party and extending the transition period beyond the one-year mandate when violent intervention by the military threatened to derail the transition government altogether. These critical moments in transition provide important illustrations of the use of new strategies and the importance of specific items on the agenda, in addition to the significance of particular actors and institutions.

Finally, in chapter 5, I test the endurance of the legacies of transition governments in order to see whether the factors identified in previous chapters continued to shape political discourse and outcomes under the new, more permanent, political system. Throughout I will draw contrasts with the pre-transition "politics as usual" to highlight that important political processes have undergone major changes since the political transitions in both Benin and Togo, even though the former is considered far more democratic than the latter. Electoral contests, economic issues, and ongoing constitutional debates should all reflect the influence of actors, institutions, and strategies developed during the transition period, and which issues made the agenda in that formative period. This final chapter completes the argument by demonstrating the lasting legacies of transition governments, regardless of whether the democratic transitions can be considered "successful" or not.

Chapter 2

Political History and Practice Prior to Transition

Introduction

In order to understand the changes in the political systems of Benin and Togo after the political transitions, and to better determine which of those changes is directly attributable to the transition government, we must first consider the political systems that came before the transition. The contrast between the old political systems and the post-transition systems begins here, both for Benin, where the democratic transition necessarily brought about important political changes, and for Togo, where democracy did not take hold, but significant political changes took place nonetheless. In each case, the attempted democratic transition represented a critical juncture in the country's history, which does not render previous political history irrelevant. But the emphasis in this study is on what has significantly changed between the pre-transition governments of the 1970s and 1980s and the post-transition governments of the 1990s and beyond. This chapter provides some detail about the past political systems in both countries.

As authoritarian regimes all over Africa broke down in the late 1980s and early 1990s, populations demanded a more transparent system of government and leaders scrambled to institute reforms and negotiate compromises with prodemocracy factions. After a brief overview of the political history of Benin and Togo, I will provide an example of the workings of the political system prior to the transition in terms of the legacies of transition governments: actors, institutions, strategies, and agendas. I will then introduce some of the political figures I interviewed for this project, and proceed to discuss the earliest phase of political transition in both countries.

Benin Background

Benin's political history after colonialism was characterized by an early period of multiparty competition that proved unstable, and multiple interventions by the military, until the coup that brought Mathieu Kérékou to power in 1972. After gaining independence from the French in 1960, Benin's first coup came in October 1963. A three-way ethno-regional split characterized postindependence politics, reflecting the traditional north/south socioeconomic division of early colonial development, but also two rival kingdoms in the southern half of the country. Benin, a country with a population today of about 8.5 million, has more than 40 ethnic groups. The three most important historically are the Fon (and related groups, such as the Adja) who inhabit west-central Benin and who together comprise about half of the population, the Yoruba who live in the east and comprise about 12 percent, and the Bariba of the north who comprise about 8 percent. However, as in many African countries with varied populations, regional differences are more important than strict ethnic classifications in Benin—for example, northern groups will often give political support to a candidate from a northern group, other than their own, before supporting a candidate from one of the two southern regions.

At the time of the slave trade, the kingdom of Dahomey was flourishing in what is now west and central Benin.[1] Centered in the town of Abomey, the area was ruled by the kings of Dahomey (from which the territory took its colonial name) from 1645 until the last king, Béhanzin, was deposed by the French in 1900. In the eighteenth century, the kingdom of Dahomey captured additional territory in the south, and ushered in the decline of the Yoruba Oyo Kingdom based in Nigeria. The last Oyo kings were based in Porto-Novo, which is now the political capital of Benin. The Bariba kingdom in the north was centered in Nikki, and broke off from the Oyo empire in 1782. The French were able to exploit Dahomean-Oyo differences in colonizing the south, but faced greater resistance from northern populations. The territory was officially named Dahomey until 1974.

The transition from colonialism to independence, itself a critical juncture, helped shape the immediate future of politics in Benin just as the later democratic transition would. The main political contenders were temporarily united under the *Union Progressiste Dahoméenne* (UPD), but the party quickly splintered into the three ethnic and regionally based movements that would dominate politics until Kérékou came to power. These were led by Sourou Migan Apithy in

the south-east (representing the Yoruba/Goun/Nagot, based in Porto-Novo), Justin Ahomadegbé in the center/southwest (Fon/Adja, along the Abomey-Cotonou axis), and Hubert Maga in the north (Bariba and others, based in Natitingou). From the post–World War II period until independence, Dahomey's political scene was a complex dance of changing political parties and shifting alliances, all involving the three main politicians and coalitions of two regional groups against the third.[2] These patterns persisted after independence in 1960, and the instability of the three-way competition led, in part, to the later military coups.

In the first military coup of 1963, the political alliance between President Maga and Vice President Apithy fell apart. Col. Christophe Soglo took over, to the delight of crowds demonstrating against Maga's presidency. The coalition of Apithy and Ahomadegbe that replaced Maga also broke down, and Soglo staged another coup in November 1965, this time taking power himself. Soglo's government did not last, and northern officers disgruntled with his regime's paring down of the military (among other problems) ousted him in December 1967. These officers, led by Maj. Maurice Kouandété, provided for new elections where the "big three" politicians, Maga, Apithy, and Ahomadegbé, were banned from competing. When their supporters boycotted the polls, the election results were annulled and in July 1968 the military brought in Emile Zinsou, a politician with considerable French support, for a five-year term. Kouandété moved to oust Zinsou in 1969, however, following military infighting. This time, the military brought back the big three for new elections, but annulled the results when it became clear that Maga would win. As a compromise, in May 1970 the military established a triumvirate Presidential Council, where each of the three would rotate as head of state in two-year terms. After the first peaceful transfer from Maga to Ahomadegbé, the military again staged a coup in October 1972, this time installing Maj. Mathieu Kérékou as president, with a military administration.

Though Kérékou came to power in 1972, he did not promote any specific political ideology until 1974, when he renamed the country the People's Republic of Benin and adopted Marxist-Leninist rhetoric. He also brought many sectors of the economy under state control and denounced the Western world, especially France, for its imperialist tendencies. This ideological resentment cut Benin off from important sources of international aid and funding, and made it very difficult for the small agrarian economy to function. Apart from rhetoric, the regime did relatively little to arouse international condemnation on human rights grounds. "Always a blend of radical dogma

and pragmatism, militant socialist utopianism and jaded crass elite opportunism, fire-eating Marxist vituperation and naïve crypto-Troskyite deviationism, the 'Revolution' had at least the distinction (not always obvious) of being relatively devoid of the harsher aspects of similar experiments in other parts of the world" (Decalo 1995, 11).

Kérékou created the *Parti pour la Révolution Populaire du Benin* (PRPB) in 1975 which, like the RPT in Togo, attempted to absorb all aspects of civil society under its rubric. In 1977 the Marxist constitution, or "Basic Law," came into force. Two years later a Revolutionary National Assembly was elected, with members drawn from the ranks of various regional and vocational groups, as approved by the party. Unlike Togo, the army's ethnic composition did not favor Kérékou's own group (he is a Somba, from the north) to the exclusion of others. He allowed northerners to rise through the ranks and attain officer posts, which many Somba and Fulani did in 1984. This is not to say that Kérékou did not protect himself or remove officers who appeared to be a threat to his regime. Kérékou also created new military branches, such as the presidential guard, to shore up his support without alienating other ethnic groups already represented in the army. He lasted longer in his post than any of the officers who helped bring him to power, and though members of the military participated in his cabinets, their positions were not guaranteed.

Kérékou's regime faced opposition from within and without from its earliest days. On the one hand, a vocal student population, backed by the intelligentsia of Benin, thought the regime was too conservative in its reforms and too high-handed to be genuinely socialist. On the other hand, within his own administration were members of the militant leftist clique, the *Ligue Internationale de la Defense des Droits du Peuples* (Ligue), a group that constantly sought to influence Kérékou's policies in more radical socialist directions.[3] More popular with students and trade unionists than the Ligue was the *Parti Communiste Dahoméen* (PCD), a Marxist party declared illegal by the regime. Though there were few active civil society groups in this period, there were independent Development Associations headed by prominent figures in different regions, but they were strictly apolitical and in some cases co-opted by the regime. Students protested off and on throughout the period of military rule, and particularly against the regime's reversal of a long-standing policy of guaranteed employment for university graduates. Protests and strikes by students, teachers, and trade unions became more frequent and more virulent as the economic crisis worsened, and officials uncovered two coup plots by members of the military in 1988.

The stability associated with Marxism-Leninism and one-party rule was starting to break down in the mid- to late-1980s. The period 1974–1989 in Benin provides the most immediate contrast for those interested in explaining the dimensions of political change in the 1990s transition. For the most part, Benin in this period functioned as many one-party states in sub-Saharan Africa at the same period. The most important actors were to be found in the ruling PRPB party, though a few independent groups like the Development Associations were permitted to operate with limited capacity. A few other important actors operated without necessarily having official sanction, such as the PCD. The PRPB was institutionalized to a great degree as the supreme governing body of the country, operating through the political institutions like the legislature and presidency. Kérékou's strategies for managing the status quo alternated between co-opting and repressing potential dissidents, and the agenda amounted to what those political elites in the PRPB thought was most important in terms of providing a solid political base of support. We now turn to more specifics on the political system in Benin prior to transition, to help draw a contrast, and detail the events leading up to the political transition and the formation of the National Conference.

The Pre-Transition Political System in Benin

In order to highlight the legacies of transition governments, in this section I provide a specific example of a political juncture in Benin where there was no transition, but rather an example of the old dimensions of the political system at work. I then give details about the interview subjects who make an appearance in the following section and in chapter 3, and form an important part of the evidence of the workings of the transition government, which in turn influenced the post-transition politics in Benin.

Dimensions of the Pre-Transition System: Cadre Conference 1979

Prior to the democratic transition of 1989–1990, Benin had some experience with multiparty competition. However, it also had experience with military intervention in politics and a great deal of instability. Once the Marxist-Leninist regime was installed, Benin enjoyed a more stable system of government, and one that invited the participation of many groups in the legislature, but did not permit groups

other than the PRPB to take a controlling interest in political decisions. Though the Communist Party existed underground and PRBP party membership was not always required for government service, it has to be said that on the political dimensions of interest in this study (actors, institutions, strategies, and agenda), Benin's political system was dictated by members of the PRPB and their attendant concerns. On this point, the National Conference and the transition government represented a distinct break from the past and ushered in a new era. One particular example will serve to illustrate how previous attempts at broadening the scope of political discourse and opportunity were countered by the ruling party in this period: the so-called Cadre Conference of 1979.

In 1979 Kérékou's administration organized a meeting of influential cadres who had not chosen to join the PRPB. It is probable that his motive was to undermine the opposition to his regime that came from the far-left Ligue and opponents on the university campus. In any case, between 400 and 500 "comrade cadres, patriots, and militants,"[4] met in Cotonou October 6–18, and outlined a number of reforms intended to bring the regime in closer contact with ordinary Beninois. By all accounts, the participants spoke freely and openly criticized the PRPB for its failings. The resolutions from the Conference were apparently too controversial to be reprinted in the official state newspaper, *Ehuzu*, but the closing speech by the Conference president, Gbenou Gregoire, heralded Kérékou's initiative in ending the "marginalization" of the cadres whose participation had not been "frequently" sought since the revolution.[5] In his speech at the closing of the Conference, Kérékou denounced the lack of understanding of the sociopolitical realities the PRPB faced on the part of some Conference participants. "The quality of their work is found to be seriously devoid of objectivity because none of them have made any consequential social contribution since 26 October 1972 [date of the military coup] because of their numerous lingering defects inherited from feudalism, colonialism, and neocolonialism."[6] By rejecting their recommendations, Kérékou seemed to also be making the point that those outside the PRPB could not really make any meaningful contribution to his political system.

Such strong language used in a ceremonial situation suggests a high degree of tension between the ruling party and the Conference participants. The Conference critiques may have inspired the PRPB to launch an attack on corruption in the regime at the next party congress, but the Conference itself did not have the reformist impact the participants sought. The common phrase used subsequently by those

who participated in the Cadre Conference is that the decisions were "put in a drawer" and never implemented by the regime. This phrase was revived during the National Conference during the sovereignty debate, in which participants expressed the hope that their decisions would not suffer the same fate as those of the Cadre Conference.

Though the Cadre Conference was not an institutionalized mechanism for soliciting a range of elite opinion on the political system in Benin, it does provide some insight as to strategies employed by the ruling party in Benin, as well as control of the agenda. The strategy of using a participatory structure to gain political legitimacy was abandoned by Kérékou when he was not willing to implement any of the changes recommended by the Conference participants. And those I interviewed agreed that though legitimate points were raised during the Cadre Conference, they did not form any part of the political agenda, which continued to be shaped according to the dictates of Kérékou and the PRPB. Given Kérékou's language in closing the Cadre Conference, there was little room for any participants to go on and play an important role in government based on their work as delegates. The institutions of government also remained unchanged in the wake of this gathering. The Cadre Conference of 1979, therefore, provides an example of the political process in Benin prior to transition, dominated by the PRPB and excluding other interests, and helps draw the contrast between practices before and after transition.

Interview Subjects in Benin

In order to shed light on the working of transition, I interviewed 33 important players in Benin's transition period, striving to speak with representatives from a broad range of groups invited to the National Conference, including members of the outgoing PRPB administration, the military, members of the transition government institutions, and others who chose not to play a political role after the Conference ended. The first-hand accounts provided by these participants provide a wealth of information about the particulars of the transition, and form the lion's share of the evidence provided in this book. Among these 33 interview subjects, many of whom played more than one role in the transition, there are 30 National Conference participants, 3 members of the Conference Preparatory Commission, 7 members of the Conference presidium, 10 members of the transition legislature, 5 government ministers (whether serving in the pre-transition cabinet or the transition cabinet), 3 members of the transition's Constitutional Commission, and 1 of Benin's ex-presidents.

A few of these interviewees appear frequently in the text and are briefly identified here. The full list of interview subjects, including the transition roles they played, is available at the end of chapter 3 (table 3.2). Hubert Maga (1916–2000) was Benin's first president, and one of the three main ethno-regional political leaders whose competition characterized the period of political instability in Benin prior to the 1972 coup. Maga represented the northern region in the three-way ethno-regional divide, and granted me an interview in 1997. He was invited to the National Conference as a "personality," and served on the transition legislature as well as on the Constitutional Court before his death. Sourou Migan Apithy, who historically represented the south-east, passed away just prior to the start of the National Conference, but I interviewed a lieutenant of his: lawyer Joseph Kéké. Robert Dossou was named government minister just prior to the democratic transition in Benin, oversaw the preparation of the National Conference, and later ran for president himself in 1991. Another important lawyer, influential in the process of writing the 1990 constitution and later a member of the Constitutional Court, was Maurice Ahanhanzo-Glélé. From civil society, Leopold Dossou was head of the higher education teacher's union, the *Syndicat National de l'Enseignement Supérieur* (SNES), and therefore represented a great many of the striking civil servants. Regional influential actors like Djibril Debourou from the Borgou region were invited to the National Conference as part of the delegation of leaders from Development Associations.

The interviews provide first-hand accounts of events in transition, and detailed accounts of events and decisions in transition that were extremely influential at the moment of transition and beyond. These accounts provide the evidence of the importance of actors, institutions, strategies, and agendas that came to the fore in transition, and continue to influence political processes in Benin today. They also represent a unique body of research evidence newly available to an English-speaking audience.

The Transition Begins

The breakdown of President Mathieu Kérékou's Marxist-Leninist system began in the 1980s, as a precursor to the National Conference (see figure 2.1 for a more detailed chronology of the events leading up to the transition). In the period immediately preceding transition, the old institutions and political patterns broke down, leaving space for new patterns to form. This section provides some first-hand accounts of the breakdown of Marxism-Leninism, a brief chronology

1989

January 9–10: University students and faculty on strike to protest nonpayment of salaries and stipends
January 20: Student strike resumes
January 24: Police told to fire warning shots at protesters in Porto-Novo demanding payment of four months of salary arrears
February 13: Trial of four alleged coup plotters (attempt in June 1988) begins
April: France releases structural adjustment credits to permit some salary arrears to be paid
April 3: Kérékou grants amnesty for some PCD sympathizers in custody in advance of a visit from representatives of Amnesty International
April 6: Teacher's strike begins to protest salary cuts. The cuts were adopted in response to negotiations between the government and the IMF
June 19: First IMF structural adjustment program successfully negotiated for Benin
July 24: Kérékou advisor Mamadou Cissé arrested in Paris for embezzlement
August 2: Kérékou reelected by the National Revolutionary Assembly
August 4: Kérékou forms a new government, including three reform-minded ministers
September 1: Broad political amnesty announced
September 7: Kérékou appeals for civil servants to return to work
December 3: Ex-President Apithy dies
December 7: PRPB separates from the state, and Marxism-Leninism is renounced as the official state ideology. Statement by PRPB organs also announces a "National Conference of Active Forces of the Nation" to be held
December 11: Anti-Kérékou demonstrations (one dead, six wounded); Kérékou decides to walk through the streets of Cotonou and is jostled and jeered
December 13: Banned anti-Kérékou demonstration in Porto-Novo draws several thousands

Figure 2.1 Chronology of Transition Events in Benin 1989
Source: Seely 2001b

of the events leading up to the National Conference, and an analysis of the bargaining over the terms and dimensions of the Conference itself, which is the first decision-making body of the transition period, and the precursor to the actual transition government. Even at this early stage, crucial choices were made that would shape the transition itself, and as evidence in subsequent chapters will show, shaped the post-transition political systems as well.

The End of Marxism-Leninism in Benin

By the end of the 1980s, many of the dictatorships in sub-Saharan Africa were in crisis. Years of deficit spending without increasing

economic production had put many African governments, regardless of ideology, in such serious financial trouble that the state was ceasing to function effectively. This was particularly true in Benin, as Kérékou's Marxist regime had never enjoyed much international funding. By 1989, the government was bankrupt, banks were failing, and civil servants had gone without pay for months on end. "Nothing was working anymore in Benin. The Marxist revolution had failed" (Kéké). The policies of glasnost and perestroika in the Soviet Union had created political openings in countries thought to be irreversibly authoritarian. Those changes had not escaped the notice of opponents of authoritarian regimes in Africa. "Countries who want to develop need capital, and all revolutionary Marxist regimes were closed, because they feared mercenaries and coups. They were defensive. The end of the Marxist-Leninist regime must lead to a new liberal democratic regime type" (Houngbedji). Though a more gradual pace of reform appealed to President Kérékou and his supporters, it was unacceptable to the regime's opponents and those in civil society. The myriad of financial troubles coming at once meant that the economy was coming apart at the seams and ordinary Beninois were suffering considerably. "We wanted a change, categorical and total, of the situation. It was catastrophic. [We wanted] a change in management" (Ligali).

The general discontent was reflected in the results of a poll published in the opposition newspaper *Gazette du Golfe* in September 1989, just after a new government had been named by President Kérékou. The newspaper questioned 176 people in the economic capital, Cotonou, and the political capital, Porto-Novo.[7] The new government received a popular vote of no-confidence from 51.48 percent of the respondents in Cotonou and 80 percent of those in Porto-Novo. Asked to rank what they thought should be the first priority of the new government, 72 percent in Cotonou and 52 percent in Porto-Novo named the payment of salaries first, while corruption ranked a distant second. This strong popular condemnation of the regime prompted the government to suspend the sale of the *Gazette du Golfe*, though subscribers received copies of the controversial issue.

The bankruptcy of both the regime and Marxist ideology in the latter half of 1989 had been so universally vilified as to provoke a backlash from members of the former single party, the PRPB. "...People dramatize things. Because it was Marxism-Leninism. Other African countries had salary problems well before Benin" (Karim). Nevertheless, in keeping with the results of the *Gazette du Golfe* poll, interview subjects in Benin most frequently cited the moral

bankruptcy of Marxism-Leninism and the inability to pay civil servant salaries for onset of transition in late 1989. Exposed corruption by some members of the government undermined the credibility of the regime as a whole, and the failure of the banking system meant that the Marxist-Leninist system could not even sustain normal economic functions. The economic and political failures of the regime under Kérékou came to a head in 1989, when the inability of the government to function resulted in a breach of relations between state and society.

Liberalization: The First Stage of Transition

A defining feature of Benin's transition period, and one of the things that marked it as distinct from the 1979 attempt at reform, was economic crisis. Because civil servants were not being paid regularly, the merchants and service providers who relied on their income were also suffering and the situation became intolerable for most citizens. Strikes and slowdowns on the part of civil servants began in late 1988 and continued into 1989. The regime was in ongoing negotiations for the very first IMF structural adjustment program in the country's history, and strove to make cuts in public spending while permitting normal economic functions. In response to a widespread strike of teachers in Cotonou and Porto-Novo who were demanding salary arrears, the regime threatened to fire workers who did not show up for work on January 23, 1989 (Gbado 1991, 23). This move did not end the strike, however, and ultimately the regime was forced to pay two out of four month's salary arrears before teachers would go back to work. Students remained on strike to protest cuts in their benefits.[8]

On the eve of a visit from Amnesty International representatives in April 1989, President Kérékou announced an amnesty for some 45 political detainees, many of whom were PCD sympathizers. The teachers' strike resumed the same month in response to continued nonpayment of salaries and cuts in benefits the government made in hopes of placating the IMF. The teachers also demanded the release of students and teachers detained for demonstrating and the reinstatement of those fired earlier in the year for striking. In June 1989, after three years of negotiations and a series of austerity measures that were domestically unpopular but still not sufficient in the eyes of the IMF, a structural adjustment agreement was finally reached. Still, the amount of the loans was insufficient to resolve the state's cash flow problems, and therefore the precarious economic position was not improved by this agreement, and demands for salaries and reforms

grew stronger. One week later, and after a meeting with teachers' representatives, Kérékou announced that he would settle some salary arrears to civil servants, including teachers, and grants to students.[9] In exchange, he asked that everyone return to work.

In August 1989 Kérékou reshuffled his cabinet and included three reform-minded new appointees, including Robert Dossou as Minister of Planning and Economic Analysis. Dossou, an internationally known lawyer and an independent sometime critic of the regime, lent some credibility to Kérékou's government, which continued to flounder economically and encounter increasing social unrest. At the same time Kérékou permitted independent news outlets to operate, and granted greater freedom of association for nascent civil society groups. The government declared a much broader political amnesty on September 1, which encompassed the ex-presidents of Benin and more PCD members and sympathizers (Kérékou 1989).

Scandals were catching up with the regime, however, as the new free press ferreted out evidence of members of the regime involved in embezzlement and fraud.[10] The opposition was quick to use the scandals as a means of demanding greater reforms from the government. The biggest concessions came on December 7, 1989, when Kérékou renounced Marxism-Leninism and announced that he would hold a "National Conference of Active Forces of the Nation" to discuss the country's problems and to name a candidate for the newly created position of prime minister.[11] Many were suspicious of the government's gesture, and the PCD adamantly refused to participate because of French support for the meeting. Much of the negotiation after December 7 was centered on the terms under which the National Conference would be held, and who among the opposition would participate.

Only four days after this announcement, on December 11, the largest opposition march was held with 40,000 demonstrators uniting behind the PCD and demanding Kérékou's resignation. In an effort to reconnect with the people, Kérékou took a walk through the streets that afternoon, during which he was jeered and jostled by the crowd, an almost unheard-of reception for the head of state.[12] In response, further street demonstrations were banned, and the government threatened to use violence to enforce the ban. The PCD canceled a December 13 march, but several thousand people turned up anyway, and were unharmed by security forces.

Members of Kérékou's government, including the new ministers, formed the National Conference Preparatory Committee on December 26, 1989. The committee solicited letters from citizens

to help set the Conference agenda and establish a list of groups to invite. Despite the PCD's denunciation of the Conference as a bourgeois charade, other opposition party leaders began turning their attention to how the Conference could be made to serve their interests, namely, to make a transition to a more representative and democratic form of government. One of the most heated battles of the pre-Conference period was the so-called Quota War, in which the preparatory committee published one list of invitees to the Conference on February 15, 1990, which caused such uproar that they were obliged to modify the list and reissue a different one on February 22. Many political party leaders said in interviews that they objected to the preponderance of PRPB members named on the first list (table 2.1 compares the two lists). However, Robert Dossou stated that the party leaders who met with him suggested that the contingent of rural representatives, considered conservative and pro-PRPB, was too large. As a compromise, the preparatory committee reduced the number of regime representatives in some other categories (including reducing the 12 PRPB party representatives to 2, in keeping with the other "political tendencies"), and this was sufficient to guarantee the participation of all important opposition groups except the PCD.

Table 2.1 Benin: National Conference Quotas

Delegation	Initial Quota	Final Quota
Rural Representatives	86	86
Unions	34	39
Development Associations	70	70
Religious Representatives	18	18
Professionals	12	13
Administration Cadres	46	22
Armed Forces	21	17
University	12	12
Economic actors	8	8
NGOs	3	4
Women's Organizations	7	6
Diplomats and Diaspora	25	26
Personalities	30	31
State Institutions (National Assembly, etc.)	35	30
Political Tendencies	117	106
Total	524	488

Source: *Ehuzu* February 22, 1990, no. 3627, pp. 5, 8; *L'Opinion* February 15, 1990, no. 001, pp. 1, 9

The National Conference as a temporary decision-making body was the first formal manifestation of the transition government, for the purposes of this study, though the power of the body was not anticipated by most of the participants as it was being organized. The National Conference organizers envisioned a gathering that would last one week, and have opening and closing ceremonies presided over by the head of state. President Kérékou's opening address on February 19, 1990 urged the delegates to "elaborate and adopt a National Unity Charter for democratic renewal and economic, social and cultural development of our country, Benin."[13] In his speech, Kérékou promised that the charter would serve as background for a new constitution, to be approved by referendum, and that the delegates could nominate someone to fill a newly created post of prime minister. As soon as the plenary session began, however, the delegates challenged the Conference program as proposed by Dossou's Preparatory Committee. Both in terms of the scope of the debate and the powers of the Conference to act on its decisions, the government's authority was undercut, and the delegates created their own institutional environment from which to direct a democratic transition.

In the weeks leading up to the National Conference, the prodemocracy opposition had carried out its own preparations. Some members of the diaspora, including the surviving ex-presidents of Benin in exile, were invited to a meeting in Versailles, France, in December 1989, and those attending issued a charter with demands for reform of the regime.[14] Ex-presidents Sourou Migan Apithy, Emile-Derlin Zinsou, Hubert Maga, and Justin Ahomadegbé were shortly thereafter permitted to return to Benin under an amnesty and continued to meet and make plans for the National Conference. "We decided to marshal our forces; only unity could make us win, succeed. The heads of state, there were four: Apithy, who died, Zinsou, Maga, and Ahomadegbé. . . . [We] met together in Lomé . . . I said we couldn't go without the other party leaders and that we should smooth out our differences and include young people and women. The others accepted this . . . We were the big hope among other groups after that. Kérékou saw that we were strong" (Kéké).

The teachers' union SNES held an influential colloquium February 1–3, 1990 in which they issued demands for political changes to relieve the economic and political crisis. Though not entirely happy with the second quota list, union leaders decided to focus their influence on the choice of delegates from the different groups, so that those favorable to change would be a majority in the Conference hall. "[The unions] made contact with [political parties]

to coordinate our points of view so the quota system could be revised. . . . Afterwards, there were new quotas, which were the ones we used. [The unions still] didn't like it, but we figured that they couldn't be modified any further. . . . Since we could not change the opinion of the sitting government, we had to work with their representatives" (L. Dossou). Political parties also met to discuss their plans for the Conference and their conditions for participation.

> We organized a consultation with about 30 political parties to get agreement on our demands, because there was one political party that didn't want the National Conference at all: the Communist Party of Dahomey. But despite this political party, we said that we have to go to the National Conference because the country was in crisis. If we find out at the National Conference that it isn't possible to change things, we'll pull out. So there was that tacit agreement between us parties that we could meet among ourselves to prepare the National Conference. (Holo)

The fact that many of the Conference participants among the opposition had made contact with each other in advance meant that there was a general consensus on the direction the Conference should take and that the avenues for negotiation within the opposition were well established.

> During that period, people saw each other, mixed, and the analyses always converged in generally the same direction, so it was very easy for the different groups to have a minimum understanding . . . We knew who was where . . . And [we had] many consultations nearly every night for about a month, which ended in a specific plan. We knew how to control the hall and make contact with the army, we knew what was the sentiment at the heart of the army, [how to] treat, prepare even . . . each actor to know the role he must play there, and the objective that we were seeking before entering the hall. (Montcho)

Many interview subjects cited this preparation before the Conference as part of the success of the transition in Benin. By contrast, the Conference in Togo was described by many as not well prepared, suggesting that understanding the positions of different groups in advance in Benin helped to avoid some of the miscalculations that undermined the transition in Togo.

Even in the uncertain period leading up to Benin's National Conference, the importance of specific actors, institutions, strategies, and agenda items foreshadowed what would happen under the transition

government. Kérékou and the PRPB party were no longer the most important political actors as they had been in the past. Kérékou apparently assumed he would control the process as he did with the earlier Cadre Conference, and he hoped to gain international legitimacy and quell domestic unrest without allowing much actual influence by political outsiders in the political process. Therefore, when the National Conference delegates took matters into their own hands, they created the critical juncture in which a great many transformative decisions were made, whether or not they realized the significance of these decisions beyond the short term. As they worked under conditions of uncertainty, they were elevating new political processes to prominence, creating new procedures and expectations almost from scratch. Certainly Benin's political history shaped the delegates' frame of reference, both in terms of what to do and what not to do, but they were well situated to make a meaningful break with the past and introduce a new political order in Benin. The remainder of the transition process, including the National Conference itself and the transition government, will be detailed in chapter 3. For the moment, we turn to a comparable discussion of events in Togo.

Human Rights and Popular Unrest in Togo

About a year after the negotiations establishing Benin's National Conference, Togo was also experiencing a loss of governmental legitimacy and preparing itself for a critical juncture. Though the reasons behind the breakdown were different in Benin and Togo, the proposed solution, a National Conference, was the same. Below I provide a brief overview of Togo's political history and an example of the workings of Togo's pre-transition political system. I introduce some of the relevant political actors who form the narrative here and in chapter 4, and then provide some details of the political opening in the early 1990s that paved the way for the National Conference and the attempted democratic transition. Though Togo's transition is generally agreed to have failed, the political system changed significantly from the pre- to the post-transition periods, and some of the roots of these changes with respect to actors, institutions, strategies, and agendas can be found even in the earliest phase of the transition.

Togo Background

Togo has the dubious distinction of hosting the first military coup on the African continent after the end of colonialism, and attempts at

ethnic accommodation in Togo were considerably less than in Benin, both before and after this event. Togo, a tiny country bordered by Ghana on the west and Benin on the east, shares some of its ethnic composition with its neighbors, as groups overlap boundaries drawn by the colonial powers.[15] Today, Togo's population numbers around 5.8 million, and is comprised of 18 to 30 ethnic groups, depending on how the groups are classified. The groups that are most important politically are the northern Tem-Kabré (including Kabré [or Kabiye], Cotokoli, Losso, Lamba, Bassari, and Tamberma) who comprise 30 percent of the population, and the southern Ewe-speakers (Ewe, Ouatchi, Mina, Ehoué, Fon, Adja, and Pla) who make up 44 percent. The north-south ethnic cleavage in Togo has developed despite the fact that the different groups in the same region are often culturally and linguistically distinct. In fact, solidarity within the regions is considerably less important than the rivalry between regions. Before the arrival of Europeans, most ethnic groups in Togo were arranged in decentralized village groupings, though they periodically were threatened by the Ashanti kingdom based in what is now Ghana and the Dahomey kingdom in what is today Benin. When the colonial powers arrived, the Togolese territory was essentially a power vacuum. As was the case in much of West Africa, the groups in the south were the first to benefit from trade and modernization that came with European contact, as contrasted with the "backward" northern regions, which often resisted colonial expansion to the interior.

The Togolese territory was contested by the French, British, and German colonial powers. The Germans were able to secure treaties with local leaders in 1884, but lost the colony in 1919 as a result of World War I. The Germans presided over a territory that included some of present-day Ghana. German rule was reportedly harsh, though considerable infrastructure was laid during this period. Under the terms of the German surrender, "Togoland" was designated a League of Nations protectorate, the eastern half of which was administered by the French, the western half by the British. This division segmented the Ewe population, however, and this issue plagued the colonial governments until independence. The goal of pan-Ewe unification was supported by Sylvanus Olympio's *Comité de l'Unité Togolaise* (CUT), the political party that dominated Togolese politics from 1945 to 1951.[16] Though the party began as a French construct, which included representatives from all ethnic groups, it became predominately Mina and Ewe after World War II. The French encouraged other regionally based political parties to form, in order to compete against the CUT, because pan-Ewe unification was

incompatible with the mutual distrust of British and French colonial governments.

Nicolas Grunitzky's *Parti Togolais du Progrès* (PTP) was supported by the French and kept in power in a coalition with the *Union des Chefs et des Populations du Nord* (UCPN) from 1952 until the United Nations-sponsored elections of 1958. During this period, referenda on the question of Ewe reunification were held in both British and French Togolese territories, and the eastern territory voted to become part of Ghana. Though the French had conspired to keep CUT out of power, Olympio won overwhelmingly in the 1958 elections. Once in office, Olympio "set out to settle old scores with former political opponents, especially those from the north" (Decalo 1987, 6). The split between north and south had already begun, and even the rivalry between Olympio and Grunitzky (who were related by marriage) could not overcome the two-way divide. Olympio presided over Togolese independence in 1960.

Sylvanus Olympio's downfall in 1963 was hastened by his perceived antimilitary policies, which reduced the size and scope of the military. Northerners who had served in the French military in Algeria returned home and wanted to be integrated into the army, but Olympio refused even a scaled-down reintegration supported by the French. Officers led by Etienne Eyadéma (later called Gnassingbé Eyadéma) assassinated Olympio and paved the way for a joint north-south government. These events helped to establish a zero-sum game in Togolese politics, where representatives from one region coming to power meant bloody retribution or other serious consequences for the group being ousted.

After the 1963 coup, Nicolas Grunitzky (half-Polish, but from Atakpamé, in the southern region) returned to the presidency, and Antoine Meatchi (representing the north) became vice president. This government was extremely unpopular, however, as the south felt they had rightly voted Grunitzky out of office in 1958, and the north was unhappy that it controlled only the vice presidency. The size of the army was tripled under the Grunitzky government in order to appease the coup plotters. Displeasure with the government's ineffectiveness and infighting between the president and vice president prompted popular demonstrations in Porto-Novo in 1966. Led by Olympio family members and supporters of his renamed *Parti de l'Unité Togolaise* (PUT), the demonstrators demanded that Olympio's assassins be brought to justice. Because the government was supported by the same military strongmen who carried out the coup, Grunitzky could not accede to this demand and continue governing, and so was

ousted by the military in a 1967 coup. Eyadéma consolidated his hold on power months later, in order to prevent Olympio's followers from carrying out retribution on northern groups in the army, and he did not relinquish his power until his death in 2005.

Eyadéma ruled without constitutional authority until 1979. Soon after coming to power he appointed a constitutional commission, which created a draft constitution. But with the support of his party, the *Rassemblement du Peuple Togolais* (RPT), Eyadéma chose not to implement it. The RPT was formed in 1969 with the professed motive of uniting the country's diverse ethnic groups. Edem Kodjo, who later became a leading figure in the opposition, served as secretary general. Kodjo eventually fell out of favor with the president, who created a political bureau and central committee that consisted of the highest positions in the RPT. The constitution (Togo's fourth), eventually ratified in 1979, recognized the supremacy of the RPT, which had the prerogative to approve candidates to the presidency and the National Assembly, as well as to approve constitutional modifications. The party consisted of the main political organizations plus four "marching wings" representing women, youth, labor, and traditional chiefs. No independent groupings along these lines were permitted to form. Eyadéma's regime proved remarkably stable, even during times of economic distress.

The membership of the armed forces (*Forces Armées Togolaises*, or FAT) was and continues to be heavily biased in favor of members of the president's own Kabiye ethnic group. Throughout Eyadéma's tenure the army remained disproportionately large for such a small country; in 1989 there were more than 10,000 active military personnel in Togo, as compared to 4,350 in Benin.[17] Both the northern bias and size can be interpreted as a backlash against Olympio's regime, and difficult for a government that relies heavily on military support to reverse. The RPT has always perpetuated a thin veneer of north-south cooperation, while maintaining real power in the hands of loyal northerners, especially in the army. Eyadéma claimed to be the only person who could save the country from the instability that comes with regional politics, but engaged in regional politics himself. "It is only by reiterating the dangers of ethnic conflict that [Eyadéma's] regime can justify its existence as the defender of national unity; and it is only by the repeated dramatization of that threat that its version of political history can be corroborated and sustained" (Brown 1983, 449).

Though Eyadéma had ruled by fostering his own cult of personality and attracting large "spontaneous" outpourings of support in the capital and principal cities, there were opponents to his regime early on.

The family of the deceased President Sylvanus Olympio, particularly his son Gilchrist, formed the nucleus of an opposition. Based in Paris, France, and Accra, Ghana, the younger Olympio and his followers have been accused of several armed insurgencies against Eyadéma. Members of the Olympio and de Souza families and other so-called Brazilians[18] were generally the most vocal opponents of Eyadèma's government and considered the most potent threat. In addition to ethnic-based rivalries, there was some organized political opposition. In the 1970s the *Parti Communiste Togolais* (PCT), allied with the radical PCD in Benin, was formed underground (Ray 1989). The *Convention Démocratique des Peuples Africains* (CDPA) was apparently formed in 1978, but little is known of its clandestine political activities until the beginning of democratic transition (Degli 1996, 88). The most vocal opposition remained exiled for good reason: members of security forces appeared to have a free hand in discouraging opposition to the regime, and incarceration without due process was a very real threat (Dogbe 1991). From France, Olympio's then party, the *Mouvement Togolais pour la Démocratie* (MTD), and various human rights groups denounced Eyadéma's regime throughout the 1970s and 1980s.

Aside from party organizations, there were a few strong civil society groups in Togo. Professionally, the "Revendeuses," or cloth wholesalers, were a potent economic force (Cissé 1983). These women—also known as the "Nana Benz" because during the height of their prosperity they were dropped off at Lomé's central market in chauffeured Mercedes Benzes—supported Eyadéma's regime in part because he was careful to protect their trade avenues, and in spite of the fact that they were predominately Ewe and Mina from the south. The cloth trade was important to Togo's economy from as early as 1880 (Heilbrunn 1994, 502), and women traders made their political voice heard in the 1933 revolt against depression policies of lower wages and higher taxes (d'Almeida-Ekue 1992). After the 1963 coup the women traders formed the *Association Professionnelle des Revendeuses de Tissu* (APRT), which was the only independent organization permitted to exist once the RPT and its wings were established.

Eyadéma formed the one-party state in 1967, but given that the coup happened years earlier, Togo's period of experimentation with multiparty politics was much shorter than Benin's, and therefore the stability of military and one-party rule was even less welcome to the population in Togo. The detail about Togo's pre-transition politics is very important to the argument, as we must know a sufficient amount about the pre- and post-transition political dimensions of actors,

institutions, strategies, and agenda in order to accurately determine the degree of change from one system to another, as well as what determined the direction of the change. There was no Cadre Conference in Togo as there was in Benin in 1979, but there was an attempt to address the human rights concerns of those who opposed the government with an independent human rights commission formed by Eyadéma.

The Pre-Transition Political System in Togo

The political system in Togo under Eyadéma was well entrenched, but there was at least one important example of an attempted political change in the late 1980s when an independent human rights commission was created by the RPT government. However, the dimensions of the old political system were still dominant at the time, and the creation of the commission did not represent a critical juncture. Following that discussion, I provide details about some of the interview subjects who make an appearance in this chapter and in chapter 4. Information from these interview subjects validates the thesis of this work: that important precedents were set in the transition period continue to shape post-transition politics in Togo.

The National Human Rights Commission

After the violent end of the postindependence democracy in Togo, there was no relevant political decision-making outside the ruling RPT party. Dissent was even less tolerated in Togo than in Benin, with many opposed to the government intimidated, detained, and even killed by security forces. This clearly had a chilling effect on attempts to challenge the RPT government, and the few pockets of opposition to the RPT had to operate in exile. It has been argued that this lack of participation and competition (in contrast with Benin's period of experimentation) did not bode well for Togo's transition to democracy, but it also means that the freedom and power to speak out and make decisions during the National Conference was a decisive break with the past, and the first time many in the Togolese opposition were exposed to these fundamental aspects of democracy. Therefore it makes sense that patterns established in the transition period would be very influential in post-transition politics. The National Conference was the first successful attempt to challenge the government. One example of a less successful attempt to create a political body independent of the RPT was an independent human rights commission headed by a non-RPT member in the 1980s.

The *Commission National des Droits de l'Homme* (CNDH), headed by Maître Yawovi Agboyibo, was installed on October 2, 1987 with the mandate to "intervene in order to put an end to any cases of human rights violations within the country."[19] Eyadéma's goal in this case was to overcome criticism by Amnesty International and the Togolese opposition in France, who charged that opponents of the regime were being unjustly detained. Creating an independent agency with a mission to uncover abuses of power by the regime was an unusual step for Eyadéma to take. He may well have been interested in bolstering his international image as a man of peace. The creation of the CNDH was generally applauded, and its initial successes earned it the respect of many Togolese who were otherwise critical of anything done by the RPT (Degli 1996, 85). In succeeding years, independent human rights organizations were some of the first associations formed, and their open critique of government practices seemed to embolden other opponents. After Agboyibo was forced out in 1990, the credibility of the CNDH was undermined, and though it remains in place today, it is no longer as controversial or widely respected as it was.

Though one important actor—Yawovi Agboyibo—appears in this example, the creation of the human rights commission did not represent an important break with established political practice. Rather, it emphasizes the pre-transition importance of the RPT party as the main decision-making organ and President Eyadéma as the most important political figure. The agenda of the RPT was to maintain itself in power by appearing to unite the country, and the strategy through which to accomplish this was to seek international legitimacy while continuing to limit political participation domestically. We now turn to the interview subjects who contributed to this study, and make an appearance later in this chapter and in chapter 4.

Interview Subjects

In order to understand the workings of Togo's political transition during 1990–1994, I interviewed 41 important figures who represented the different groups invited to the National Conference. Because many played more than one role during the transition, among them were thirty-eight who participated in the National Conference (not including two representatives of the military delegation whom I interviewed, but only participated in the Conference for one day before their delegation pulled out), seven who worked on the Conference Preparatory Commission, two from the Conference presidium, eight who served

on the transition legislature, three government ministers, two who served on the commission to draft the constitution during the transition period, and one from the electoral commission overseeing the "founding" elections at the end of the transition period. When I interviewed these actors (most in 1999) it was still a very sensitive topic and I am very grateful for those who shared their stories at some risk to themselves. A few of these interviewees were key players, and their names appear frequently in this chapter and in chapter 4, so are briefly identified here. The full list of interview subjects, including the delegations they represented and any transition roles they played, is available at the end of chapter 4 (table 4.3).

Some of the most important political figures in the transition period were heads of newly emerging political parties, including Yawovi Agboyibo, mentioned above, and Edem Kodjo, who had been part of the RPT in the early days but later fell out of favor. Leopold Gninininvi, closely allied with the trade unions, was head of the CDPA party. Though Gilchrist Olympio was not available, his partisan stand-in Emmanuel Akitani-Bob did grant me an interview. Akitani-Bob went on to run for the presidency in Olympio's stead in 2003 and 2005, and still claims victory from the latter contest. Along with Zarifou Ayeva, head of the *Parti pour la Démocratie et le Rénouveau* (PDR), these leaders form what Eyadéma and the RPT have called the "radical" opposition, though clearly Agboyibo and Kodjo had in the past, and would during and after transition, agree to cooperate with the RPT and lend legitimacy to reconciliation initiatives. The more radical political figures were those like Cornelius Aidam of the *Union des Démocrats Socialiste* (UDS) party and those who drew courage from having been abroad during the Eyadéma years. Some of these younger radicals were willing to push, once they perceived an opening, more than the aforementioned political figures. A great many civil society associations were created in the period leading up to the National Conference, and Brigitte Adjamagbo-Johnson represented the *Collectif de l'Opposition Democratique* (COD), which brought a number of them together, but disbanded before the transition was over. On the side of the RPT, I interviewed Ayite Gachin Mivedor, one of the so-called barons of the RPT, Ayite Gachin Mivedor, Awa Nana who represented the women's wing of the party and later served on the 1998 electoral commission, and Fambaré Natchaba, a law professor and eventual head of the post-transition National Assembly. From the military delegation (which only appeared at the National Conference one day), I interviewed General Sizing Walla and General Seyi Memene.

Early Transition in Togo

Unlike Benin, the loss of legitimacy by the government in Togo was not so much fundamental as it was widely vocalized for the first time in 1990. For the most part, the government's main opponents in the transition process were those who had opposed Eyadéma from the first. What was unique about 1990 was that open opposition became so widespread that it was impossible to repress as effectively as it had been in the past. The example of Benin appeared to have shown that a mobilized opposition could beat a dictatorial regime in 10 short days. "Benin did it; we saw what we could have. . . . The objective was a change in the political system, to put an end to dictatorship, the concentration camps, the massacres, the waste of resources, and to educate the population for democratic elections" (Dogbe). Benin's transition to democracy was already several months old by the time open opposition broke out in Togo. National Conferences were also held in Gabon (March–April 1990) and in Congo-Brazzaville (February–June 1991) prior to Togo's Conference. "There was an exciting sense that change was in the air. It was the 'epoch' [that brought about the National Conference]. Everything was changing, Benin had its National Conference, and we couldn't ignore it" (Doe-Bruce). "We thought there would be a revolution" (Mensah). For long-time opponents of the regime, particularly those from southern parts of Togo, it seemed like an opportunity they had been waiting for. ". . . The people didn't want [President] Eyadéma. The National Conference was the means to act on this desire. I mean the people had been against the dictatorship since 1967, you could even say, since 1963" (Akitani-Bob).

Several Togolese interview subjects mentioned that the impetus for reform came because Eyadéma's government was not democratic enough. However, his government was much the same as it had been in the 1970s; what had changed in the late 1980s and early 1990s was the regional and international context that was far less tolerant of dictatorship. The new political environment, demonstrated by France at La Baule and francophone countries like Benin who chose to embrace democratic changes, was considerably less tolerant of nondemocratic political institutions. In this respect, the regime in Togo found itself losing legitimacy by comparison.

"I believed in [the National Conference]. We thought it could solve the problems of the country. . . . The problem of democracy, of transparency, of alternance. The Conference was to lay the foundation" (Doh-Aduayom). "The political situation was truly insupportable: socially, economically, and politically. It didn't favor development.

We had to find a way to get the country out of all that. And to allow the population to participate" (Koumaglo). Economically, the situation in Togo was not nearly as dire as it was in Benin. Still, economic actors in the country saw room for improvement in 1990. "The state of the economy [leading up the National Conference] was healthy. But we wanted more. We wanted some things to change, to improve. But now, since everything that has happened, we wish we could go back to the way things were before!" (Koudoyor). See figure 2.2 for a detailed chronology of the events leading up to the transition.

1990

February 27: RPT Party Congress on restructuring the party-state
May 2: RPT decides to reject multipartyism for the present
May 27: RPT is officially removed as the supreme organ of the state
June 5: 50,000 supporters take to the streets of Lomé to applaud Eyadéma's decision to liberalize his regime, but reject multipartyism
July 20: Creation of the independent human rights organization LTDH, with Joseph Koffigoh as president
August 23–27: Arrest of 13 prodemocracy protesters
October 5: Trial of two prodemocracy protesters sparks renewed protests; participants vandalize property and are repressed by security forces (4 dead, 34 wounded)
October 8: Togolese Bar Association protests October 5 actions by the government and security forces
October 12: Eyadéma pardons October 5 protesters
October 26: Constitutional Commission with 109 members created

1991

March 13: Student strike begins
March 15: Thousands of women take to the streets and call for the release of detained youths. Repression by security forces results in 4 deaths
March 16: Opposition collective FAR created with prodemocracy associations
March 18: Eyadéma announces a general amnesty, meets with FAR and they agree to hold a National Dialog Forum analogous to Benin's National Conference
April 11: 20 bodies discovered in Be lagoon in Lomé, apparent victims of military repression. Renewed anti-Eyadéma demonstrations in Lomé
April 12: Multipartyism adopted
April 23: Opposition collective FAR dissolves, and leaders create political parties
June 10: Party and union leaders, now grouped in the collective COD, call a general strike demanding a National Conference
June 12: Accords signed between COD and the RPT stipulate a National Conference, the decisions of which will be accepted by both sides, and a transition period in which Eyadéma will remain head of state

Figure 2.2 Chronology of Transition Events in Togo 1990–1991
Source: Seely 2001b

Liberalization in Togo

Togo's transition began almost a year after Benin's, and therefore was very much influenced by it. President Eyadéma began to suggest gentle reforms in early 1990, apparently in response to the international wave of democratization, rather than from pressure at home. Having already established the CNDH in 1987 to investigate allegations of abuses by the regime, the RPT party celebrated its 20th anniversary in January 1990 by "reflecting" on party restructuring for the sake of national prosperity and unity. The result of the RPT's reflection, carried out by party commissions charged with gathering public opinion, was to officially separate the party and the state but to reject multipartyism for the time being. A march supporting the president's decision drew a huge crowd on May 21.

This apparent harmony of interest on the part of the government and the population was somewhat undermined by increasing democratic agitations, especially on the university campus. Discontent with the RPT came to a head at the trial of the famous "Logo and Doglo,"[20] two youths accused of distributing prodemocracy pamphlets and sentenced to five years imprisonment. On October 5, 1990 some students attending the trial were expelled from the courtroom by soldiers, sparking a violent clash between spectators and security forces that resulted in at least 4 deaths and 34 wounded. As many as 6,000 demonstrators had congregated outside the hall to hear the verdict, and many became involved in the violence that followed.[21] This attack on the judicial process prompted outraged members of the bar to call on President Eyadéma to instate multipartyism and hold a National Conference similar to Benin's.

Shortly after this incident, Eyadéma pardoned Logo and Doglo as well as others arrested in connection with the October 5 riots. In addition, Eyadéma and his central committee announced on October 10 that they would establish a commission to draft a new constitution, one that would likely embrace multipartyism somewhat sooner than the government had originally planned.[22] Still, the "Commission of the 109," named for the number of members, did not amount to a National Conference. Though a number of participants would become pivotal leaders of opposition parties, the gathering did not command much legitimacy among opponents of the regime. The commission completed its task in late December with a draft constitution that created a post of prime minister accountable to both the president and the parliament, and allowed for multiple political parties to contest elections.[23] In hindsight, many participants point out that these

concessions are almost identical to those that emerged from an additional two years of transition. For reasons that remain unclear, however, Eyadéma never put the draft constitution to a referendum. In any case, the opposition, which was gaining momentum, rejected the draft constitution as an attempt by the regime to co-opt them, and pressed the regime to negotiate the terms of transition directly.

In an attempt to smooth over increasing social unrest in January 1991, President Eyadéma announced a general amnesty for recent political detainees and abolished the mandatory dues paid by workers to the RPT. Matters came to a head in mid-March, when a series of peaceful but banned marches by thousands of students and women were violently broken up by security forces. The protesters demanded the release of youths detained by the regime, and subsequent marches condemned the violence of previous marches.[24] The association collective *Front des Associations pour le Renouveau* (FAR) was created parallel to these events, and took on the leadership and responsibility for the marches organized by students. FAR became the mouthpiece of the opposition movement, and the leaders met with Eyadéma on March 18 to hammer out an agreement. The government agreed to a general amnesty and the immediate formation of political parties, as well as to convene a National Dialog Forum to name a transition government and help sort out the country's political, economic, and social future. In making this agreement, the opposition leaders rescinded their call for a general strike and agreed to participate in a Dialog Forum, so named to disassociate it from the National Conference in Benin.

The National Dialog Forum was scheduled for June 1991, but the initiative returned to the street in April, and a government curfew was imposed in an effort to quiet popular expression of outrage against the government. Two days after the imposition of the curfew, on April 11, more than 20 bodies were pulled from Be lagoon in the capital, apparently victims of brutal repression.[25] The outrage expressed by the citizens of Lomé and the international community was so great that the opposition saw the opportunity to renegotiate. With unrest in the streets, the members of FAR tested out a strategy of renegotiating the earlier bargain. Calls for Eyadéma's resignation increased, and many openly sought reparations for the brutality suffered under his regime. In a surprise move, the opposition group FAR disbanded on April 23. Eyadéma reportedly felt betrayed by the disappearance of his negotiating partners, and the move did little to promote the opposition's credibility in the eyes of members of the regime. The opposition leaders, however, felt they could best serve

their supporters as leaders of political parties, rather than associations, and it was not until May 2 that they joined again with various associations under the new opposition collective COD. The COD did have the advantage, however, of being able to demand a National Conference by its rightful name, and they stipulated that the Conference must be sovereign and the participants protected from security forces. Eyadéma did not immediately agree to these demands, though he did reshuffle his government in May and gave up the defense portfolio, which he had held since 1967.

The COD's demands were not satisfied until it declared a general strike on June 6, which was widely supported. In response to the devastating economic consequences of such a strike, President Eyadéma met with opposition leaders, but the talks broke down over the issue of a sovereign National Conference. Party leaders held a rally on June 10, attended by some 30,000 supporters. Two days later, the famous "June 12 accords" were signed by representatives from the regime and COD, allowing for a National Conference, but stipulating that Eyadéma would not be forced to resign prior to elections. To avoid the contentious word "sovereignty," the June 12 accords mandated that the president accept all of the Conference decisions.

On the basis of the June 12 accords, the preparations for the National Conference were relatively smooth. With respect to the list of participants, the main issue was the ever-increasing number of associations formed by opposition party leaders and by the RPT. Both sides wanted to secure additional Conference votes for their own causes by increasing the number of delegates in the plenary sessions who would be loyal to the cause. This meant that the list of delegates invited to the National Conference expanded continuously up to the moment it was convened, and a definitive list of the approximately 830 participants was never published. The preparatory commission included members of the COD and of the regime, and the structure and scope of the Conference—now that the sovereignty question appeared to be resolved—seemed to be clearly understood by both sides. Unlike Benin, where the nature of this transition institution was under debate from almost the moment the Conference was convened, the delegates in Togo generally understood that they would follow the structure and scope of Benin's constituent assembly. Everyone expected that Eyadéma would lose some power to a newly appointed transition prime minister by the end, and that the outlines of a new constitution would be laid down.

But President Eyadéma was not interested in fundamentally changing the political system, only in quelling popular unrest and waiting

out the storm. It is worth noting that the National Conference delegates in Togo felt they had a clearer idea of what the outcome could be than their counterparts in Benin. They took for granted that they would become the leaders of the transition government and thereby become important political actors in Togo's new political system. They also believed they would be in a position to establish new institutions to govern the transition and play a decisive role in drafting the new constitution. Though they may have thought the legacies of the transition government with respect to actors and institutions would be positive, they may not have considered the precedents they were setting with respect to strategies and agenda. Taking advantage of a period of heightened drama led the opposition to renegotiate the bargains that governed the transition, which worked in this early phase of transition, but the long-term impact remained to be seen. And the opposition was in danger of assuming that the future political agenda would consist only of competition among themselves for elected office. However, it was not yet clear to the participants who was in control of the process of transition, and who would have the power to shape the transition, as well as the post-transition, agenda.

Conclusion

In both Benin and Togo, the structure and scope of the transitions were still evolving as the Conferences themselves got underway. Participants were not strictly hemmed in by an institutional structure like a National Conference or a transition government, but were developing a set of decision rules at the same time they were trying to solve some fundamental political problems of transition. Though Benin's Conference was considered more successful, it is not because there was universal agreement and harmony among participants, but because they worked to keep the disagreements within this temporary institutional framework. The conflicts between delegates at Togo's Conference were not contained by the transitional structure of the constituent assembly, helping to set an important political precedent for the transition and the post-transition period.

This chapter has provided some necessary background on Benin and Togo, as well as introducing information about the first "liberalization" stage of transition in both countries. This background helps set the stage for the National Conferences and transition governments that followed in short order. Both countries had a significant period of stable dictatorship preceding the attempted transitions. Though the circumstances that led to the liberalization stage were

different in both countries, the process of transition was quite similar. Benin's economic crisis led to a creative solution: a National Conference of civil society representatives akin to an earlier Cadre Conference convened to advise the president. Togo's breakdown of law and order was sparked by anger over human rights abuses and the prodemocracy experience of neighboring countries, but the activists wanted to follow Benin's model of a National Conference because it had proved so successful at marginalizing a dictator by peaceful means.

This preliminary discussion of the events leading up to the transition governments (consisting of the National Conferences and the transition administrations in both countries), has pointed out the rudiments of the four legacies that were already starting to form. New actors were appearing on the political scene in both countries as the prodemocracy opposition began to take shape, but it remained to be seen who would play an important role in the transition governments and beyond. The old institutions of the state were breaking down in both countries for lack of legitimacy, and the means to establish new institutions—in the form of National Conferences—was provided for. Political strategies to cope with these new realities were being tested in this period, including canvassing opinions in Benin and renegotiating from a position of strength in Togo. The political agenda as far as both sitting governments was concerned was how to return to a functioning and economically viable system of government, but that agenda was about to be challenged by those who wanted more fundamental transformation. Though it was too early for any of these legacies of transition governments to have a meaningful impact, the groundwork had been laid for the events of the National Conference and transition administration, which are examined more fully in chapters 3 and 4.

Though any political process, including a dramatic democratic transition, will always be influenced by the country's political history, I maintain that the best place to look for evidence of meaningful change following a transition—whether failed or successful—is in events of the transition process. Both National Conferences arose in reaction to a political process that was not functioning effectively, and they in turn established formal transition governments in order to make a thorough and decisive break with the past. Chapter 3 details Benin's National Conference and the transition executive and legislature. In both periods Benin established important precedents with respect to the actors who would become important players in the post-transition period, for the institutional arrangements that would become part of the post-transition government, and for strategies and

agendas for managing the new pluralistic political system. Chapter 4 discusses Togo's National Conference and the highly contentious and sometimes violent transition period that followed. This period in Togo's history demonstrates a strange phenomenon whereby rival groups are permitted to exist and compete over political outcomes, but the political system cannot be described as democratic. Nevertheless, the important political actors, the rules of the game, the strategies employed, and the content of the political agenda all trace their origins back to the crucial period of the National Conference and transition government. I maintain that the post-transition political patterns in both countries represent a decisive break with past practice, and on these four dimensions, owe a great deal to the legacies of the transition governments.

This page intentionally left blank

Chapter 3

Benin's Civilian Coup d'Etat

Introduction

As the first country in Africa's Third Wave of democratization, Benin's transition was closely watched and frequently imitated, if not equaled. In this chapter, I describe both the National Conference and the transition government in Benin's influential transition period. Wherever possible I have used the participants' own words and analysis to illustrate the story and highlight key events. Benin's National Conference began on February 19, 1990, lasted only 10 days, and the population listened directly to the extraordinary proceedings broadcast live on national radio. The historic nature of the Conference and its subsequent impact on Benin's political system is widely discussed by those in Benin. Here I bring a more systematic discussion of key elements of the transition that represented a distinct break from past practice, and, as I argue in chapter 5, went on to produce distinct legacies in the post-transition period.

The process of transition began with the breakdown of the Marxist-Leninist political system and the convening of the National Conference, as described in chapter 2. We now turn to the proceedings of the National Conference itself, and the one-year transition period. These two components make up what I consider to be the period of transition government that produces the legacies of interest here. Though the National Conference lasted just over a week, a great many important decisions were made and precedents set that would influence the transition period. For example, the soliciting of popular opinion in advance of the National Conference helped to spur the National Conference delegates to take their role at the Conference as one that might bring about meaningful change. Accordingly, they bargained hard for the sovereignty of the Conference and for adequate prodemocracy opposition

representation on the Conference presidium. The somewhat serendipitous events of transition generated important legacies from which Benin has continued to benefit in the post-transition period.

The National Conference designated a transition prime minister and transition legislature to govern for the one-year period leading up to a constitutional referendum and democratic elections. These actors, newly raised to political prominence and in a position to make meaningful decisions, tried to manage their differences and keep the young institutions together, though they were hardly unanimous on how the country should be governed in the future. The political agenda had been set by the National Conference, so the transition government worked within the framework laid out by the Conference participants. They also mimicked strategies from the earlier periods of transition, by soliciting popular opinion in order to promote the legitimacy of controversial decisions. The transition institutions worked remarkably well, especially considering the outgoing dictator, Mathieu Kérékou, was part of a split transition executive. The transition legislature even strove to make decisions by consensus rather than by vote. The events of these two aspects of the transition government, the National Conference and the transition period, each drew on events just prior and would, in turn, influence the political systems that came after transition.

Preparing and Holding the National Conference

Given the fact that a democratic transition was far from inevitable in late 1989 when the National Conference preparatory committee was doing its work, reform-minded members of the administration and prodemocracy activists were intensely focused on what their strategies should be for getting what they wanted, as well as the agenda of the Conference. Some extremely important precedents were set in this period, including the strategy of soliciting popular opinion for important national decisions, having representatives of all the regions of the country and key political groups as part of a leadership team, and a tension between the political "old guard" and a younger generation, both of which deemed they had a legitimate claim to representing the popular will. In terms of strategy, the manner in which the National Conference was "prepared" (to borrow the words of participants) involved soliciting opinions from all sides and a great deal of collective decision making. No item on the agenda of the prodemocracy opposition was more important than declaring the Conference sovereign, and Kérékou and his supporters strove mightily to prevent that move. Once the National Conference was underway, the institutions

of the formal transition government were negotiated, drawing from decisions and rules that proved popular and functional during the Conference itself. These temporary institutions would go on to influence institutional design for the more permanent constitution. Finally, certain actors took their places on a national stage, though not all who were important in transition would continue to have political influence in the long term. Actors like Kérékou and Nicéphore Soglo, the transition prime minister, began their rivalry for the highest office in the land in this period, and the Beninese armed forces set a very important precedent of their own by supporting the work of the Conference, but otherwise remaining outside controversial political struggles. For dates of specific events during the National Conference and the transition year, see figure 3.1.

Strategies and Agendas: "Preparing" the Conference and Debating Sovereignty

The head of the Conference organizing committee was a reform-minded government minister, Robert Dossou, given the office as part

1990
February 19: National Conference opens
February 27: Nicéphore Soglo elected transition prime minister by the National Conference
February 28: National Conference closes
March 7: Amnesty declared for 1988 coup plotters
March 9: High Council of the Republic installed to serve as transition legislature
March 12: Transition cabinet members named
April 12: Constitutional Committee presents draft to the HCR
April 30: PRPB votes to dissolve itself after a party congress
June 5: Benin Armed Forces reorganized
August 11: HCR adopts draft constitution
November 10: Local elections held
December 2: Constitution approved by 95.8 percent of voters in referendum

1991
February 16: Kérékou announces he is a candidate for the presidency
February 17: Legislative elections held
March 10: First round of presidential elections: Kérékou and Soglo are top vote-getters out of 10 candidates
March 25: Soglo defeats Kérékou in second round of voting
March 30: Amnesty for Kérékou passed by the HCR; Kérékou concedes election defeat

Figure 3.1 Chronology of Transition Events in Benin 1990–1991
Source: Seely 2001b

of Kérékou's reforms. Dossou recognized the importance of the changes sweeping Eastern Europe and was determined to bring about change in Benin. However, he wanted the people to determine the form that the change would take. "Because the Preparatory Commission was composed only of government members; that created suspicion.... Our objective was to take the pulse of the whole of society, [including] Beninese who were abroad, and find out what they wanted.... We asked people to send us their analyses and critiques to permit them expression" (R. Dossou). (For information on the interviewees cited in this chapter, please see table 3.1.) The result of this request was a flood of letters addressed to the Preparatory Commission, which was summarized in one document and distributed among members of both the regime and the opposition the month before the National Conference.[1] The synopsis created a basis of common understanding between the government and the groups who would ultimately participate.[2] President Kérékou took a relatively passive stance on the Conference preparation, but he did read the synopsis and was aware of the general displeasure with the *Parti pour la Révolution Populaire du Benin* (PRPB) and many of the suggestions for improvement. "...When we submitted it all to Kérékou, he agreed, except on one point, the 'transition.' He said to me, 'I'm in transition. My government is a government of transition. What more transition do they want?'" (R. Dossou).

This step indicates two points that are relevant in terms of strategy and agenda. First, those representatives of Kérékou's government who were in charge of organizing the Conference were determined to be inclusive and allow multiple viewpoints an airing. By inviting anyone who was interested to contribute their ideas, Dossou and his committee solicited opinion that was broader even than those who ultimately were invited to the Conference. This was certainly intended to bolster the legitimacy of the National Conference, and Kérékou probably thought (at this stage) he would still be firmly in control at the end of it, so there was little risk in taking such a step. Second, the Conference Preparatory Commission used the content of these letters to help determine the agenda of the conference discussion. This marks the beginning of a new era in Beninese politics, in which direct public appeals, whether to the population at large, or to specific elements of civil society, became a legitimate political tactic used by leadership to build support for whatever project or policy question they were working on. Moreover, the technique was so popular that it became difficult for leaders to avoid this strategy when making important decisions, because it would appear that the will of the people was being ignored.

It is important to note that soliciting opinion on this point revealed a wide range of opinions among the voting delegates as to what kind of new democracy should be established. For instance, among letters sent to the Conference Preparatory Committee by organized social, political, and economic groups, 31 percent declared their support for a multiparty system open to any party, whereas 25 percent wanted to limit the system to two or three parties.[3] The same letters show that among those who expressed their views on a post-transition form of government those preferring a presidential system of government matched those who sought a semi-presidential system: about 20 percent in each case. The letters revealed, as much as anything, the lack of consensus on all but a few key points: that Kérékou should leave office, and a new form of government should be established. This is all the more important to understand, given the relatively cooperative nature of transition politics in Benin. The analysis of these letters reveals that the ability to cooperate was not due to a fundamental absence of potential points of conflict. Any cooperation achieved was the result of strategies employed to maintain the prodemocracy momentum. Recognizing that there were many points of difference, those in the opposition who were "preparing" the National Conference sought to reconcile the differences in advance of big debates or votes in plenary sessions.

Many who would become leaders of the new opposition met well before the National Conference in various locations and forums, including a meeting of ex-Presidents in Versailles, a teacher's union colloquium in Cotonou, and various informal meetings of nascent political parties. It was part of a deliberate strategy to create a unified front of prodemocracy opposition from the very start of the National Conference.

> During that [early] period, people saw each other, mixed, and the analyses always converged in generally the same direction, so it was very easy for the different groups to have a minimum understanding . . . We knew who was where . . . because the development associations were there . . . The leaders, we knew them, the youth associations, the women's associations, we knew who was there as opinion leaders among the parties. And [we had] many consultations nearly every night for about a month, which ended in a specific plan. We knew how to control the hall and make contact with the army, we knew what was the sentiment at the heart of the army, [how to] treat, prepare even . . . each actor to know the role he must play there, and the objective that we were seeking before entering the hall. (Montcho)

Parties worked with the unions and other civil society members to make sure a diversity of views were represented, and some compromises

could be hammered out in advance. "... Because we had already made contact, we had a system of contacting, passing messages, saying that we should do this or that. From the start, we shared information about who was with us. So we were sure, then, that we would have the majority of those present" (L. Dossou).

This does not mean that the pre-Conference negotiations always went smoothly, or that there was built-in consensus on what decisions should be made. In fact, some participants resented the ex-presidents for trying to dictate the proceedings to the rest of the opposition, as was the case when negotiating who would serve on the Conference governing body, the Presidium. According to one union leader, the question of the makeup of the Conference presidium (the collective executive of the National Conference) was discussed well in advance of the Conference itself, and was a source of tension.

> We listened to [their] propositions, and it appeared that the three presidents had met among themselves, and each one of them had proposed his guys for the presidium.... But I raised a finger and... I said to [ex-President Maga],... '[You] who came from abroad, who do you think you are? Do you think that we will be subjected to what we have suffered here, and contribute to the organization of the National Conference, and then you arrive and impose things on us like this? Do what you want... but those of us in the unions won't be a part of it.' For about two minutes after that, there was a deathly silence.... And then [ex-President] Zinsou said, 'Um, ah, yes, it's true, I would like to add that with respect to the unions, we feel that the minimum is two or three seats they need to have in the Presidium, given their importance and the role the unions have played.'... So in the end, they accepted. (L. Dossou)

The strategy of canvassing popular opinion for important decisions dovetailed nicely with the strategy of diversification in the Conference membership. In an effort to keep the Presidium a legitimate and neutral body, the opposition proposed Monsignor Isidore de Souza as the head of the body, because as a prelate, he would not be mired in politics. The rest of the seats on the Presidium were held by delegates from other groups: five by delegates from political parties, two from unions, two from Development Associations, two "personalities," and one woman. These strategies, however, were not sufficient to avoid all conflict in the context of the National Conference. In fact, the biggest conflict of all was about whether an issue essential to many delegates, but anathema to the ruling party, would be on the agenda: declaring the National Conference the sovereign ruling body of Benin.

President Kérékou's opening address urged the delegates to "elaborate and adopt a National Unity Charter for democratic renewal and economic, social and cultural development of our country, Benin."[4] In his speech, Kérékou laid out his own agenda, promising that the charter would serve as background for a new constitution, to be approved by referendum. These proposals did not suit the mood of the majority of the delegates (Adamon 1995a, 45). Once the president left the auditorium of the PLM-Alédjo Hotel, where the Conference was held, the delegates began their general session, immediately challenging the program and decision rules that the official Preparatory Committee had created. Rather than proceeding in an orderly fashion through the steps of electing a Conference executive committee, some delegates suggested the Conference declare itself "sovereign." Because of the moribund state of the existing political institutions and the renunciation of Marxism-Leninism by the regime, many delegates felt that the National Conference should become the supreme representative body in the land. Recalling the earlier experience of the 1979 Cadre Conference, declaring the National Conference sovereign would also help assure that any decisions made would be carried out.

The debate over sovereignty derailed the proceedings and lasted the rest of the first day. This debate, which was not resolved until much later in the Conference, centered on whether sovereignty should be allowed at all, as well as when and where it would be declared. Many delegates were in favor of putting the declaration of sovereignty in the internal decision rules of the Conference, while others thought sovereignty would only be legal if enshrined in a separate Conference resolution. Members of the government delegation generally opposed the sovereignty of the conference. President Kérékou, listening to the proceedings broadcast live on the radio (as was nearly everyone in Benin), recognized what was happening and came to address the Conference three times while it was in session, in an effort to make sure the delegates did not exceed what was, in his opinion, their mandate.[5] Some of the most important negotiations considered the question of Kérékou's role during the transition period. Because a National Conference transition was unprecedented, whether or not Kérékou would step down as president at the request of the Conference was an open question. Kérékou himself understood that the question was under debate, and angrily addressed the Conference in an unplanned appearance on February 25, in which he declared to the Conference, "Do whatever you want, but don't ask me to resign" (Adamon 1995a, 56). Some delegates interpreted this to be the president's final bargaining

position, giving the National Conference free hand in determining the transition as long as that condition was met. "Kérékou came later and said, 'Don't tell me to quit,' etc. But it was imprudent of him, because he said, 'Make your program, write a new constitution, name a PM, but don't tell me to resign.' When he left, the PRPB had already lost, because we could write the constitution, so we were a constitutive assembly! . . . Now he had the honorable exit" (Kéké).

There were two camps among the opposition on the question of whether Kérékou should remain president during the transition.

> There were those who thought that at the end of the National Conference Kérékou must resign and leave; that they should decide that he was no longer the president. Those were the radicals. But the more [moderate], including Monsigeur Isidore de Souza, estimated that the scenario of Poland was better than that of Romania. I sent people to see the ex-presidents to tell them, don't let the extremists make that decision or the Conference will fail, the whole process will fail, and we will all go down with it. . . . Those ex-presidents did their work to calm the situation and it is thanks to them [that it succeeded]. . . . There was intense work parallel [to the Conference]. (R. Dossou)

The question of sovereignty continued until the end of the Conference, and the narrative will be taken up again below (see *Actors*), as the debate raised the specter of military intervention. But for difficult questions such as sovereignty, the National Conference participants could take advantage of newly formed strategies of inclusive decision making to help smooth the negotiations. Despite a lack of underlying consensus on important points, the delegates developed an expectation that there would be consultation in advance of big debates, and that compromises would be sought in order to maintain the momentum of transition. These cooperative strategies proved extremely helpful when controversial agenda items, such as the sovereignty debate and the fate of Kérékou, were put before the assembly. For this analysis, the key question is whether the cooperative strategies and the manipulation of the national agenda continue to influence political decision-making in the transition period and in the post-transition political scene.

Actors: The Military and the Transition Executive

Though Kérékou reiterated that he was willing to let the Conference name a transition government, this concession was not sufficient to end the debate on the sovereignty of the Conference, which continued

until February 25, when the matter was brought to a vote. A draft of the sovereignty declaration was read to the assembly on February 24. When the floor was given to a member of the delegation of "personalities," retired Colonel Maurice Kouandété, he unleashed his wrath on the delegates and threatened that if they continued to blame the army for the nation's problems, he would instigate a coup d'état. "The Conference is zero. Everyone wants to destroy Kérékou, even the ex-Presidents. I was astonished to learn that you blame the army. If you blame the army, it will respond tomorrow. It knows who made mistakes."[6] Kouandété, who had led military coups in 1967 and 1969, then stormed out of the Conference hall. The archbishop appealed that no blood be spilled, and quickly suspended the session to review amendments to the declaration. Kouandété's threat held further weight because other members of the government delegation appeared to be against the declaration of sovereignty, and it was not at all clear that Kérékou would accept it.

Members of the PRPB, at least at first, did not see the necessity of such a debate. "At first, personally, I didn't really see the objective [proponents of sovereignty] had; it was during the discussions that I was able to see where they were going. . . . You could say that it was a crucial moment of the Conference, when [we] weren't sure that the President of the Republic could accept such a thing" (Johnson). "It was a huge, stormy debate. It took all of one day. In the end, we needed the debate; it was good to have it. I was glad that the National Conference proclaimed itself sovereign. Except the sovereignty of the National Conference still depended on the head of state. He still had to say yes. He had the possibility and the means to set it aside" (Batoko). As to the probability of army intervention, two events that undermined Kouandété's threat happened later in the day. After further debate on the sovereignty declaration, the archbishop met with President Kérékou to discuss the meaning of the declaration. Mgr. de Souza returned to the Conference with a message of peace from the president, though Kérékou continued to appeal that the delegates focus more on economic than political issues. Also, members of the armed forces delegation pledged their continuing support for the Conference, and declared that the goal of the armed forces was to return to the barracks (Dossavi-Messy 1990). The military remained outside the negotiations from this point forward, and the institutional framework of the Conference remained intact as the official negotiation forum.

Despite the uncertainty, Conference delegates pushed ahead with their call for sovereignty. "The intellectual debate determined that

[declaring sovereignty] wasn't a coup d'état, it was so that the Conference . . . decisions could be put in practice, but in reality we knew what we were doing. That was the moment when Benin was overturned by a civilian coup d'état . . ." (Montcho). All of the delegates agreed by voice vote on the text of a Conference declaration of sovereignty, but the government delegation tried to prevent the acceptance of the motion by filibuster. In the end, sovereignty was de facto accepted with 372 votes in favor, 17 against, and 32 abstentions. The results of this, and other National Conference votes, appear in table 3.1.

There was still the possibility that the military would put a stop to the Conference, and many former delegates believed that the regime held that veto power over the proceedings. "[The regime conceded sovereignty] because Kérékou conceded it, because he is the one who has the power with a capital 'P' and when he says yes, you have to concede it. . . . It worked simply because Kérékou wanted it to work" (Deborou). There is some indication, however, that the military would have been reluctant to carry out an order to put an end to the Conference over the sovereignty question. "We could have stopped the Conference; sent everyone away. President Kérékou was commander in chief of the armed forces . . . but the army didn't want to oppose, or to stop a course of change that we felt was the will of the people" (Guedzodjé). Even if the government had attempted to veto

Table 3.1 National Conference Votes

Issue	Votes For	Votes Against	Abstentions
Sovereignty*	372	17	32
Prime Minister (Nicéphore Soglo)**	360	17	48
Dissolution of Fundamental Law	313	3	47
Economic Commission Report		uncontested	
Constitutional Commission Report	258	61	45
Education and Cultural Commission Report		uncontested	
Resolution for the release of political detainees	343	0	14
Resolution for human rights	357	0	0

Notes: * This vote was called when one member of the state delegation demanded that the sovereignty issue be closed. When a majority rejected this proposal (represented here as "Votes For" sovereignty), the resolution was adopted. ** Soglo was the only candidate standing in this vote after eleven other candidates desisted. Seven ballots were returned blank

Source: Transcript of the National Conference of Active Forces of the Nation, February 19–28, 1990

the National Conference by shutting it down, the consequences were not likely to be favorable for the ruling party. Because the National Conference was viewed by all as the peaceful way out of an impossible situation, ending the Conference would likely have meant ongoing strikes, no relief from international donors, and possibly political violence. "And I remember at one break . . . I spoke with [a government] minister . . . who said, 'If we wanted to eliminate you all, there are only two exits, all we would have to do is block the exits and we could eliminate everyone inside.' I said to him, 'Yes, that is possible. Realistically, it is possible because you have arms, but even if you take power that way, the most you would get is one week more and then you would meet the same fate' " (L. Dossou).

Prime Minister Selection

Like the members of the Presidium, possible candidates for the post of transition prime minister were considered by Conference delegates in advance of the vote. Prior to the Conference, Adrien Houngbedji was considered as a candidate likely to be acceptable to President Kérékou and the French. "Kérékou and the French authorities in the background had the idea to keep the president, and name a PM, which was to be Houngbedji. . . . He was in exile, but in politics there are no enemies for life, so he made an agreement with Kérékou to be the PM." (Kéké). But there were many in the younger generation who felt Houngbedji did not present a decisive break with the past, and on that principle preferred Nicéphore Soglo. His qualifications included more than 10 years at the World Bank, which many delegates considered would be a benefit in securing desperately needed international loans. Though he had held administrative positions in Dahomean governments during the 1960s and 1970s, he was deemed relatively untainted by cooperation with the PRPB or the former failed regimes. "Other groups came to see me about [voting for] Adrien Houngbedji, but I said no. It was well prepared in advance . . . [Soglo] wasn't mired in politics. He had international connections and we needed someone weighty like that for financial aid, etc" (Sehoue). As with other decisions in the transition period, delegates worked behind the scenes to generate support for Soglo's candidacy and prevent a split in the pro-democracy opposition.

According to ex-President Hubert Maga, "At the National Conference, because we [ex-presidents] were the special guests of the President we were housed there. This situation allowed us to meet with and receive young [delegates] of many groups . . . We consulted with them and analyzed the direction that emerged as being supported

by the majority . . . It was by this process that we helped the designation of M. Nicéphore D. Soglo as PM. When we agreed on the essential, the young [delegates] of each camp could work with their group until they finally obtained consensus" (Maga). Other interview subjects mentioned the division between old and young delegates as being very important in the choice of a prime ministerial candidate. Soglo, though having the support of the ex-presidents, could be considered the candidate of the young because he was relatively free of the influence of the older generation of leaders. "It was sort of the struggle between the young generation and the old generation. [Albert] Tévoédjrè was strongly supported by the ex-presidents of the Republic, Nicéphore Soglo was supported by the youth, with the idea that we could regain [economic] health . . . We had to find someone who had worked in the international institutions and could help us facilitate the negotiations with the World Bank and the IMF" (Kéké).[7]

In the end, his opponents stood down and Soglo was elected with 360 votes for, 17 against, and 48 abstentions. Many interpret the 17 votes against Soglo as the votes of the PRPB, but the regime did nothing to prevent Soglo's election, or apparently to influence the vote at all. "Well, there was something set up in advance. There was Houngbedji, and then Soglo. Hougbedji, Soglo, I didn't want either one. We should have taken someone who was in the country. Someone not cut off. Not someone from the PRPB, of course, but someone who had been here. . . . I didn't vote, myself. I abstained" (Karim). The delegates spontaneously rose and sang the national anthem following the vote. The election of the prime minister was a defining moment in the National Conference, for the transition, and for the subsequent permanent government of Benin. It was also important for the precedents it set—the conflict between old and young in particular, which would be a theme throughout the negotiations and continue a decade later in the 2006 elections. Also recurring would be the idea of supporting a candidate who had international financial experience, and the names of Soglo and Houngbedji, along with Kérékou, would dominate presidential competition for the next decade. Another key decision at this point was to not formally limit the ability of the transition prime minister to run for the presidency; a decision that was later much debated in Benin and influenced the transition in Togo, where the National Conference delegates sought to rectify what they viewed as a serious mistake in Benin's transition.

Institutions: Establishing the Transition Government

During the 10-day National Conference, work in committee had produced an institutional framework for governing during the one-year transition period. The Constitutional Affairs Commission, headed by Maurice Ahanhanzo-Glélé, discussed the institutional arrangements not only for the transition, but also for the new democratic constitution. The recommendations of the Commission were debated by the Conference in open session, and resulted in some of the most heated debates of the Conference. The choice between a semi-presidential and a presidential regime affected both the transition and the new constitution, and the delegates opted for semi-presidential in the former and presidential in the latter. "We debated for a long time [about] a semi-presidential regime in the transition period as well as the [post-transition] period; we debated over it and in the end we settled on a semi-presidential regime in the transition period for the simple reason that…the Kérékou regime had to go. There was no question there, we were sure about that.…[But] the consensus was that Kérékou wouldn't leave, so we were…obliged to have a prime minister" (Montcho). Though Benin's past political history suggested that power sharing in the executive would be problematic, a presidential form of government was only viable once a new executive had been chosen via the ballot box.

The *Haut Conseil de la République* (HCR), the legislative body of the transition period, was made up of the original members of the National Conference Presidium, but was expanded to include the heads of the three Conference commissions, the ex-presidents, and six regional representatives. The composition of the HCR therefore included members already validated by their work in the National Conference, a balance among geographical regions, and even some former members of the military who had staged coups and been president for very short periods, among them, Col. Maurice Kouandété.[8] One member of the Conference Presidium chose not to serve in the HCR, leaving 27 members in the transition legislature. The representation of groups in the HCR was not dominated by any one profession, ethnic group, or region. The diversity of representation was intentional, assisted by the inclusion of all ex-presidents (who represented different regions), and the regional representatives, many of whom where heads of Development Associations in their regions. These civil society organizations were some of the few independent groups permitted to operate under the Marxist-Leninist system, and as the nature of political and social organization was

changing, the Development Associations were fading in importance and many of their leaders would soon organize politically.

With the provisions for the transition period made, all that remained was for the president to signal his acceptance of the Conference decisions. Scheduled to give a closing address to the delegates on February 28, Kérékou reportedly arrived with two separate speeches, one accepting and one rejecting the Conference decisions. The idea that accepting the Conference decisions was a last-minute impulse of Kérékou's is firmly fixed in the minds of many participants, even if the details of the incident vary with the telling: "I swear that what I observed, when he went to speak, was his aide-de-camp put a speech in front of him. He pushed it away, he took a piece of paper from his pocket; the aide-de-camp put the paper in front of him again, again he pushed it away, and began to read his speech. We interpreted that to mean that there were two different speeches" (Montcho). Or, in another version:

> One of the proofs that there was this conflict, a struggle to the last, was that he arrived in the hall with two speeches. There was one, the one that he read, and a second that the barons of the PRPB . . . wrote for him to refuse the Conference conclusions. When he got up to give his speech, we followed [his moves] . . . because we had this information. When he got to the microphone, he was wearing a grand boubou, and he shuffled both of them first, before finally choosing . . . I suppose it was not by chance, but the fact that people said that there were two proves that he himself was not completely decided, at least at the moment he arrived. (L. Dossou)

It may still be argued, however, that Kérékou had no choice but to accept the decisions of the National Conference. The moribund state of the regime and the economic and social crisis meant that change was inevitable, and the changes proposed were, in comparative perspective, ones that favored Kérékou more than a military coup or civil war, an eventuality mentioned by a number of interview subjects. "Accepting the National Conference decisions was a requirement. If he had said no, I don't know what would have happened that day. Not only with the cadres, but with the general population. All of Benin in suspense . . . everyone was waiting to hear what he would say. . . . I was actually afraid of a civil war [if he didn't accept]" (Alidou). "If [Kérékou had] not [accepted the National Conference decisions], there would have been civil war. First, he is head of the country, second he is the commander in chief, and third the PRPB and the army were all agreed that there be a change in the country. From that

moment, he couldn't say that he wouldn't apply the National Conference decisions" (Guedzodjé).

By abrogating the existing constitution and suspending the existing branches of government, the National Conference made itself "the only game in town," and therefore the main source of ideas for the new, more permanent, political system that was to follow. By rejecting the political model that had prevailed for the previous 17 years, the most immediate model available was the Conference itself, especially the good working relationship on the Presidium and the national dialog that had just taken place on constitutional priorities. These institutional aspects were crucial in sustaining the transition as well as shaping the next round of institutional design.

The Legacies of the National Conference

Given the uncertainty inherent in the early stages of Benin's democratic transition, strategy and agenda were of paramount importance to those participating, whether on the side of Kérékou's regime or on the side of the opposition. Before the National Conference lent formal (albeit temporary) institutional structure to the transition, political actors were intent on keeping the process moving while trying to guarantee that meaningful change would result. Even Kérékou and his supporters were interested in turning the tide of unpopularity and regaining some credibility for the existing political system. So in the pre-Conference period, and during the Conference itself, involving diverse points of view in a national debate was a strategy pursued by all, whether in favor of democratization or not. The (unintended) result was that a precedent for cooperative behavior was set very early on in the transition, and as the transition progressed, canvassing a wide variety of opinion for important decisions became a common political strategy. Who would control the Conference agenda was a more structured, and no less important, consideration: what questions would the delegates tackle, and what options for reform would be considered? Whether or not the conference would be sovereign was the paramount issue on the agenda, and one that Kérékou would probably have preferred had never been raised. Declaring the Conference sovereign effectively put the agenda of the whole transition in the hands of the prodemocracy opposition, with Kérékou and his supporters sidelined. The institutional framework of the National Conference, and particularly of the Conference leadership, was established in this period, and the composition of the Conference Presidium

was adapted to serve as the transition legislature. The outlines of a draft constitution, notably the nature of the executive branch, were laid down during the Conference and for the most part honored in the subsequent transition year. Some actors, like the ex-presidents, Archbishop de Souza, Nicéphore Soglo, and the trade unions, were firmly established in this period as ones who would play an important role in the transition (if not beyond). However, one of the more important factors was the decision of an important set of actors to stay out of the transition process: the armed forces. And Kérékou himself, though down, would prove not out.

Even in the earliest weeks and months of Benin's political transition, the old ways of doing things were swept away, and a new set of political precedents were established. The influence of the strategies pursued in this period of transition can be seen when the transition government canvassed popular opinion to help resolve a controversial constitutional provision. Though the opposition seized control of the agenda during the National Conference, Kérékou saw an opportunity during the presidential elections one year later. By placing himself on the ballot, he literally placed himself anew on the political agenda and demonstrated his ongoing relevance, though many had considered his career over months before. The institutions, or rules of the transitional game, continued to be written in this period of transition and the next. Given that the old system had no credibility and the National Conference had a great deal, it made sense to rely on systems that worked in previous phases of transition. Though there were innovations to come in the transition period, the collective and balanced nature of transition decision making that began even before the National Conference continued through the one-year transition period. Finally, many of the actors who were elevated to the national stage in this period continued to play an important role in the transition and post-transition periods. This was not a given, however: some who played an important role in the National Conference and transition periods would be sidelined later, including the ex-presidents and Archbishop de Souza.

Transition Period

After the brief National Conference, where a broader swath of civil society was involved in decision-making, Benin moved on to the one-year transition period, where a smaller group of actors carried out the mandate laid out by the National Conference. They overhauled the political system by writing a new constitution and organizing

founding elections, but they also overhauled the system by tackling important issues of pluralistic governance for the first time since President Mathieu Kérékou came to power. Some of the institutions, strategies, actors and agendas carried over from the National Conference, drawing on precedents set in that brief moment. But as the transition government had to address a broad set of issues in limited time, they also formed their own working rules, which in turn carried over into the post-transition period. With respect to institutions, how they are laid out on paper is only one aspect. The other is making those institutions work in practice. The transition period was a chance for the new split executive to work with a legislative body, and establish precedents for executive-legislative relations. Under the tutelage of the transition government a Constitutional Commission worked to draft the permanent constitution that would be put to a nation-wide referendum. Some strategies carried over from the National Conference helped address conflicts, especially those between the ex-presidents and the younger political generation, all of whom wanted a chance to compete in the new, more competitive, political environment. Working to gain legitimacy for potentially unpopular decisions, the transition government took difficult questions to the people of Benin, hoping to prevent a rupture in the transition government itself. Once the transition legislature established that the older generation of politicians could not run for office, the next question became, who among the younger generation would stand? Transition Prime Minister Nicéphore Soglo chose to run even though some thought it tainted his credentials as a neutral figure in charge of transition. As the figure with the highest political profile in the land he was the clear frontrunner until President Kérékou decided to oppose him. Having these two prominent opponents in that first presidential contest helped set a post-transition agenda of competition between the two men. Soglo was the clear victor, and Kérékou ultimately accepted the outcome, which also set an important precedent for political competition in post-transition Benin: however unwilling, the loser in a national election must step down and make way for a rival. The founding election in Benin demonstrated a number of significant issues, including the fact that the north of the country, which generally supported Kérékou, was not necessarily ready to turn their backs to the past. Moreover, this election demonstrated that even though important gains toward democracy had been made in the relatively short period under the transition government, the struggle to establish democracy had just begun.

Institutions: The Transition Legislature and Executive

The working relationships within the HCR, and between the HCR and the executive, and within the parts of the new split executive, all helped set important precedents for the post-transition period. Maintaining the spirit of the National Conference, according to interview subjects, the HCR tried to make decisions by consensus, rather than by vote, which helped preserve good working relationships. Nevertheless, this positive atmosphere was at risk when it came time to set an age cap on the presidency, as a number of members of the HCR would thereby be excluded from running for office in the new system. According to interview subjects, this issue was probably the most contentious in the transition government. Many observers expected trouble from Kérékou, who stayed on as head of state while Soglo took over the duties of head of government. But for the most part, Kérékou stayed out of the way, allowing a meaningful break with past practice, and providing a distinct contrast with President Eyadéma in Togo, in a comparable situation.

The High Council of the Republic

By all accounts, work in the HCR was an extension of the work of the National Conference Presidium, in that Mgr. Isidore de Souza presided over a hardworking body that governed through consensus. In the Presidium, many members commented on the ability of de Souza to bring out the underlying consensus. The theme of consensus-building the in transition was mentioned by representatives of unions and political parties on the HCR, as well. "…The Presidium President played a prominent role.…[Thanks to him] everyone was very disciplined. We each had objectives we wanted to attain, so we really had to make some concessions, and avoid being really extremist…" (Ibrahima).

This desire to build and maintain consensus is all the more remarkable given the fact that many of the HCR members had long political careers and undoubtedly were interested in gaining influence in the upcoming elections. "…Some [HCR members] were politically active, and others, not at all. It was, anyway, a fairly eclectic group…" (Deborou). One party leader made the point that each was not there to defend a particular political "camp" (Adanlin). Shortly after the HCR formed, however, political parties were allowed to officially form, and leaders started to consider running for office. Though the majority of decisions in the HCR were made by consensus, not vote, debates about who was eligible to run for office became heated, and spilled outside the HCR meetings. The problem generally cited by

interview subjects as the most difficult to solve in the HCR was the question of whether presidential eligibility should be limited with an age cap. Many of the younger generation of political actors felt that the ex-presidents, with their established regional bases of support, could dominate the new democratic institutions and bring back the instability that had plagued Beninese politics in the 1960s. In order to prevent this, the Constitutional Commission inserted a provision in the draft constitution limiting the age of presidential candidates to between 40 and 70 years.[9] The surviving ex-presidents, notably Maga, Zinsou, and Ahomadegbé, all over 70 years of age, would thereby be excluded from running in any subsequent presidential election. This debate in the transition government took up a great deal of time and energy on the part of the transition government, and provided an important institutional legacy.

The ex-presidents protested against the age cap provision on the grounds that it was discriminatory and undemocratic. They reportedly threatened to leave the HCR if it approved the draft constitution with an age-limit provision. "At one point in debate on the eligibility conditions for the presidential elections, the presidents Maga and Zinsou, given that their ages were the source of liability, threatened to tender their resignations. They even submitted their resignations, but in the debate, under the authority of the Monsignor, they were convinced of the necessity of keeping their place in the HCR, which they did…" (Glélé Ahahanzo). One proposed compromise was that the ex-presidents would form a permanent council of wise men, analogous to the HCR, to advise future presidents. This concession was not terribly popular with the ex-presidents like Zinsou: "The role of an assembly of wise men that they pretend to assign to [the HCR after the transition] is in fact nothing but a subterfuge to make the pill of evicting the ex-presidents from electoral competition go down easier" (Zinsou 1990, 4).

The problem of the age cap on the presidency was emblematic of many problems countries transitioning to a new political system might face: how to prevent the actors of the past from dominating the new political system? In the case of Benin, these actors from the pre-Kérékou era were actively helping the transition process, which made the situation all the more awkward. In this case, there were two important issues relative to the age cap: first, how to manage the conflict without sacrificing the functioning transition government, and second, what impact would the age cap, or the lack of it, have on the future of political competition in Benin? Though the issue continued to dominate the transition period (see *Strategies*), it is important to note that those most impacted by the decision, the ex-presidents, were

nevertheless included in the decision-making process, contributing to the legacy of inclusive decision making, as well as a legacy of active debate within the legislative branch. Debate between the legislative and executive branches was influenced by a different set of concerns.

Executive-Legislative Relations

Relations within the transition executive, and between the transition government and the HCR, were overall harmonious. Like the HCR, the government ministers had a great deal to accomplish in a short time, and there were concerns that President Kérékou would block reform. However, Kérékou's actions for most of the transition period were extremely cooperative. Prime Minister Nicéphore Soglo, not Kérékou, presided over cabinet meetings. According to members of the transition government, Kérékou attended meetings and signed laws, but let the actors designated by the National Conference make important transition decisions. "Kérékou was exemplary during that period. And I was one who wanted to get rid of him! I was Minister of Education, chosen by the PM, and you had to wonder if [Kérékou] was the same man" (Hountondji). Hindsight may have softened the opinion of transition actors on the president, because there were a few cases in which Kérékou did not want to sign laws passed by the HCR, particularly when they touched on issues relative to his security. As Soglo himself reported: "It is normal that [Kérékou and I] do not share exactly the same point of view on a number of problems. But these are difficulties that have to be put in the proper context. The [problematic] decisions were those touching on questions of security that had concerned him as head of government. With patience and after explanations, everything was quickly returned to normal…" (Soglo 1990a). Accounts in contemporary newspapers, as well as post-transition analyses by observers (Noudjenoume 1999, 208–211), also suggest that the executive and legislative branches had their share of conflicts. One of the important legacies of the transition period was the tendency to manage these conflicts within the existing institutional framework, rather than outside it.

Members of the HCR, who engaged in regular three-way meetings with the executive, nevertheless agreed that Kérékou contributed to the spirit of consensus that governed the transition, rather than detracted from it. "When the president of the Republic came [to the meetings], he came very much as someone who would give wise counsel to the government" (Adanlin). The HCR itself was an effective assembly, which was essential given the magnitude of the task it was set. Among the conflicts, the transition government members had to

cope with the multiplicity of independent press outlets, workers whose salary arrears were still unpaid, and students whose school year had been seriously disrupted.

Another problem was the persistence of corrupt patron-client ties in Beninese politics. Prime Minister Soglo promised to expose corruption and seek the return of money stolen from the country under the PRPB.[10] This promise proved more politically popular than feasible, however, as the prosecution of past wrongs—in contrast to the situation in Togo—took a back seat to more immediate concerns of guiding the country through a brief transition period. The commission established to prosecute instances of corruption worked under a very low profile, and in the end few spectacular arrests were made, and little money recovered (Adamon 1995a, 129–135). The exception was the July 1990 arrest (in Abidjan, Côte d'Ivoire) and extradition to Cotonou of Kérékou's "marabout," Amadou Mohamed Cissé, who was accused of bilking millions of francs in the banking scandals that preceded the transition.

In the eyes of many observers, the failure to prosecute corruption effectively was one serious failing of the transition government. "[The National Conference] asked all the people who were corrupt to give back all the money they stole. Soglo never applied that . . . [because] there were lots of [countervailing] interests. . . . Soglo didn't really fulfill . . . his program to fight against corruption" (Timanty). The HCR issued an amnesty for crimes committed by public servants from 1972, but excluded embezzlement of public funds or political torture.[11] This move was useful in terms of keeping the peace and maintaining the air of consensus that governed the transition. "We said to ourselves, we have the power to change, it's not worth it to try to hassle the rest, we have to move carefully . . . We didn't try, for example, to prosecute those who had been accused of lesser crimes. We said, fine, we have to pardon everyone, which puts the others in a good mood to discuss and to calm the game, so that things happen in the best conditions" (Deborou). The tepid prosecution of corruption allegations in Benin may be another, not so satisfactory, legacy of the transition government. Today, problems of corruption are more likely to be handled at the ballot box than in a court of law, which is a concern for many Beninese.

However, the fact that the transition executive was able to successfully negotiate the issue of past corruption of one of its own members—Kérékou—is no small feat. Though it does seem that justice may not have been served in every case of misuse of public funds during the PRPB period, the investigations were carried out without causing a

rupture in the transition government. Kérékou could continue to participate, and those who still supported him did not have an incentive to form a bloc outside the transition government in order to effectively bargain for what they wanted. This air of conciliation and practicality would be very important for Kérékou's return to the political scene in the post-transition period. He was admired, sometimes grudgingly, for his willingness to step aside and allow the transition to happen, and he was able to use that goodwill as a basis for winning the presidency in 1996. But in general, the transition leadership embodied in Kérékou and Soglo established that compromise and yielding were sometimes effective political strategies in the long run.

Strategies: Negotiating the Constitution

In terms of strategies, the transition government had a number of difficult issues to address, requiring some political adroitness. The transition government took a cue from the National Conference by taking some of these issues directly to the people of Benin for support. The age cap on the presidency, for example, which threatened to rupture the HCR, was canvassed throughout the nation prior to the question being posed as part of the constitutional referendum. This strategy was successful in the case of the age cap, and putting the question to the population helped bring legitimacy to a very painful and potentially divisive decision. This source of legitimacy was very important for a temporary institution like a transition government, and would also be similarly valuable to a young democratic government.

Bargaining over the provisions of the permanent constitution began during the National Conference, in which the Commission of Laws and Constitutional Affairs, presided over by Maurice Ahanhanzo-Glélé, took on the question of what type of regime to establish after the transition period. Though the benefits of a semi-presidential system were favored in commission, when the debate was brought before the full Conference, the majority of delegates were in favor of a presidential system. The aversion to power-sharing arrangements made sense given Benin's history of regional and ethnic conflicts under split executives. "The type of regime [was the most difficult debate in the commission]. . . . [I felt that a] Presidential [regime] . . . was the only regime ready to elect a leader. Party regimes lead to disorder. . . . We had that [in the past] with an elected vice president, and it was like having two governments" (Feliho). However, the delegates had also just emerged from 17 years of authoritarianism, giving them an aversion to unlimited executive power. The

Commission had recommended checks on executive power, including a Constitutional Court (supplementary to the judicial branch), and a Social and Economic Council. Clearly, there was plenty of disagreement on how the constitution should be drafted, but once again, the transition government was able to negotiate the differences without precipitating a breakdown.

Starting from this base, the Transition Constitutional Commission, which was officially installed on March 24, 1990, succeeded in producing a draft constitution by April 11 (based on the work of the National Conference Constitutional Commission) and submitting it to the HCR for approval. The debates in the HCR were most heated with the question of an age limit for presidential candidates, but they also continued to debate the question of a presidential versus a semi-presidential system. "...The nature of the political regime [was a source of conflict], because not everyone was convinced that debate was clear-cut at the National Conference....For the permanent regime, we opted for a presidential regime because we calculated that in our country, the transition was not strong enough to guarantee the harmonious co-existence between a president [and a prime minister]..." (Holo). A dual executive worked for Benin in transition, but it was clear the spirit of cooperation that governed that brief exceptional period would not necessarily be sustained once electoral competition was introduced.

Not unlike the organizers of the National Conference, who solicited letters from the population when organizing that seminal gathering, the HCR needed to better understand popular opinion on the proposed constitution. Questions that were debated in the HCR were referred to the so-called process of popularization ("vulgarization") of the constitution, in which teams designated by the HCR presented draft constitutional provisions to citizens of Benin for their input. A cooperative effort on behalf of the transition executive, HCR, and Constitutional Commission, the popularization campaign was designed to secure citizens' understanding and approval of constitutional provisions in advance of the referendum. Teams of agents were formed and trained for each of the six administrative regions of Benin. Starting at the sub-prefecture level, they held meetings, entertained questions, and collected public opinion about the constitution over a period of two weeks in late June 1990 (Adamon 1995b, 22–24). The basic document for the popularization campaign was the draft constitution approved by the HCR in April, with special note of three important questions to be resolved by popular opinion: first, the choice of a presidential regime over that of a semi-presidential regime; second, the question of limiting

the age of presidential candidates to between 40 and 70 years; and third, whether primary education should be obligatory and free for all children in Benin. The last question was the only one entirely laid to rest by the popularization campaign: citizens nation-wide considered that making primary education obligatory and "progressively" free was an acceptable constitutional provision.[12]

Unfortunately, the ex-presidents were not convinced by the general support for the age cap that the popularization campaign uncovered. They took their outrage to some of the newly created independent newspapers: "...In the new generation there is a faction of the youth determined to eliminate what they call the men of old politics by any means legal or illegal. The age limit question was decided among them from the National Conference, because they estimate that it is the only way to brush aside the competition from candidacies they consider threatening" (Ahomadegbé 1990, 6). The comments of the ex-presidents were sometimes quite stinging: "I would say, like everyone else, that [the rule by 'the young' for the last 17 years] has been disastrous. It's a patented fact, but I don't conclude that we should exclude the youth from exercising power" (Zinsou 1990, 4). Even years later in our interview, the memory of the debate animated ex-President Hubert Maga, "The ex-presidents didn't agree on the age limit for the presidency. [The other HCR members] seemed to think that someone over 70 doesn't have all their mental faculties. But now they are approaching that age, and are questioning that decision!"

Not being satisfied with the popular response, the ex-presidents were influential enough to include the question in the constitutional referendum. This was a more definitive version of the same strategy employed in the National Conference and to resolve other constitutional questions: take the issue to the people, and whatever decision made will have more legitimacy than any other. Voters ultimately chose by more than 70 percent to approve the constitution with an age-limit provision. Though the ex-presidents could hardly claim that this result was undemocratic, it was certainly a transition government decision that did not represent a consensus. "We decided to ask the people [about the age limit]. They got all the results, did the analysis, and a crushing majority of population agreed with age limit....You can't say no one lost on that. Some lost" (Adanlin). A concession was to provide pensions for the ex-presidents, who were to be maintained in some style by the state for the rest of their lives. "After being grand, being ordinary is tough! So we at least gave them a life pension, car, lodging, and so we resolved the problem. If not, one could have

already staged a coup: Kouandété. But now he has everything for his one day as president!" (Kéké).

The constitutional draft that was put to a national referendum in December 1990 provided for a presidential system, but one with several checks on executive power to prevent a return to authoritarianism. The president and members of the cabinet can be called before the National Assembly for questioning on government activity. If the executive branch fails to respond to the legislature within 30 days, the matter may be referred to the Constitutional Court, which may find the president in contempt of the assembly and even remove him from office.[13] This check on the president, though mandating cooperation by the other branches of government, is considerable. Other checks include the assembly's ability to oust its own president and other government "counterweights" such as the Constitutional Court (separate from the Supreme Court) and a supervisory board for the public and private media.[14] So many institutions were mandated by the National Conference that they took somewhat longer than the one-year transition to establish. The HCR functioned for a short period after the transition elections as the Constitutional Court while waiting for the institution to be formally installed. The transition institutions, though generally the product of consensus among the transition actors, were not necessarily optimal. "For example, the Constitutional Court, we took some time to install it, and that is understandable, because amid the euphoria of the National Conference we had legitimate concerns . . . we said to ourselves we must prevent a slide back into dictatorship. We need lots of checks and balances. But we didn't think about the costs of those checks. . . . All that took time" (Deborou).

That the constitution was approved and that the HCR prevented a rupture along age lines were two important victories of the transition period. These victories were hard won by transition actors employing new strategies for gaining consensus on issues when it could not be forced by a one-party state or the army. With relatively few precedents to fall back on, the members of the transition government institutions looked to the strategies that had worked in setting up and carrying out a successful National Conference. The negotiations over the constitution, though by no means free of conflict, were carried out within the rubric of the transition institutions. In contrast to the situation in Togo, when groups in the transition disagreed on institutional outcomes, they did not seek to renegotiate the transition bargain itself in order to secure better outcomes for themselves. The strategy of

popularizing key decisions would carry over into the subsequent democratic government of Benin.

Actors and Agendas: Putting Key Questions to a Vote

One of the most important items on the transition agenda was setting up the elections for the post-transition government. This issue was complicated by the fact that the actors who served in the transition government wanted their chance to campaign for office. I have already discussed the case of the ex-presidents, who ultimately were denied the opportunity to compete. But Nicéphore Soglo and Mathieu Kérékou were both technically eligible to run, though many thought that each had a moral obligation not to. Soglo was viewed as having been chosen transition prime minister on the understanding that he would not run for the presidency, so that no one would be able to press an incumbency advantage in the first democratic elections. After all the work and effort to rule out the ex-presidents, it seems somewhat remarkable that Kérékou was not also rendered ineligible, but no one considered him a viable candidate until it was too late. Sixteen candidates appeared on the ballot for the presidency in 1991, including lawyer Robert Dossou, who helped to organize the National Conference. But the drama of the election came down to Soglo versus Kérékou, and the electoral competition between these two men that began at the end of the transition period helped to set the post-transition agenda, which was also dominated by these two figures. Here I discuss the organization of the elections themselves, how the electoral competition played out, and the results.

Elections

Though the electoral calendar as laid out by the National Conference had to be modified somewhat, the constitutional referendum and other elections were all held within the stipulated 12-month period of transition. This was no small achievement, considering the quantity of laws that needed to be passed, to say nothing of drafting a constitution acceptable to all major groups in society, as well as the necessary fundraising and campaigning that had to take place in advance of the April 1991 poll. The HCR served as the electoral commission for all elections, as well as the arbiter of election disputes. The first of four transition polls was held on November 10 and 11, 1990, when almost two million registered Beninese voters were allowed to cast ballots in local elections for village chiefs and town mayors (Gbado 1996, 43–45). These elections were viewed more as a test of

the transition government's ability to hold a successful election than any harbinger of future political outcomes. As such, it was largely a success: the only problems were organizational, and for the most part votes were cast throughout the country without incident, and with a nation-wide turnout around 70 percent.

After the popularization campaign carried out to familiarize ordinary Beninese with the proposed constitution, the HCR concluded that a majority was for the age limit and for a presidential system.[15] However, these two questions continued to be the subject of debate in the HCR through August 10, when the draft constitution was finally approved. The compromise solution was to submit three choices to the population in referendum: "yes" to the constitution with the age limit (represented by a white ballot), "yes" to the constitution without the age-limit provision (green ballot), or "no" to the constitution altogether (red ballot). The latter option was intended to give voters the chance to reject a presidential system in favor of a semi-presidential one. But partisans of a semi-presidential system rightly pointed out that rejecting the draft constitution in its entirety did not represent a simple choice between systems, but would be a setback to the transition as a whole. Though many political parties were initially against constitutional approval, as the date of the referendum neared, several key parties, including the *Parti pour le Renouveau Démocratique* (PRD)[16] of Adrien Houngbedji, the *Parti National pour la Démocratie et le Développement* (PNDD) of Hubert Maga, and the *Union Nationale pour la Démocratie et le Progrès* (UNDP) of Emile Zinsou, changed their positions and called on supporters to vote yes (though the two latter recommended the green ballot, or so-called "yes, but . . ." vote). The constitutional referendum, originally scheduled for August, was finally held on December 2, 1990. The results, with 63.5 percent turnout, were 73.3 percent in favor of the constitution with an age limit for presidential candidates, 19.9 percent for the constitution minus the age-limit provision, and 6.8 percent against the constitution as written (Adamon 1995b, 57–58).

Legislative elections followed in February 1991, and their progress was somewhat less smooth. First of all, most parties began campaigning immediately after the constitutional referendum results were announced, though the official campaign period was only the two weeks prior to the February 17 poll (Adamon 1995b, 59). On the day of the poll the ballot papers in the region of Borgou, in the north, were insufficient in a number of polling stations, forcing them to close prematurely. As a consequence, the official results announced

by the HCR on March 4 contained results for only five regions. The Borgou poll was rescheduled for March 17, and was then successful. The overall results showed no clear victory for any party. In the first place, in order to meet the electoral code stipulation that parties present candidates in all six regions, many of the smaller or regionally based parties were forced to form electoral alliances.[17] The most successful of these alliance parties, and the most successful party overall, was the *Union pour le Triomphe du Rénouveau* (UTR), which garnered 12 of the 64 seats. In all, 16 parties were represented in the new assembly. Second, the turnout rate was only about 51 percent. This low turnout can be attributed to a number of factors, among them voter fatigue and disillusionment with the upcoming presidential elections, for which more than a dozen candidates had already announced plans to run (Hoeltgen 1991).

The UTR was an alliance brought together by members' support of Prime Minister Nicéphore Soglo as a presidential candidate, who announced his candidature on January 11, 1991. These suspicions were not awakened during the National Conference, however, when the consensus among the delegates with political aspirations was that whoever took the post of prime minister would not be eligible for the presidency. "The secret of the success of Soglo was because of the terms [of being the transition PM], that he would last one year, and the others wanted to be 'presidentiable,' and only Soglo took the risk to be PM. They let him go with it, but he turned the situation around. In theory, he shouldn't have been a candidate.... It was a consensus that the leaders of the transition shouldn't be candidates" (Timanty). Unfortunately for Soglo's rivals, this point of consensus was never stipulated in written Conference or transition decisions. Such a measure was proposed during the National Conference, but under the objections of President Kérékou, whose approval was important for the success of the Conference, it was withdrawn. "[The Conference decided] the [ex-] presidents would keep President Mathieu Kérékou to preside over the transition, but he and the PM who would be chosen, neither of them could be candidates in the election unless they resigned from their posts three months before the elections.... That was discussed in the hall and that brought on tensions. President Kérékou didn't like that and in the end we had to withdraw it" (Glélé Ahahanzo).

The main objection to the prime minister running for president was that he would have an advantage in terms of access to state resources with which to campaign. This, indeed, proved to be the case as Soglo toured the country and attended national festivals in

his official capacity just before declaring his candidacy (Adamon 1995b, 103). Another unintended consequence was that in addition to the prime minister, one transition minister, three members of the HCR, and one member of the Constitutional Commission were also presidential candidates.[18] Despite concerns that electoral rivalries would shatter the consensus of the transition government, the transition institutions continued to function effectively throughout the presidential campaign. These potential conflicts, in addition to the inherent conflict of interest in running for office and simultaneously being a member of the arbitrating body of the elections, prompted HCR member Albert Tévoédjrè to tender his resignation in advance of the presidential campaign. As he himself said, "...All the conflicts, all the complaints about the elections must come before the HCR. How can you, yourself, be involved in the electoral operations? You can't, seriously....Anyway, it's not the candidate who judges the candidature, he can't judge the electoral operations. You need someone else" (Tévoédjrè).

The last candidate to declare his intentions was Mathieu Kérékou, who did so on the last possible day: February 16. Flanked by former members of the now-defunct PRPB, Kérékou announced that he would be the 16th candidate for the presidential poll set for March 10 (Kpatindé 1991). Why he chose to run is the source of considerable speculation. Certainly Kérékou had earned accolades nationally and internationally for his acceptance of the terms of transition, and may have felt relatively confident in getting a positive reception. He probably had some pragmatic motivations as well. No longer the head of a party and shortly to lose his office with the end of the transition period, Kérékou was facing a post-transition situation in which his political capital would be at an 18-year low. Though he could count on considerable support from the populations in the north of Benin, why not begin to mobilize that support while still commanding access to state media and other resources? This political capital was all the more necessary because Kérékou had never been pardoned for human rights violations committed during 17 years of authoritarianism. If Kérékou won the election, he could conceivably preside over his own pardon, and if he lost, he would have clear evidence of his popular support for waging any political battles to come.[19]

The presidential campaign began peacefully, but a number of violent incidents marred the period leading up to the first round. In the northern town of Parakou, during a pro-Kérékou march, supporters of the president attacked stores and residences displaying posters favorable to other candidates, and the UTR office there was sacked

(Adamon 1995b, 119). Several similar incidents were reported elsewhere, but for the most part the campaign was peaceful, and Beninese went to the polls on March 10 without incident. The results came back with no majority for any candidate, mandating a second round. Nicéphore Soglo had come out on top with about 36 percent, and Kérékou came in second with 27 percent. The third-place candidate and potential kingmaker, Albert Tévoédjrè, had 14 percent, but refused to endorse either candidate and called on his supporters to vote their consciences (Hado 1991). The remaining candidates lent their support to one or the other, but none had more than 5 percent to give. Two additional weeks of campaigning followed, with more violence directed at the two candidates and their supporters. The worst of it was again in Parakou, where gangs of Kérékou supporters went on a three-day rampage of beating alleged Soglo supporters and at least one person was killed. The use of multiple ballot papers—one for each candidate—contributed to the problem, because if voters did not dispose of their unused ballot papers at the polling place, their votes could be determined by a check of the remaining ballot papers in their possession. Though some non-Kérékou supporters fled Parakou in advance of the poll, the result was not called into question because Soglo won with a comfortable lead on March 24: 67.5 percent versus 32.5 percent for Kérékou.

Despite the clear victory for Nicéphore Soglo, the drama of the transition did not end there. Kérékou, who had declared before the poll that he would not accept the results in case of fraud, did not publicly admit defeat. In fact, Kérékou withdrew from the public eye altogether, and even Monsignor de Souza, who had been a close counselor to Kérékou throughout the transition, was forced to use the media to call on Kérékou's acceptance of the result (Adamon 1995b, 135). Kérékou did not concede until March 30, when the HCR issued full immunity for Kérékou for the period from the military coup in 1972 through the end of the transition period.[20] Though this move was extremely unpopular among Kérékou's opponents, the effect was immediate. Kérékou admitted defeat and agreed to make the transfer of power to Soglo. Though the last-minute bargaining may have caused many in the new democracy to hold their breath, the means of pardoning Kérékou was actually beneficial to almost everyone. Kérékou was not in the position of signing his own pardon as president, and members of the lame-duck HCR did not face any punishment at the ballot box for their concession. "I fought against Kérékou's immunity, but others were right; they were wiser than I. We said,

'How can you do such a thing?' But [later] we saw in Togo how things worked. They were wise to do it [in Benin]" (Badou).

Though the elections that marked the end of Benin's remarkable transition period were by no means free from controversy, looking back, a number of important issues were resolved relatively peacefully, and the many different parties and actors who needed to be pleased with the post-transition arrangement were fairly easily reconciled to events. Important political questions were funneled through the ballot box, meaning that whatever issues were on the political agenda, whether eligibility of certain candidates or who was to lead, would be settled according to the will of the majority. The first presidential contest between Soglo and Kérékou also established a pattern of political competition that would shape the political agenda at least until 2006. Another important issue that arose in these elections was the presence of a third party candidate who could play kingmaker in Benin's two-round electoral system. Though Tévoédjrè would not run again, others from the south-east and south-west regions would, parlaying their share of vote support into influential cabinet positions. The limits to the National Conference legacy were also clear from these elections. Tévoédjrè and Robert Dossou were extremely revered figures thanks to their role in the National Conference, but that did not translate to electoral success. New political parties and coalitions would still take time to sort out; the first legislative elections had not yet clarified how party competition would be organized.

Conclusion

> I think that the National Conference was an original method to move from a one-party system to integral multipartyism without spilling blood, without gratuitous violence. Our Conference must have allowed us to avoid that; everyone measured the size of the task, and when there were radical positions at the beginning, faced with reality, we rounded off the corners and got down to the essentials. Maybe that's what permits that spirit of consensus to continue to reign over the country today (Montcho).

Though Benin's successful democratic transition is remarkable, what is important for this work are the precedents were established during the transition period that carried over into the post-transition period. The National Conference represented a decisive break with past political patterns, and a number of new patterns were established during

the Conference and in the transition period. It may be fair to say that success breeds success in the case of Benin, because there were a number of positive features of the National Conference and transition government that were respected in subsequent periods. Though the transition period was not free from conflict, the National Conference and transition government helped to create the means for resolving those conflicts, and future leaders could continue to profit from the availability of those means.

A number of important legacies were established by the National Conference and transition government with respect to the important political actors, institutions, the strategies of politicians, and the scope of the political agenda. In terms of institutions, the National Conference as a constituent assembly gave way to the High Council of the Republic, which served as an active, lively, and productive transition legislature. Decent working relationships between the executive and legislative branches were also an important institutional feature of the transition government. Though the permanent constitution in Benin chose a presidential system instead of a split executive as in the transition government, the two members of the transition split executive went on to have an important influence in the post-transition period.

Though a number of political strategies employed during the National Conference and transition government could be noted, including compromise and consensus-building, I have focused on the strategic choice to take controversial issues to the larger population for discussion and a vote. Though having a constitutional referendum is hardly unique, the popularization campaign to reconcile the ex-presidents to their marginalization from politics certainly was. The act of turning the decision over to the people, which echoed the letters solicited by government before the National Conference, and the National Conference itself as a representative body of important groups in Benin, helped legitimize what was a painful and contentious decision. That decision, moreover, has had an important legacy of its own in Beninese politics, as the political reins must be passed to a younger generation whenever the current competitors reach 70 years of age.

Though a number of important agenda items emerged from the National Conference (see chapter 5), one important one was the two-man competition between Soglo and Kérékou. As important actors in both the National Conference and transition government, these two men were well-positioned to run for the presidency. Other transition actors were not so fortunate in their electoral success, but Kérékou's rehabilitation is a direct consequence of his behavior during

Table 3.2 Benin Interview Subjects

Last Name	First Name	Interview Date	Transition Group/Role
Adamon	Afize	July 17, 1997	Nonparticipant (Conference) Preparatory Committee
Adanlin	Timoté	July 16, 1997	Party leader Presidium HCR
Aguessy	Honorat	June 15, 1999	Diaspora representative
Alidou	Mouftao	July 23, 1997	Administration Cadre
Amonlé	Jules	July 1, 1999	Rural Representative
Badou	Jerome	May 27, 1999	Student Representative
Batoko	Ousmane	July 13, 1999	Government Minister Preparatory Commission
Codo	Bellarmin	July 9, 1997	Non participant (Conference) Union member
d'Almeida	Grace	June 14, 1999	Professional representative Presidium HCR
Deborou	Djibril	July 15, 1997	Association member HCR
Dossou	Leopold	July 17, 1997	Union leader Presidium
Dossou	Robert	June 27, 1997	Government minister Preparatory Commission Constitutional Commission Presidential candidate
Feliho	Jean-Floretin	June 25, 1999	Association representative Transition minister
Glélé	Lucien	July 21, 1997	Economic representative
Glélé Ahahanzo	Maurice	July 4, 1997	Personality HCR Constitutional Commission
Guedzodjé	Col. Vincent	July 21, 1997	Armed Forces Representative
Holo	Théodore	July 4, 1997	Party leader Presidium HCR Constitutional Commission
Houngbedji	Gatien	June 25, 1999	Economic representative Presidential candidate
Hountodji	Alexis	July 15, 1997	Development Association Presidium HCR

Continued

Table 3.2 Continued

Last Name	First Name	Interview Date	Transition Group/Role
Hountondji	Paulin	June 3, 1999	Religious representative Transition minister
Huannou	Adrien	July 13, 1999	Professional representative
Ibrahima	Zakari	July 17, 1997	Union representative Presidium HCR
Johnson	Godfried	July 22, 1997	Administration Cadre
Karim	Rafiatou	June 29, 1999	Government minister
Kéké	Joseph	July 10, 1999 July 12, 1999*	Party leader HCR Presidential candidate**
Ligali	El-Hadj Isiaka	June 8, 1999	Religious leader
Maga	Hubert	June 2, 1997	Ex-president HCR
Montcho	Theophile	July 22, 1997	Party leader
N'Pina	Jean	July 8, 1999	Armed forces representative
Noudjenoume	Phillipe	July 18, 1997 June 10, 1999*	Non participant (Conference) Communist Party leader
Sehoue	Georges	June 3, 1999	Student representative
Tévoédjrè	Albert	July 13, 1997	Personality Presidium HCR Presidential candidate
Timanty	Georges	June 11, 1999	Diaspora representative

Notes: * This interview took place in two parts, on two separate dates; ** Withdrew his candidacy prior to the March 1991 poll

Source: Seely 2001b

the transition, rather than his 17 years of rule prior to it. In addition to this legacy, delegates drafted reports on the state of education and the economy, as well as the political system, which became important points of reference in subsequent months and years. Though the failure to thoroughly investigate allegations of past corruption could be said to be a departure from the agenda laid out by the Conference, it was done for political expediency rather than any desire to reject the Conference decisions.

The National Conference and transition period in Benin represented a crucial break with past political precedents. The legacies established at the National Conference carried over to the transition government, and had a powerful impact on the post-transition period, as we will see in chapter 5. They learned from their new political system as they created it, meaning a 10-day National Conference provided a wealth of experience disproportionate to its short duration, and the year-long period of transition government was similarly crowded with experiences that members of the post-transition government would have to draw on.

This page intentionally left blank

Chapter 4

"We Are Not Sheep": Finding a Togolese Path

The Togolese closely watched liberalization and the National Conference in Benin, as did Africans across the continent. The peaceful fall of President Mathieu Kérékou appeared to show that dictators could be removed by civilians, and many prodemocracy activists were eager to convene their own National Conferences and make their own transitions. Part of the lure of the National Conference was its apparent simplicity: call together groups united by their disgust of the current regime, and vote the current leaders out of power. Of course, as the close examination of Benin in the previous chapter demonstrates, the situation was not nearly so simple. Moreover, ruling regimes learned from Benin's transition, and made concerted attempts not to fall into the same pitfalls that had undone Kérékou.[1] President Gnassingbé Eyadéma's regime, challenged by opponents with considerable public support, was forced to make concessions to his opponents in the period leading up to the National Conference. Though Eyadéma had more resources with which to resist, including the seemingly unconditional support of the armed forces, the opposition did manage to take advantage of a critical juncture in the country's political development to bring about some significant changes. The institutions, strategies, and agendas therefore developed along different lines in the two countries, but the foundations laid in the transition period still shape post-transition politics in Togo, albeit on a different trajectory than Benin.

The seeds of transition were sown in late 1990 as Eyadéma and his ruling *Rassemblement du Peuple Togolais* (RPT) party rapidly lost legitimacy, culminating in the sudden outpouring of popular disapproval in the streets on October 5, 1990. As a result, the government

was willing to renegotiate the earlier agreement on a Dialog Forum (see chapter 2) and proceed with a full National Conference, which began in early July 1991. In this chapter I focus on the events of the two-month long National Conference, the two-year tenure of the transition government, and the founding elections that closed this critical period in Togo's history. The premier item on the National Conference agenda was the sovereignty of the Conference itself, and in debating this, both the government and the opposition used strategies of either attempting to renegotiate the terms of an existing agreement or escalating the conflict to get a better bargaining position. The National Conference laid open some important divisions within the opposition that Eyadéma would later exploit, and promoted the advancement of the transition Prime Minister Joseph Koffigoh, who proved unequal to the task. The National Conference, largely dictated by opposition party leaders, did decide on a set of transition institutions that President Eyadéma tacitly accepted. In the transition period, however, Eyadéma and his supporters reasserted themselves, sometimes with the help of military force. The divided opposition could not agree on when and how to compromise, as the main focus of the political agenda became how to gain access to political power, though Eyadéma was the most successful at achieving this end. The strategies employed by both sides were those established during the National Conference: to renegotiate existing deals from a position of strength, and if necessary, raise the stakes by sending in the military or launching a devastating nation-wide strike. Meanwhile, within the transition government the split executive proved unstable, and Eyadéma used this instability to his advantage, co-opting or intimidating the transition prime minister and reshuffling the cabinet multiple times in his favor.

In the case of Togo's abortive democratic transition, it is easy to see why people think that the more things changed, the more they stayed the same. Eyadéma and his RPT party were in power before the transition, and they have dominated the executive and legislative branches almost continually since. The military remained at the president's disposal, so that even when he was forced to make concessions he could effectively limit their extent. By the end of the transition period, some members of the opposition were forced to flee the country, and the elections that came at the end were seriously flawed. But these outward signs belie very significant changes that took place between the pre- and post-transition periods. In a break with past practice, Eyadéma was newly forced to cope with the existence of a legal opposition. And we should not mistake the fact that Eyadéma

was skilled at developing strategies to manage the opposition for the idea that the opposition was nonexistent or irrelevant. In the post-transition period, Eyadéma, and later his son who succeeded him as president, employed strategies developed in the transition period within the institutional framework laid out with the help of the opposition in the transition period. And the opposition remains in the game, always prepared for the day when the RPT makes a strategic error and is forced to make greater concessions. The precedents set in the transition period continued to shape politics even after Eyadéma's death, especially the existence and activity of the opposition is a given, which is a significant break from the pre-transition political system.

Preparing and Holding the National Conference

Togo's political transition was only beginning while Benin's was well underway (see figure 4.1 for a chronology of events). Almost 18 months after Benin's historic "civilian coup d'état," Togo was still struggling to establish the terms under which some form of national dialog, and possible transition, would take place. Eyadéma and his government, including the military, agreed to participate in the National Conference, but would they accept the results? The opposition appeared to have the upper hand in the weeks leading up the National Conference, but that did not mean they had a clear set of strategies for removing their opponents from power. The strategies that emerged were ones that were not terribly stable in the long run: they had already formed and dissolved one coalition to try to enhance their bargaining position, they had renegotiated an existing deal when they saw an opening, and they seemed prepared to heat up the rhetoric to avoid settling for too little. Eyadéma, too, escalated the conflict with the prodemocracy opposition by wielding the military as a tool of negotiation. The most important agenda item throughout the transition period was the question of who had the right to make binding decisions for the nation. During the National Conference, that debate manifested itself in the battle for sovereignty. The divided opposition put forth a compromise candidate as transition prime minister who was ill-equipped to manage his own supporters, let alone stand up to the sitting president and commander of the armed forces. Finally, the transition institutions that were created almost entirely by the opposition did not seem to take into account the still-powerful head of state, but assumed that by the act of their creation, they would be able to keep powerful antitransition forces in check. But the precedents established in the negotiations for the National Conference

1991

March 18: Agreement reached for a National Dialog Forum

April 11: 20 bodies discovered in Be lagoon in Lomé, apparent victims of military repression. Renewed anti-Eyadéma demonstrations in Lomé

April 23: Opposition collective FAR dissolves, and leaders create political parties

June 10: Party and union leaders, now grouped in the collective COD, call a general strike demanding a National Conference

June 12: Accords signed between COD and the RPT government call for a National Conference

July 8: National Conference begins

July 16: National Conference delegates declare the body "sovereign"; the RPT delegation pulls out of the Conference citing sovereignty as counter to the June 12 Accords

July 18: The government delegation, but not the military, returns to the National Conference

July 27: National Conference delegates freeze RPT party dues

August 23: Conference delegates pass Act 7, stipulating that the president be stripped of all but ceremonial powers, a transition prime minister will act as head of government, and a High Council of the Republic named by the Conference will act as the legislature for the one-year transition period

August 26: Eyadéma suspends the work of the Conference, but delegates continue work into the night, including electing Joseph Koffigoh as prime minister. Members of the military move to surround the Conference hall and enforce the president's suspension

August 28: National Conference ends without an official closing address from Eyadéma

September 8: Koffigoh announces his transition government, which does not include any RPT members

October 1: Members of the military briefly take over state radio and television and demand the dissolution of the HCR and the reinstatement of Eyadéma as head of government. A demonstration of support for the transition government results in clashes with security forces (5 dead, 30 wounded)

October 8: Members of the military attempt to kidnap Koffigoh, who escapes and calls on France for help

November 26: HCR votes to dissolve the RPT

November 28: Members of the military take over state radio and television demanding the departure of Koffigoh and a unity government including the RPT

November 29: France sends 300 troops to neighboring Benin

December 2: Members of the military surround Koffigoh's residence

December 3: The military attacks the prime minister's residence with tanks, kills a number of members of Koffigoh's personal guard, and takes the prime minister before Eyadéma. Both appear on television calling for a provisional government

December 30: Formation of a crisis government, with several members sympathetic to the RPT

Figure 4.1 Continued

1992

April 11: Koffigoh announces that both he and Eyadéma wish to be presidential candidates

May 5: Assassination attempt on Gilchrist Olympio

July 4: Draft constitution approved by the HCR

July 28: Eyadéma and opposition leaders form the *Commission Mixte Paritaire* (CMP) to negotiate an extension of the transition period

August 22: The CMP agrees to extend the transition to December 31, 1992; in exchange, Eyadéma is restored to most of the functions of head of government

August 26–27: CMP agreement passed by the HCR

September 13: United States suspends aid to Togo

September 14: New government with RPT members in key posts is approved by the HCR

September 27: Constitution of the Fourth Republic passed by referendum. A number of provisions were altered by the president after the draft was approved by the HCR

October 22: Members of the HCR are taken hostage by members of the military, demanding the release of RPT dues, which were the subject of HCR debate. The funds are shortly thereafter released and turned over to RPT members

October 30: France suspends military cooperation with Togo

November 16: The opposition collective COD II launches an unlimited general strike, demanding a new transition government, an independent security force for elections, and the departure of Eyadéma

1993

January: Ongoing negotiations between Eyadéma and COD II for ending the strike

January 13: Eyadéma announces formation of a National Unity Government

January 18: Koffigoh reaffirmed as prime minister

January 25: Crowd gathering in honor of visiting dignitaries from France and Germany fired upon by security forces (at least 22 dead)

January 28–29: Two members of the military attacked and killed by opposition protesters

January 30: Military begins a bloody rampage in the capital Lomé

January 31: Exodus of some 200,000 Lomé residents, most to Benin and Ghana

February 8: Failed mediation attempt between regime and opposition in Colmar, France

February 11: France suspends all cooperation

February 12: Eyadéma forms a "crisis" government

March 12: Ultimatum by the Minister of Public Works for civil servants to return to work or lose their jobs

March 16: Some civil servants return to work

April 25: Eyadéma officially declared the RPT presidential candidate

May: Meetings between the government and opposition in Ouagadougou, Burkina Faso

July 11: Ouagadougou Accords signed, governing the transition elections and ending the general strike

Figure 4.1 Continued

July 20: Edem Kodjo declared the opposition's sole candidate
July 21: Many other opposition leaders announce their candidacies, including Gilchrist Olympio
August: Opposition leaders and international election observers demand postponement of the presidential election to correct inflated voter rolls and sort out conflicts over eligibility of candidates
August 25: Presidential poll won easily by Eyadéma

1994
February: Legislative elections contested by moderate opposition parties. The CAR-UTD alliance wins a slim majority
March: Edem Kodjo, leader of the smaller alliance partner UTD, is named prime minister by Eyadéma

Figure 4.1 Chronology of Transition Events in Togo 1991–1994
Source: Seely 2001b

and the Conference itself demonstrated that negotiations in Togo were not necessarily constrained by any one institutional framework. This legacy of the National Conference bargaining would continue to influence politics in Togo throughout the transition period and beyond.

Strategies: Frequent Renegotiations and Escalation

After a failed attempt to revise Togo's constitution and a few other concessions to the opposition (see chapter 2), Eyadéma conceded to the opposition's demand to negotiate a political transition by proposing a National Dialog Forum. This deal had been negotiated between the opposition coalition *Front des Associations pour le Renouveau* (FAR) and Eyadéma, reflecting the latter's desire to distinguish Togo's situation from Benin's by eschewing the term "National Conference." FAR was made up of important opposition leaders, but as political parties were not yet legal, their organizations at this point in time were deemed "associations," implying they were nonpolitical civil society groups. When violence broke out between prodemocracy demonstrators and security forces the next month (see figure 4.1), the opposition deemed the time ripe to renegotiate the terms of the Dialog Forum, and insist on a National Conference modeled on that of Benin. When Eyadéma resisted, the opposition raised the stakes by declaring a general strike that was widely followed. By this time, the FAR had disbanded and the newly formed political parties (essentially the leadership that made up the FAR) made up a new group, *Collectif de l'Opposition Démocratique* (COD). This group insisted on a

National Conference by its rightful name, and got it. But the price paid was very high; the opposition had abandoned the earlier agreement on the apparent technicality that the FAR no longer existed. The tactic was successful, in the short run, but also established a distinctive precedent: repudiating an earlier agreement. The success of this strategy was not lost on Eyadéma, who now had a new weapon in his arsenal.

The key agreements of the pre-Conference period in Togo were enshrined in the so-called June 12 accords, which set the terms of the National Conference. This very brief document included several points, among them: (1) a National Conference would take place, replacing the National Dialog Forum; (2) the National Conference would establish new institutions and organize the transition period; (3) President Eyadéma would continue as head of state during the Conference and the transition period as compatible with the functions of head of government assigned to the prime minister; (4) the transition government would be representative of "all the political tendencies"; and (5) the National Conference decisions would not be challenged or undermined (*ne seront pas remises en cause*) by President Eyadéma.

The June 12 accords were signed for the RPT government by Yao Komlanvi, Minister of the Interior and Security, and by Jean-Lucien Savi de Tové, an opposition party leader for COD. In response to the accords, the Conference's Preparatory Commission, composed of members from the opposition and the government, was charged with naming the groups to be invited to the Conference and setting the preliminary agenda. Some Conference decisions were negotiated informally by the Commission prior to the opening of the Conference, including who would serve as Conference president and other members of the Conference presidium. Following the Benin model, the members of the Commission agreed that a neutral religious figure would preside, and ultimately settled on the Archbishop of Kpalimé, Monsignor Phillipe Kpodzro. In the negotiations over the composition of the Conference presidium, a group of opposition party leaders emerged as the core negotiating figures. The exclusiveness of this group, which did not encompass members of the RPT or nonparty members of the opposition coalition, reflected the perceived notion that the regime was done for, and setting up a transition government should be dominated by the COD.

The June 12 accords established the terms under which not only the National Conference but the entire transition would be conducted. The opposition agreed that Eyadéma would remain head of state, as President Kérékou had in Benin, despite the fact that more radical

elements of the opposition favored his immediate departure. The government, in turn, in effect accepted Conference decisions that had yet to be made. Though the word "sovereignty" was purposely avoided in response to the RPT's wishes, the decision-making capacity of the Conference seemed to imply that the decisions were binding (*executoire*). "When the opposition made contact with the President, in the first discussion, there was a problem with the name. Forum or a . . . National Conference. But not sovereign! . . . We said yes to a National Conference, but not to sovereignty" (Mivedor). (For specific information on interview subjects, please see table 4.3.) " . . . There were (the June 12 accords), that told how to proceed. . . . We saw what happened in Benin. We knew what would happen. We're not sheep. Sovereignty wasn't provided for" (Walla). The opposition, by contrast, treated the June 12 accords as conferring sovereignty, though by some other name. "The government gave an exaggerated importance to the word 'sovereignty.' That word upset them." (N'Guissan). "That word caused a problem, because people didn't understand what it meant. So we put a phrase in that said no party can undermine the decisions of the National Conference. Well, that is the definition of sovereignty! So we put that in instead of the word 'sovereignty'" (Doh-Aduayom).

Escalation as a Bargaining Tactic

On an emotional level the rhetoric in the Conference hall heated up early on, creating an atmosphere in which compromise was difficult to achieve. In interviews, opposition leaders attributed the heightened tone of the debate in part to the live television broadcast of the proceedings, as well as to the early unfolding of opposition election strategies. "The catastrophe for the Togolese National Conference wasn't the internal debate. It was that it was broadcast live and demagoguery took over" (Kodjo). Though members of the opposition dominated the debate on the floor, when Eyadéma and his supporters had the chance to speak, the tone was divisive. "The spirit of the [June 12] accords was violated by Eyadéma before the National Conference. . . . His [opening] speech should have been conciliatory. If it had been, the National Conference would have been different" (Gninginvi). There were many occasions for making speeches as Togo's National Conference lasted nearly two months, and most of those invited were given the opportunity to make a pre-prepared speech or "communication" to the assembly. Given that the opposition controlled the presidium and the Conference agenda, many of these communications were openly hostile to Eyadéma and his regime.

A content analysis of speeches made during the conference shows that 69 percent expressed anti-regime sentiments and 50 percent expressed outrage at human rights abuses.[2] The speeches in Togo, as compared with the letters written to the preparatory committee in Benin, say very little about what kind of institutional arrangements the participants hoped would come out of transition negotiations. Only about one in ten speeches expressed any preference over the type of political system that would follow, while 16 percent made vague statements about the importance of separation of powers in a post-transition government. Some participants suggested that opposition leaders in Togo deliberately played their cards close to the vest in hopes of more effectively jockeying for position in the post-transition government. The Conference speeches, whether condemning or supporting the history of Eyadéma's one-party rule, concentrated on interpreting past events, rather than making propositions about what a new government would look like.

The communications made by various delegations included indictments of past abuses by the regime with respect to human rights and in the economic domain. "Well, the [problem] that was the most discussed, the most emotional? I would say the dossier of human rights violations. That was the most emotional moment. There were economic management questions, too, but the revelations of human rights were the most marked. . . . The detentions, the assassinations . . ." (Gbikpi-Benissan). "There were [verbal] attacks, it became a tribunal, and raised the temperature. . . . [The first human rights accusation] lit the fuse, people cried in the Conference hall; terrible things" (Kodjo). For some groups represented at the Conference, an explicit goal was to bring to light alleged crimes committed by regime members, and thereby encourage the Togolese to reject the regime completely. "The UDS wanted to attack the government, to insult them. And it wasn't to be impolite, it was to demystify the government. . . . But we needed to wake up the nation, and the people in the Conference hall were sympathetic with us, but they thought of their security, their jobs, the uncertainty about the outcome" (Aidam). Whether all political parties felt this way or not, the perception on the part of the government was that all of the insults were part of a deliberate campaign. ". . . People came to spit in the plate they had eaten from; they were not sincere. . . . They were there to break, scold and burn. They wanted the situation to be like Mali—a military coup. Their objective was to light the fuse" (Nana).

Emotions were running so high among the opposition that any appearance of complicity with the government was summarily

denounced. This contributed to Kpodzro's inability to play the role of mediator between the regime and the opposition, a role that his counterpart Isidore de Souza had successfully filled in Benin. Kpodzro did go to the president's residence, Lomé II, to negotiate, but that step was unpalatable to the more radical members of the opposition. "Kpodzro had a mission, but some were against it; all his trips to Lomé II. It was a difficult atmosphere" (Agboyibo). "For instance, we tried to get the President to come and talk to the National Conference. Then [the RPT] would have had to accept the decisions. But then people attacked the Monsignor for talking to the President" (Foli). The underlying agreements that formed the basis of the National Conference were showing cracks, especially as the sovereignty debate was renewed. The opposition appeared ready, once again, to renegotiate an earlier bargain.

The June 12 accords were first openly denounced by Leopold Gninginvi, who stated that the accords only applied to the signatories (Degli 1996, 102). Given that the accords had been signed by Savi de Tové (supposedly in the name of COD), Gninginvi's statement suggested that no other opposition leader was bound by them, and therefore to declare the Conference sovereign did not represent the breach of a previous agreement. Of course, the president and his supporters did not share this view. "Once the Conference opened, the [opposition] declared right away that the agreement made by some at the beginning of the National Conference only bound those who were there and not the [whole] National Conference. And they declared the National Conference sovereign. That's how our hopes were completely dashed" (Assouma). Though some in the opposition got what they wanted, their credibility as negotiating partners was tarnished. "You can not trust the opposition. There were the June 12 accords... But then they said it only applied to those who signed it. We had accords, but they weren't respected" (Andjo).

On July 16, eight days into the National Conference, the delegates voted to declare the body sovereign (see *Agenda*, below). In response, Eyadéma engaged in his own escalation tactics, by pulling his delegation, and the military delegation, out of the Conference altogether. Citing negotiations that extended back to the original agreement between the government and the first opposition collective FAR, the government declared that the Conference, in proclaiming itself sovereign, had overstepped its authority as set out in the June 12 accords. Though the government delegation did ultimately return to the Conference, it was only on the condition that it would not recognize the sovereignty principle. Once again, an agreement reached by

legitimate negotiating partners had been broken, and it was clear that the new rules of the political game, in the form of the Conference institutions, could not effectively contain the underlying conflicts between the two sides.

Many interview subjects described these problems as due to a lack of "preparation" before the Conference, in that there was no anticipation of the breach and no provision for reconciling Eyadéma's supporters to a sovereign National Conference. "If we had prepared well and presented well, then they would have had a strategy so the National Conference could meet very precise goals" (Koumaglo). "The [June 12] accords were good, everyone was agreed in principle. To dissolve parliament, have a new government, the head of state was engaged to respect the decisions. What more did they want? There was a feeling it was a test of wills; they all thought they were in control. I think it wasn't necessary. . . . Instead of dialog, it was arm wrestling" (Agboyibo). Other interview subjects, representing both regime and opposition, described the problem as a lack of consensus on this and other decisions of the Conference. "And when we declared sovereignty, we didn't achieve anything. The decisions weren't binding. And there was no consensus; part of the political class wanted it, and part didn't. There was no consensus" (Ali-Diabacte). "Lack of unanimity for National Conference decisions undermined our success" (Kuakuvi).

An underlying lack of unity certainly contributed to the problems of Togo's National Conference, but Benin's National Conference was able to overcome potential sources of disunity in a comparable situation. Strategies chosen in Togo were calculated to bring those divisions to the fore, rather than to smooth over them. Opposition leaders in Togo seemed to be one step behind the rhetoric, bound to an agreement with Eyadéma and his government that was soon publicly scorned by more radical members of the opposition. When agreements were forged and then repudiated so often, there was little incentive to invest in any compromise solution, whether on the side of the opposition or the government. Many in the opposition question whether Eyadéma and his government were really bargaining and reaching these agreements in good faith, but once these precedents for breaking and renegotiating agreements were set, exacerbated by the constant escalation in demands by the opposition, the point became almost moot. The strategy of renegotiation was a successful one in the short term, producing a National Conference instead of a more modest Dialog Forum. This may have positioned the opposition to better follow Benin's model and perhaps have a better chance

of removing Eyadéma from power, but in the long term it undermined the ability of the two sides to reach any mutually acceptable agreements and stick to them.

Agenda: Sovereignty and the Nature of a "National Conference"

The issue of agenda was a central one, because in the uncertainty of transition those who could direct and shape the nature of the political changes would have a considerable advantage once the transition period ended. Once the opposition forced the sovereignty debate on the table, the debate undermined the fragile nature of the transition institutions themselves, which was not to the opposition's advantage. In the uncertainty of the transition period, it was not always clear who was in control of the agenda on any given day, and how long that control would last. An understanding of the nature of shifting control of the transition is much easier to gain in retrospect.

President Eyadéma officially opened the National Conference on July 8, 1991. The first five days of the Conference were principally used to verify delegation credentials and to elect presidium members. By the sixth day of the Conference, however, the question of sovereignty was again raised, contrary to the wishes of the RPT. Many members of the opposition coalition were eager to declare the sovereignty of the Conference, as delegates in Benin had. For the most part, the initiative is attributed to younger or more radical members of the opposition, though it does appear that the core group of opposition party leaders was not opposed to the move.[3] Some delegates began drafting the Conference's first official act, Act 1, which amounted to a declaration of sovereignty. According to members of the opposition, the reasons for declaring sovereignty were twofold. First, the legal immunity of the participants was an important consideration, as many delegates feared reprisals if they openly denounced the government. Some participants did not trust the sitting government to guarantee their immunity, and preferred a sovereign National Conference that would usurp the government. "...Immunity for the participants. That caused the escalation. We needed sovereignty for real immunity. Eyadéma said that was a violation of the [June 12] accords" (Gninginvi). "[Sovereignty] was a good thing, so we could deliberate freely. We needed that act. It showed we weren't just speaking in a void, that there would be application of what we suggested. It gave people hope" (Gbeassor).

Second, many delegates wanted to remove Eyadéma from power immediately, rather than wait until the end of the one-year transition

period and democratic elections. "[Our party] wanted to make [National Conference Act 1] more definitive, and have the dismissal of Eyadéma in there. You know, sometimes change of government happens in other ways than elections. There can be popular pressure, or revolution. The people had spoken, and they didn't want Eyadéma anymore" (Ameganvi). Rather than being divided along party lines, however, the delegates seemed divided into younger radicals and older leaders who were more willing to compromise. "Well, some wanted to unseat Eyadéma. The remainder were against it. The young ones, above all . . . wanted it. And if it had worked, they might have killed hundreds. The army wasn't for it, and that discouraged a lot of delegates" (Akitani-Bob). Fear of a negative reaction by the RPT and the military was certainly a deterrent for some delegates. A special ad-hoc committee was established to negotiate the inconsistency between Act 1 and the June 12 accords. This became a recurring theme: issues that were new or unplanned on a negotiation agenda would be dealt with through ad-hoc committees, rather than within the existing institutional framework.

Act 1 was debated by the Conference on July 15 and into the morning of July 16. It was finally adopted by acclamation, not vote, at 5:15 a.m. on July 16.[4] The Act effectively abrogated Togo's constitution, dissolved the legislature, transferred its powers to the Conference, and secured the immunity of the participants. These actions, though fundamentally similar to the declaration of sovereignty in Benin, provoked a very different reaction on the part of the sitting government. Later in the day of July 16, President Eyadéma's office issued a statement in the name of the government denouncing the declaration of sovereignty and withdrawing the government delegation from the Conference.[5] "During the Conference sessions, we realized that there were people there who had other agendas . . . That wasn't what the government expected. So at that time, the government said, 'Fine, I withdraw . . .' " (Batchati). In retrospect, members of the opposition are conflicted on the wisdom of carrying their demands to the point where the government withdrew. "We were unhappy [about the government withdrawal]. We wanted discussion, to clear the difficult hurdle together, not to tear the house down" (Gninginvi).

On July 23, the government did return to the Conference, issuing a brief statement that it still rejected the principle of sovereignty of the Conference. The failure of the military to return to the Conference effectively suggested they did not view the Conference decisions as binding.[6] Conference delegates recognized this weakness, but opted

to continue the negotiations in the forum of the National Conference without the military's active participation. "That was all the failure of the National Conference. We wanted sovereignty, because we were facing dictatorship. It was dictatorship founded on the army, and the army was not neutral. From the time the army left, we weren't sovereign" (Mensah). "When the government left we should have suspended the National Conference and taken to the streets to make them come back. They never really came back" (S. Aquereburu).

Eyadéma and the RPT apparently never really wanted meaningful change to be on the National Conference agenda, and they did not want to give up political control. They tried to shape the agenda to their advantage, first by having a Dialog Forum instead of a National Conference, and then by stipulating ahead of time that the word sovereignty would not be used. The fact remained that they had the power to undermine the Conference and were not afraid to use it, but they could not manipulate the political agenda altogether. The desires of the prodemocracy opposition were forced onto the agenda in spite of their best efforts to prevent it. This would be an ongoing theme of the transition, and beyond: control of the transition agenda never belonged exclusively to one side or the other, the opposition would have trouble capitalizing on moments when it did control the agenda.

Actors: A Divided Opposition, a Weak Prime Minister, and the Military

There was ample opportunity for new actors to make themselves heard on the political scene in this democratic opening. Given that the very hierarchical structure of Eyadéma's old system had admitted few beyond very loyal RPT cronies, there were many poised and ready to make their voices heard during the National Conference and after. The most prominent member of the opposition was Gilchrist Olympio, the son of assassinated first president Sylvanus Olympio. Though Olympio commanded a wide following, his mobility and ability to organize was limited by the fact that he was closely watched, and his operation was largely based in Ghana. His fears were proved sound almost one year after the National Conference, when assailants attempted to assassinate him while he was working in Togo, prompting his evacuation to France, where he eventually made a full recovery. Other opposition leaders had worked in Togo over the decades and were somewhat better poised to organize and capitalize on the political opening, such as Yawovi Abgoyibo and Edem Kodjo, but

they were also tainted by association with the RPT, if only because they had avoided prison terms. Togolese expatriate communities had even greater freedom, and could claim to have been a "true" opposition all along, but they were also considered out of touch with Togolese realities. Joseph Koffigoh, a human rights lawyer, was the opposition figure chosen to unite this disparate bunch, and while it may have been a monumental task for anyone, Koffigoh's political skills were ill-equipped for the job. The final "actor" considered here is the military, which played an important role in the transition period. During the National Conference, however, the military were wielded more like a tool by Eyadéma when he needed to push his advantage or display displeasure with the National Conference. Beyond this strategic role, however, the military itself was coming to terms with the reality that President Eyadéma might have to share power under any new system, and for an organization with so much personal loyalty to the president and commander in chief, this would represent a major adjustment.

The final Conference decision was the election of the prime minister, who would serve as head of the transition government as part of the dual executive with President Eyadéma. Many interview subjects pointed to the election of the prime minister as a crucial transition decision. Their choice would prove to be an important player in the transition period, for better or for worse, but their choice was also a telling example of the divisions within the opposition, and their inability to strike lasting compromises. Joseph Kokou Koffigoh had served as the head of the Bar Association and had been a founding member of the *Ligue Togolais des Droits de l'Homme* (LTDH). His candidacy was favored by some party leaders, including CAR's Agboyibo, who was a colleague and personal friend. "There were plenty of negotiations. We all knew that Koffigoh was said to be Prime Minister, from the first. . . . He was president of the LTDH, and that gave him legitimacy. Everyone said, 'Oh, look at the champion of human rights' " (Mensah). More importantly, Koffigoh was not involved in a political party, which the main party leaders had agreed was a requirement for their prime ministerial choice. The party leaders decided among themselves that whoever held the prime minister post would be ineligible to run for president in the elections to be held at the end of the transition period. This was a reaction to events in Benin, in which transition Prime Minister Nicéphore Soglo ran for the presidency, and was deemed by some of his political opponents to have benefitted unfairly (or at least unexpectedly) from an incumbency advantage.

National Conference Act 7, the law outlining the duties of the post of transition prime minister, included a provision that a member of the transition executive could not be a presidential candidate in the elections to be held at the end of the transition period. This law was passed by the Conference four days before the prime ministerial election. Act 7, plus the unwritten understanding that the transition prime minister would not be a member of a political party meant that Togo's most skilled opposition politicians were not campaigning for the post. With only a few days remaining in the Conference, however, delegates began to have second thoughts about the wisdom of putting Koffigoh in charge of the transition, and Leopold Gnininvi decided to challenge him. "The ones with experience didn't want to be prime minister to save themselves for the presidency. [Any of them] would have been better than Koffigoh with no experience; he never even was head of a department. Our prime minister didn't even know the IMF. Gnininvi himself wanted to be a presidential candidate, so he didn't want to be the prime minister at first. All the competent ones didn't stand. Only later Gnininvi decided to stand, and it was hard because Koffigoh had supporters" (Kodjo). These supporters of Koffigoh included Gilchrist Olympio, a very difficult figure for other opposition leaders to oppose.

Gnininvi himself seemed reluctant to stand for the post: "Sometimes the parties seemed to be together, but they never talked among themselves about who would take power. One week after the opening of the National Conference, I didn't plan to be a candidate. . . . I didn't [even] campaign" (Gnininvi). Some interview subjects described the split between supporters of Gnininvi and Koffigoh in ethnic terms,[7] but more described a split in the opposition coalition in which associations were divided from political parties. Gnininvi generally had the support of trade unionists.[8] "Things began to politicize at that moment. The impression we have is that there was opposition between the parties and the associations. From the time the invitations to the Conference were made, the associations came into being. . . . The associations wanted their guy, and the parties wanted their guy" (Bolouvi). The split between parties and associations with respect to the prime ministerial choice was a telling one, especially as the associations were included in the National Conference in such numbers specifically to lend support to the opposition's voting bloc (see chapter 2). This split in the opposition foreshadowed other splits, when it would come time to choose a presidential candidate. Each opposition party leader would consider himself the best candidate, which prevented them forming a unified front when competing with the RPT.

With the opposition split between two candidates, Eyadéma's voting bloc was in position to determine the winner. "President [Eyadéma] didn't have a candidate, but he considered Koffigoh as the lesser of the two evils, as Gninginvi was more radical" (Doe-Bruce). A number of interview subjects mentioned the use of orders or instructions (*les consignes*) among groups as to how to vote during the Conference. This appears to have been the case in the RPT's support of Koffigoh. "Then near the end of the Conference, with the election of the PM . . . They called us in a meeting, and we were more than 60, with all the 'marching wings' of the RPT. . . . Because the RPT couldn't present its own candidate, Eyadéma said to vote for [Koffigoh]. . . . The Minister in charge . . . said you don't have a choice, it was the Head of State's choice" (Nana).

Part of the opposition's inability to find a single candidate arose from objections to both Koffigoh and Gninginvi: that the former was inexperienced, and that the latter was connected to the breaking of the June 12 accords. These concerns among the opposition members might have been overcome, however, had they realized earlier that the RPT was in favor of Koffigoh's candidacy. But a number of other events were taking place the last day of the Conference, including a move by President Eyadéma to suspend the work of the Conference altogether. Citing the Conference's condemnation of three members of the government for conspiracy, as well as general insecurity and economic troubles, the president issued a public statement calling for a temporary suspension of the Conference on August 26, until a compromise could be reached. Though Conference President Kpodzro had known of Eyadéma's intent earlier that day, the move was by no means acceptable to the majority of delegates, who proposed to continue the Conference's work despite the suspension order that was broadcast around 1:30 p.m. on August 26.

Uncertain about the willingness of the regime to accept the Conference's decisions, the delegates proceeded to pass a number of motions that afternoon, as well as to elect the members of the High Council of the Republic and a prime minister. They worked into the night, as most agreed that this might effectively be the Conference's last day. Six candidates were eventually presented for the post of prime minister, including Gninginvi and Koffigoh. The results (see table 4.1) showed a victory for Koffigoh, though some claimed that due to the presence of other candidates a run-off was mandated between the top two vote-getters.[9] Gninginvi chose to withdraw in favor of Koffigoh, however, and his election as prime minister was accepted by the Conference presidium. "If Gninginvi hadn't withdrawn, he would

Table 4.1 Prime Minister Election Results

Candidate	Votes
Yves-Emmanuel Dogbe	3
Atsutsé Agbobli	5
Egbemino Houmey	9
Kossivi Kpetigo	40
Leopold Gninginvi	312
Joseph Koffigoh	385
Total	754

Source: Rapport no. 37 de la séance du 26 aout 1991 (Report no. 37 of the August 26, 1991 session)

have won in the run-off, because everyone saw who the regime supported. But it was late, we were working until three in the morning, and we had to finish that night, so he withdrew" (Foli).

Around the time of the prime minister vote, the military moved to surround the Conference hall and enforce the president's suspension.[10] The delegates were therefore under considerable pressure, not only in terms of limited time, but also to avoid provoking a negative response by the armed forces. "Gninginvi might have won in the second round, but the army was surrounding the hall, the president had suspended the National Conference. Maybe they would have attacked if there was a second round . . . We needed to [make a decision] quickly" (Adjamagbo-Johnson). Whether or not the military advance was directly linked to the choice of prime minister or was a condemnation of other Conference decisions, the presence of the military certainly helped to influence the outcome of the Conference. The regime, in conjunction with the military, beginning to escalate the situation as a precursor to negotiation, a strategy very recently employed by the opposition.

Despite being an important actor in the political transition, the armed forces exercised their influence outside the conference hall. They, along with the government, withdrew their participation from the National Conference in response to the passing of Act 1. In fact, the military had only just arrived at the conference on July 15, after intense negotiations between Kpodzro and Eyadéma.[11] In general, they preferred the status quo to any reform, let alone the radical changes being proposed in conjunction with the debate over Act 1. "The army said that we should stay outside of politics, so we wouldn't go [to the Conference]. But then Kpodzro was elected president of the National Conference, and he talked to the president, and said that

the army had to be involved. He said he wouldn't lead the National Conference if the army didn't participate. So we did go... In his speech, [Kpodzro] used the phrase made famous by [French revolutionary Mirabeau] that said we are here by the will of the people, and we won't leave except by force of arms. But [the Conference delegates] weren't there at the will of the people. They weren't elected, and they didn't represent the people. How could they claim to represent the people? They never went out and questioned them, to get their opinion..." (Walla).

The actors who were important in the National Conference were ones who went on to play an important role in the transition government, and in the post-transition period, as well. Koffigoh, though with uncertain support from the opposition, became an important bridge between the transition government and the RPT, which was down but not out. The divisions in the opposition, whether between the associations and political parties, or between individual political party leaders, were becoming increasingly problematic, which would impact their ability to bargain with Eyadéma's government. Finally, the government delegation withdrawing from the National Conference over the sovereignty question was certainly a strategy to renegotiate an important point, but the military withdrawing from participation altogether foreshadows the role that they would play in the transition: an extra-institutional bargaining chip and one that was not encumbered by the rules of the political game, or even the rule of law, whether in the uncertain transition period or in the post-transition institutionalized political system.

Institutions: The Transition Constitution, or Act 7

Act 7 of Togo's National Conference was titled a "constitutional law," organizing political power during the transition period. It laid out the powers of the head of state (president), head of government (prime minister), the transition legislature (*Haut Conseil de la République* [HCR]), and the relations between them. On paper, the transition presidency was relatively weak, and the HCR had the right to "control the executive." The president was to promulgate laws within eight days after receiving them, but if he refused to sign them, they would come into force with the prime minister's signature. The president remained head (*chef supreme*) of the armed forces, but the prime minister was charged with deploying (*disposé de*) the armed forces. The president was also charged, on the advice of the prime minister, with submitting the proposed constitution to the people for a referendum. Beyond

this, the president had mostly symbolic functions, including representing the country abroad and receiving diplomatic credentials.

The prime minister was given the power to name cabinet ministers, provided they were approved by the HCR, to issue government decrees, and to preside over cabinet meetings. The prime minister was also charged with "preparing" and "organizing" the referendum and elections. The fact that the prime minister and the president had overlapping spheres of influence with respect to the armed forces and referenda/elections did not appear to be a concern to the Conference delegates, who perhaps assumed that Eyadéma would take as passive a role in the transition period as Kérékou had done in Benin. The HCR was given great autonomy and considerable power in checking the executive, which was perhaps considered sufficient to balance any excessive exercise of power on the part of the president. Besides approving cabinet ministers and removing the president or the prime minister with a two-thirds majority, the HCR also had the power to approve the draft constitution. Furthermore, the members of the HCR had immunity from prosecution, which was not the case for cabinet ministers.

Given that a majority of Conference delegates could be said to be members of the opposition, or at least proponents of change, the regime had little influence over the contents of Act 7. "...The fundamental act, Act 7, wasn't negotiated in advance with the regime....[The opposition] wanted to strip the president of his essential powers....When we got there, the opposition had already decided how it would be....[And] they were the majority" (Melebou). "[The opposition] set the terms for the transition period. We weren't completely in agreement, but they were in the majority. They didn't consider the June 12 accords as binding, and we didn't agree with their suggestions. But they were in the majority" (Mivedor). Not content with stripping Eyadéma of his power by Act 7, some radicals in the opposition continued to push for Eyadéma's ouster. A draft act deposing Eyadéma was circulated on the day of the prime ministerial election (Ameganvi 1998, 134–135). The presidium refused to submit this proposal to the delegates, and the matter was dropped for the moment. "The most difficult problem we had was the organization of the transition and the role of Eyadéma. One group said Eyadéma should quit, the other said no, that's not reasonable or feasible. We were near the end, so we gave general ideas for the transition. Eyadéma stayed with no power" (Apati-Bassah).

Despite this compromise, divisions remained within the opposition between more radical members who did not want Eyadéma to

remain even in a ceremonial capacity for another year, and more moderate members who favored a "gentle" departure of the president. The debate over deposing Eyadéma was probably also a factor in the move to surround the Conference hall with members of the military. The Conference ended without deciding to remove Eyadéma, which can be viewed as a concession to the military threat. However, the delegates knew they had a great deal of popular support for their cause, and therefore could not be entirely undermined. "The president did not agree [with the Conference decisions], because he was still the head of state. But if he refused, there would have been too much violence. They insulted him . . . but he did what he thought was right" (Natchaba).

The institutional framework created by the National Conference reflected some of the realities of the political situation in Togo. Eyadéma was still an important political force, however unpopular. The opposition had nominal control over the process of transition, but not as much as they would have liked, or were prepared to act upon. The institutional framework that provided for power sharing in the executive branch was an important precedent set by the National Conference, which would carry over to the transition government and then the post-transition executive. The tension involved in sharing power with political rivals was a new situation for both Eyadéma and the opposition, and the power struggle became not only a feature of the political process in Togo, but a way to manage the competing interests seeking access to power. Eyadéma might allow a member of the opposition to take the role of prime minister, whether in the transition period or in the post-transition period, but the jockeying for power would only have begun. The institutional arrangements that were established in transition also impacted the actors and strategies in transition, as well as after the transition period ended.

The main item on the agenda in the National Conference period was the sovereignty of the conference itself, which was, of course, unique to the moment and unlikely to carry over to subsequent periods. The strategies used to win the sovereignty battle were a different story. The preparations for the National Conference and the Conference itself were the first moments since Eyadéma came to power that the opposing sides had to deal with one another on anything like an equal footing. The precedents for this interaction that were set in this period would be extremely influential. As for the actors, there are certainly some who played important roles in the National Conference and who were prominent in the pre-transition system. But some were new to the political scene, like Koffigoh, who

became prominent in the National Conference and proved to have staying power in transition. The development of the opposition during the National Conference in this period was very important, in particular the divisions among the individual party leaders that would plague the transition government and beyond. The military, as well, developed a new role in this period as a body that seemed willing to respect the institutional structure that had been created (not staging a coup d'etat and ending the transition altogether is the best evidence for this), but would not submit to all its rules. These new institutions established in the National Conference were a clear break with the past, and as will become clear in the next section, the nature of those rules carried over into the transition period and beyond.

The Transition Period

The stormy National Conference gave way to an equally unsettled transition government in August 1991. Though trying to remove a reluctant dictator is a difficult task in the best of times, some of the unfortunate precedents set during the National Conference carried over in to the next phase of transition, undermining cooperation and raising the probability of conflict. Among the important actors, the opposition leaders who began the transition by negotiating with Eyadéma en masse continued to be divided among themselves about whether and to what degree to compromise with the RPT, and about who among them would be most fit to lead once there was a change in the presidency. Eyadéma continued to face opposition parties arrayed against him and continued to adapt to this new reality by exploiting the divisions in the opposition and seizing every advantage to renegotiate the transition bargain, without ever overthrowing the process altogether. Similarly the military, which appeared to act sometimes on its own accord and sometimes at the behest of the president, was experimenting with influencing the outcomes in transition while still leaving the institutions themselves in place. The institutional framework, including a strong president now forced to share power with a weak prime minister, was established under the National Conference and therefore reflected the realities of that phase of transition. The opposition viewed the transition process as rightfully theirs, and therefore seemed unprepared for Eyadéma to exercise influence in the executive branch.

Eyadéma continued to use strategies developed during the National Conference by escalating the nature of the conflict and renegotiating at any opportunity to secure greater advantages. This was particularly true when the mandate of the transition government was coming to an

end, and it was an open question as to who would really hold power once the one-year transition expired. The strategies of escalation and renegotiation had been used by the opposition to set aside the decision for a Dialog Forum and wrangle a real National Conference in an earlier phase of transition. Under the transition government, the opposition tried to reestablish an advantageous bargaining position by launching a general strike, which was widely followed in parts of the country but did not bring about the intended results. Finally, the political agenda necessarily changed from the National Conference period, when the emphasis was on the sovereignty of the Conference and who would have the right to make decisions in the transition government, to gaining access to political power through elections. Elections were necessary to President Eyadéma for the sake of international legitimacy and the flow of aid, and to the opposition as a means of taking political control on a more permanent footing. How the elections would be conducted, who would stand, and to what extent the results would be honored, were the most important points on the political agenda in the transition period, and continued to be pressing questions in the post-transition period.

Institutions: A Split Executive, and Cabinet Reshuffles

Though there were many institutional arrangements under Togo's transition government that might be expected to produce legacies of interest, I will confine myself here to a discussion of the executive branch. Following the Benin model of a split transition executive, the president was to remain only as a figurehead, and the transition prime minister was to be head of government, overseeing cabinet meetings and running the day-to-day operations of government in line with the prodemocracy opposition's wishes. However, the divisions within the opposition and Eyadéma and the military's willingness to exploit them made this role very difficult for the inexperienced prime minister Koffigoh to play. Having institutionalized a split executive and named their man, the opposition could not change these realities even when the prime minister ceased to be a useful representative for their interests. The difficulties in the split executive came to a head just a few short months after the National Conference, in December 1991. The HCR played an important role in these events, but a more detailed discussion of the problems of the HCR is to be found below (see *Actors*).

Despite the fact that Koffigoh's candidacy for prime minister was apparently approved by Eyadéma, the military did not find his position

as Minister of Defense very acceptable. Calling for him to give up the portfolio, a group of soldiers took over the state television and radio stations on October 1, 1991. The rebellion was short-lived but of great concern to the transition government, and the HCR set up a commission of inquiry to investigate. The rhetoric in the HCR echoed that of the National Conference, calling for the resignation of the army chief of staff and accusing relatives of Eyadéma in the military of opening fire on civilians. October 5 was the one-year anniversary of the demonstrations that began the transition, prompting a reported 2,000 youths to parade through the streets of the capital.[12] Among them were members of the so-called Ekpémog,[13] a rock-throwing youth group that was increasingly considered the unofficial army of the transition government, and fiercely loyal to Koffigoh. They took to the streets again on October 8, following an unsuccessful attempt by members of the presidential guard to kidnap Koffigoh from his official residence, but the demonstration quickly descended into destructive looting of RPT members' homes.[14]

Whether the October 1 and October 8 attacks were coordinated moves on the part of the RPT or carried out autonomously by dissatisfied members of the military is difficult to determine. Eyadéma issued a statement calling on the soldiers to return to their barracks, and the *Forces Armées Togolaises* (FAT) publicly denounced Koffigoh's accusations of direct involvement. Tensions between the military and supporters of the transition government continued through November, prompting a tripartite meeting between Koffigoh, Kpodzro (now president of the HCR), and Eyadéma in which they called for an end to the violence. The HCR, dominated by opposition parties and their supporters, however, did not seem inclined to tone down the rhetoric or appear intimidated by the military. The plan by the HCR to dissolve the RPT was apparently the last straw for some members of the military, if not for Eyadéma. Though a Conference resolution had been passed on August 27, dissolving the RPT and seizing all its assets in the name of the state,[15] the RPT did not immediately disappear. The party continued to function in defiance of the resolution, in part because its dissolution was not a Conference "act," or law. This situation was unpalatable to many in the opposition, who carried out lively debates in the HCR about the need to dissolve the RPT by law. The decision was a fateful one: "We underestimated the weight, or the determination of the RPT. I proposed at the National Conference that we abolish the RPT.... I thought that we couldn't have a situation where the RPT was the strongest party, and the other

new parties wouldn't be able to compete. That was our . . . error" (Dogbe).

After several days of discussion, on November 26 the HCR voted to dissolve the RPT. Koffigoh was in France at the time, and apparently had been against the move to dissolve the RPT from the beginning.[16] As head of the transition government, however, Koffigoh knew he would be held responsible for this decision and requested military assistance from the French before returning to Lomé on November 27. France's response ultimately was to send 300 troops to neighboring Benin, but these soldiers were never employed to assist the transition prime minister. Following clashes between the Ekpémog and soldiers on the day of his return, members of the military again occupied the radio and TV stations and called for Koffigoh to turn himself in and for the dissolution of the HCR. French officials negotiating with the government reported that Eyadéma would call off the putsch if the ban on the RPT was rescinded. By December 1, members of the HCR had gone into hiding and Koffigoh had met with opposition party leaders as well as a military delegation to discuss the possibility of naming a new government of national unity to overcome the crisis. Members of the military were demanding that Eyadéma name a new prime minister and dissolve the HCR. Finally, on December 3, Koffigoh's residence was attacked by mortar fire, members of his personal guard were killed, and he himself was taken hostage and brought before Eyadéma.

There is no official record of what took place between the two men, but the next day Koffigoh appeared on television in a joint appearance with the president announcing that he was capitulating to the military with respect to the dissolution of the RPT and would soon name a new "national unity" government including RPT members. "When Koffigoh was taken hostage he was forced to compromise. He was required to form another government of national unity with the RPT . . . Other opposition leaders abandoned Koffigoh. He put water in his own wine and said he would fight the regime from within" (Apati-Bassah). The HCR was spared in this deal, but many opposition supporters felt that Koffigoh had betrayed them, and that the transition effectively ended with his surrender. "He had no political experience. And when there was the coup against him, he took the other side, right away. That was treason. The great transgression of the National Conference was to choose that man" (Doh-Aduayom). Koffigoh named a government of national unity on December 30, including three RPT members, and further alienated the opposition

by announcing his own "new social contract" (Dosseh-Adjanon 1993). "Koffigoh came out with his own program: the New Social Contract. But he never had that mandate. His job was to honor the decisions of the National Conference" (C. Aquereburu).

The issue of government reshuffling, first raised as part of the effort to neutralize Koffigoh, became an important one in the remainder of the transition period. The second transition government included three RPT members, and a third transition government proposed in September 1992 contained even more RPT members. In addition, Eyadéma refused to promulgate some laws passed by the HCR or introduced changes to those laws before signing them. "You see, I don't conceive my role as head of state as that of a simple signatory of texts drafted by two out of the three transition organs. My conviction is that, rather than the HCR and the government trying desperately and obstinately to exclude the President of the Republic, the three organs must, by contrast, try to find harmony, consensus on each of the texts being drafted . . . " (Eyadéma 1992).

A number of draft constitutions and electoral codes circulated among the branches of government during the transition period, and a number of revisions were made, most in favor of Eyadéma. The Constitution of the Fourth Republic does not stipulate that a military officer must resign from the armed forces before running, a provision made in the July 25, 1992 constitutional draft.[17] The final draft of the Constitution also increased the number of National Assembly votes required to censure the government or pass a vote of no-confidence from a simple majority to a two-thirds majority.[18] Ratified in September 1992 (but not in force until 1993), the constitution stipulates that the president of the Republic presides over the cabinet and names the prime minister "from the parliamentary majority," clearly giving the president the upper hand in the split executive. As important as the specific institutional changes, however, was that they were sometimes made outside the framework of the Constitutional Commission and the HCR, sometimes even by presidential decree. Eyadéma would continue to press his advantage and renegotiate the terms of the split executive, relations between the legislative and executive branches, and the course of the transition itself. But it is important to note that the concept of a split executive, which represented a break from past practice in Togolese politics, was adopted by the National Conference, shaped the dimensions of political struggle during the transition government, and would continue to play a role in the post-transition political competition.

Actors: Divided Opposition versus Eyadéma (and the Military)

The important actors in the transition period included the transition legislative branch, the HCR, and the transition executive made up of President Eyadéma, Prime Minister Joseph Koffigoh, and the cabinet. In this section, I will examine the workings of these branches of government because they housed some of the most important actors in the period. The main opposition leaders, except Gilchrist Olympio, were all to be found in the HCR, President Eyadéma was part of the split transition executive, and Koffigoh, caught in the middle, tried to mediate between them. These institutions appeared, at first, to be dominated by the opposition; certainly the RPT was not well represented. As the transition progressed, Eyadéma regained control of decision making within the executive, and also made sure that the executive wielded power over the legislature. The composition of these two institutions remained the same throughout the transition period, with the exception of the transition cabinet, which was shuffled multiple times, always to the benefit of the president. The institutions provided a platform for these important actors to play out their rivalries, rather than the institutions imposing rigid constraints on their behavior. The military also played an important role in reinforcing the power of the president over the prime minister. The focus here is on the conflict between the prime minister and the military, having covered some of the problems of the split executive in the previous section.

High Council of the Republic

Members of the HCR were chosen by the Conference delegates, just as Koffigoh had been. Choosing members from different group delegations, the nominees for the HCR were named in advance of the vote, and the list was approved as a whole by Act 16 on August 26, 1991. Table 4.2 shows that the representation of political parties was dominant. In contrast with Benin, the HCR members were greater in number, and were not simply Conference Presidium members supplemented by the ex-presidents and regional representatives. The composition of Togo's HCR seemed designed to mirror the cleavages of the National Conference within the transition legislature, rather than compensate for what had been obvious weaknesses. "There were two tendencies in the HCR: the CDPA [of Gninivi] and CAR [of Agboyibo, supporting Koffigoh]. If the PM proposed a law, then the CDPA would do everything to oppose it. It was the problem between Gninivi and Koffigoh" (Ali-Diabacte).

Table 4.2 HCR Representation by Group

Group	Seats
Party	29
Association	21
Regime	8
Rural Representatives	7
Unions	5
Professionals	5
Other	4
Total	79

Source: Seely 2001b

The contrast with the HCR in Benin can also be drawn in terms of decision making. According to former members of the HCR interviewed for this study, most decisions were taken by vote, and many issues were divisive. To make matters worse, most viewed the HCR as dominated by members of the *Comite d'Action pour le Renouveau* (CAR), Yawovi Agboyibo's party, and therefore not even representative of the whole opposition. A number of interview subjects sympathetic to the RPT pointed out that nearly one-third of the HCR members were from the region of Aného, in the south.[19] Though this may have been coincidental, since the members were selected according to group and not geographic region, it certainly further undermined the legitimacy of the body in the eyes of the regime. It was not easy to counter RPT claims that the HCR was not inclusive, when members of the opposition had the same critique.

The Prime Minister and the Military

Joseph Koffigoh took office as prime minister in problematic context, but many interview subjects suggested that his demeanor was not suited to the precariousness of his position. "Koffigoh was supported by Eyadéma, Agboyibo, Kodjo, and Gilchrist. That swelled Koffigoh's head. He thought, 'I'm important. As important as these guys'" (Ayeva). Koffigoh announced his new cabinet on September 7, 1991, but contrary to the June 12 accords, there were no representatives of the RPT among the 14 members. "I know that in the June 12 accords we stipulated that all (political) tendencies would be represented in [the new] government. But 80 percent of the population wanted an end to the RPT, and Eyadéma, so to put the RPT in government would have required courage" (Gninivi). Opening participation in the transition government to RPT members had become unpopular,

not just inconvenient. Koffigoh took the posts of Minister of National Defense and Minister of Justice himself, recalling a similar move by Nicéphore Soglo in Benin. But his power was not necessarily commensurate with his titles. "The PM was weakened with the division of the parties. And whatever you say about Eyadéma, he is a good strategist. He would meet with the opposition, and when Koffigoh came in after, he would say, 'You know, they just said this-and-that about you . . .' " (Mensah).

Doubts about Prime Minister Koffigoh's loyalty to the opposition appeared early and heightened tensions between him and the opposition-dominated HCR. "The PM sort of played both sides. But he was often against the HCR. As we say in French, he was between two chairs, so he was uncomfortable" (Ameganvi). Koffigoh revealed early in his tenure that he had presidential aspirations, which went explicitly against the dictates of Conference Act 7, as well as against the intentions of the opposition party leaders. "We, our party [CAR], were the majority in the HCR. Koffigoh committed an error, he wanted to be a candidate for the presidency. He used us. [After that] he couldn't count on CAR, and had already been [forsaken] by Gninginvi" (Agboyibo). As detailed above, Koffigoh faced off against the military by the end of 1991, and came out of the incident severely compromised both in terms of his credibility as a politician and as an effective spokesperson for the opposition's interests.

Independent of the struggles between the prime minister and the president, poor relations between the RPT and military on the one side, and the HCR on the other, came to a head in October 1992, with the debate over the fate of the frozen RPT funds. The Conference resolution that dissolved the RPT also "froze" the party finances, including a large balance of party dues paid by civil servants. The debate about what to do with these funds, whether to return them to RPT members or take the money in the name of the transition, was one of the most contentious of the HCR. On October 22 members of the military entered the Congressional Palace and took members of the HCR hostage, demanding the unfreezing of the RPT funds. Many interview subjects told me that the debate included renewed discussion of dissolving the RPT, a point that had been dropped after Koffigoh was taken hostage. "In the HCR, the most difficult problem to resolve was the dissolution of the RPT, and what to do with the dues, which had been taken out of everyone's salary. We didn't see that it was for them to keep all those dues, so we wanted to dissolve the RPT; they could have made a new RPT. It turned to vinegar, that debate" (Kodjo). Why the debate over the existence of the RPT was

raised at that moment is not entirely clear, though it may have been part of a power struggle between the legislative and executive branches.[20] "The dissolution of the RPT as a party [was the most difficult problem to solve]. That was a difficult session, and after that, the HCR was attacked. . . . When the Conference was finished, if the president had played fair, it would have been okay, but he harassed the opposition, so we made that decision" (Aidam).

The incident ended about 24 hours later with Kpodzro capitulating and publicly issuing a statement that the RPT funds would be unfrozen and returned to the contributors. The archbishop's actions resolved the crisis without bloodshed, but also went counter to the wishes of some HCR members. "The hostage situation was the most difficult, the Monsignor accepted the demand to unfreeze the funds. It was very hard, and of course there was no real democratic process at that time, but some of us wanted him to refuse" (Gbikpi-Benissan). Though divided on how to handle that situation, it became clear that the HCR as an important political actor had been seriously undermined by the incident. Some members fled the country or went into hiding, and the body was never resurrected with new membership.

Interview subjects who were supporters of the RPT and president, though generally deploring the violence, took the view that the military intervention was justified to some degree.

> [The hostage-taking] was not good. But you know, when you have children, and you are trying to teach them not to steal, you don't leave money lying around the house. It was a coup against the institutions of the state, it's true. But you have to look at the causes. First, there was the dissolution of the RPT. Second, they had observed that the opposition was responsible for the taking of the funds of the RPT. But then the government didn't decide anything about them. It's the people's money, okay, but you can't just keep it, you have to do something. And then there were rumors that they were going to spend it on themselves. That galvanized all the armed forces. So I don't say it was right, but look at the causes. (Melebou)

The military had the sense that it had been pushed too far. "[The military was upset about the RPT funds] because they had contributed, and then someone who never contributed wanted to come along and take the money. . . . Those [HCR members] were people who never stayed to work in Togo. Eyadéma paid their stipends overseas . . . Then later, much later, they also wanted the RPT money, so that was just too much" (Walla).

Not surprisingly, members of the opposition could see little justification in the behavior of the military on this occasion, and blamed them for the transition process being derailed: "The army was a big reason [the National Conference decisions were not respected]" (Mensah). In the accounts of many participants, the military is described as acting on its own accord, rather than taking orders from Eyadéma or anyone else. The nature of military intervention in this period therefore represents an important break with past practice. Rather than putting an end to the transition and restoring the president to full power, they permitted the institutions of governance, influenced as they were by the opposition, to remain in place, but used their considerable influence to change the decisions that emerged from those institutions. We will see this pattern repeated in the post-transition period in chapter 5, providing another example of the influence of the transition period on post-transition events.

Strategies: More Renegotiation and Escalation

The transition period was mandated by National Conference Act 7 to last only one year, or from August 1991 to August 1992. As early as February 1992, however, it was evident to the political party leaders that the electoral calendar would have to be revised in order to compile accurate voter rolls and submit the new constitution to a referendum before legislative and presidential elections were held. This period fell after the prime minister being taken hostage, but before the HCR hostage incident. In the face of ongoing political conflict and increasing violence—including an assassination attempt on Gilchrist Olympio in May, in which he was seriously wounded—the parties and associations re-formed the *Collectif de l'Opposition Democratique* (COD II) in July 1992 and entered into negotiations with the head of state to extend the transition period officially.

The early agreements between the members of COD II and Eyadéma's representatives consisted largely of a statement denouncing the continuing violence between RPT opponents and security personnel.[21] Ultimately forming a *Commission Mixte Paritaire* to negotiate the continuance of the transition with Eyadéma, the opposition effectively admitted the defeat of its transition agenda. "Well, there was the transition act [Act 7], that was their constitution. The PM had all the power. It was a failure. . . . They had 12 months to manage the transition, and they didn't do it. When they failed, we named a commission paritaire, and they rectified Act 7. They modified it so the head of state had more power, and became the head of government"

(Natchaba). The CMP was headed by Lucien Savi de Tové, and even prominent members of the opposition who supported the agreements reached by the Commission were not very happy with the outcomes. "The CMP was the turning point. We were at an impasse and needed a solution. It left a bitter taste. We were negotiating in a difficult atmosphere. [Some party leaders] were against negotiating at all" (Kodjo). "The CMP was the saddest period. We negotiated with the RPT for a new political equilibrium. You could say, first, that Koffigoh was not for it. Second, Savi de Tové, he didn't have any politics. Kodjo let him run it. You can't give weighty tasks to lightweights" (Agboyibo). Some members of the opposition, however, were not reconciled to reopening transition negotiations, and would not lend their support to the agreements reached by the CMP. One such was Léopold Gninginvi: "I didn't agree with [the CMP]. You don't take people hostage and then negotiate. I didn't like the way Eyadéma chose the members. I held out, and was blamed for blocking the whole thing" (Gninginvi).

The CMP decisions, though not published in full until months later,[22] did return considerable power to the hands of Eyadéma. The agreement extended the transition period to December 31, 1992, but with the balance of institutional power clearly shifted away from the legislature. Eyadéma agreed to promulgate laws maintaining Prime Minister Koffigoh and the HCR in power, which implied that their continuance depended on the president's approval, not vice versa. The HCR was allowed to continue to control the executive "without hindering the prerogatives or the functioning of the executive."[23] The president now also had the right to preside over cabinet meetings, a power previously held by the prime minister, and a new government was to be formed with "better" representation. A number of other concessions were granted to the president with respect to the draft constitution, though conflicts over the electoral code were postponed until a later date.

In exchange for all this, the opposition was granted a four-month extension of the transition period to December 31, 1992, but given the political climate of conflict and acrimony, the extension was not long enough to hold a constitutional referendum, legislative elections, and presidential elections.[24] Still, in the short term the CMP decisions did facilitate the progress of the transition period. The third transition government was approved by the HCR on September 14, 1992, containing six ministers favorable to the RPT, and the constitutional referendum was held on September 27, in which all sides recommended a "yes" vote and got 98.11 percent approval from the 74 percent of the

electorate who turned out. However, the HCR hostage-taking took place the following month, prompting short strikes by the opposition and motivating the European Community to refuse to renew aid to Togo and the French to suspend military aid. Relations between the president and the prime minister also soured in November 1992, when Koffigoh moved to reshuffle the cabinet but Eyadéma refused to support the changes. This impasse in the executive led the United States to suspend aid in hopes of getting the democratization process back on track.

The opposition viewed the executive power struggle as a sign of weakness on the part of the president, and launched a general strike on November 16, 1992 that was to last nine months. Another motivation was probably the approach of December 31, after which the transition institutions would be invalidated and Eyadéma, having been popularly elected under the old system in 1990, might be the only political figure left with legal status.[25] Security issues were preeminent, and the strike leaders demanded that both Eyadéma and Koffigoh resign, the perpetrators of the HCR hostage-taking be brought to justice, a special peace force be established to guarantee the transition, and there be an end to FAT involvement in politics. The strike had considerable popular support in the south, though economic activity in the north continued. Eyadéma held a series of meetings with COD II and the union organization behind the strike *Collectif des Syndicats Indépendents* (CSI), in December 1992 and January 1993. However, Eyadéma wanted the strike to end before the official negotiations began, which was unacceptable to the opposition. Koffigoh's attempts to mediate were also unsuccessful as he had little credibility with either side. Still, agreements had been drafted before the end of January that might have brought an end to the strike with a number of opposition demands met. But actions by the military soon rendered these negotiations moot by creating a new, more immediate crisis.

On January 25, 1993, the French Cooperation Minister and the German Secretary of State for Foreign Affairs, on a mission to reinvigorate the transition process, attended a demonstration in their honor in Lomé. For reasons that remain unclear, police opened fire on the crowd and killed at least 22 civilians before the eyes of the international guests. Youths in Lomé[26] set up barricades around the city after the incident, and tensions between residents and security forces remained high until the situation exploded again on February 1. Soldiers, on an apparent rampage of revenge for the death of one of their own, killed at least six civilians in Lomé and prompted another

200,000 to flee the capital for neighboring Ghana and Benin. Opposition leaders were among those who were forced to run for their lives, and therefore any negotiation between the opposition and representatives of the RPT became impossible.

The strike, however, continued in force until March 15, when some civil servants returned to their jobs in response to a threat by the Minister of Labor that they would be fired.[27] The strike did not officially end, however, until the signing of the Ouagadougou (Burkina Faso) Accords on July 11, 1993, which laid out the conditions for democratic elections in which the opposition agreed to take part. Most interview subjects agreed that it was based on a miscalculation of the tenacity of the regime. "And then there was the strike! Nine months! . . . But we couldn't make Eyadéma fall with human rights [as the basis]. It was crazy to suffer for nine months. We didn't gauge it well. We thought he was already down" (Mensah). Among interview subjects, particularly women, the devastating economic and social consequences of the strike were often contrasted with the lack of political results. [28] GDP reportedly fell by a third between 1991 and 1994, and state revenue by two-thirds.[29]

In terms of political strategies, the events of the transition period mirrored those of the National Conference. The relevant actors in transition, including the opposition party leaders, the president, and the military, sought to renegotiate existing bargains and were willing to raise the stakes when necessary. Eyadéma was not willing to let the stated end of the transition period pass without further jockeying for position, and took advantage of the blatant military aggression against the institutions of government and civilians. The opposition also raised the stakes by launching a devastating general strike that did not result in capitulation by the president, and yielded little of value. The pattern of both sides trying to renegotiate an existing bargain any time there was a political opening was becoming well established, and would continue into the post-transition period.

Agenda: Gaining Access to Politics

The political agenda shifted from the focus on sovereignty in the National Conference to the focus on elections in the transition period. Who would have the right to make decisions about Togo's future was of course the question at the heart of both these political debates. The opposition was concerned that the upcoming presidential and legislative contests be free and fair, and free from intervention by the military, which had played so devastating a role under the transition

government. The many opposition party leaders all probably hoped to be the one presidential candidate the rest could unite behind, and have their party win a majority in the assembly. Eyadéma and the RPT were interested in ending the transition period and reestablishing a stable, permanent government with as little opposition influence as possible. For the sake of international credibility, elections were necessary, but Eyadéma did not intend to give up the political position he had created under the transition government. The tension in this period was heightened by the uncertainty about the extent to which Eyadéma and the RPT could control the election process. The opposition recognized that if the process went their way it would be difficult for Eyadéma to thwart the outcome and still get the international legitimacy he craved. So facing the uncertainty about the outcome of elections that could be more free and fair than any in recent Togolese memory, both sides bargained hard for every possible advantage in setting up elections.

The first mediation attempt after the bloodshed in January 1993 was undertaken by France and Germany in Colmar. The two European governments were reportedly angry and embarrassed about the January 25 shootings in Lomé. "[Colmar] was the initiative of France and Germany after the humiliation here [in Togo]. They were angry. We were summoned, not invited. They gave us a list of demands. Natchaba refused, and left" (Gninivi). The RPT negotiator had a similar recollection: "The Germans and the French were the 'parents' of the talks. . . . Then when we sat down to talk, the opposition said they wanted a 100-kilometer demilitarized zone, around Lomé. Well, I said, that's stupid. . . . The Europeans said, no, we're here to negotiate. Then I said a phrase that I regret. I said, 'Sometimes, when your army is defeated, you have to accept certain conditions; but my army is not yet defeated, so I can't accept'" (Natchaba). However, the increased international pressure suggested to some in the opposition that Eyadéma and the RPT would be ready to make real compromises. "I still went to Colmar [despite the violence], to pressure the regime, because the RPT had its back to the wall. It was Kodjo, Gilchrist, and me. We met for three hours. The RPT left, they had nothing to say, and the French government was about to change, the socialist government was going down, so they waited until that was over. [Members of the RPT] pay attention to what happens in France" (Ayeva). The opposition, with security issues paramount, demanded that the military be kept in the barracks under international supervision during elections, and that a special, neutral security force be established to guarantee the elections. Though the Colmar talks were

unsuccessful, Eyadéma and Koffigoh did move to establish Operation Reconciliation and Security Force 93 (FORS 93) in early March. Such a security force, not drawn from the ranks of the FAT, was one of the opposition demands at Colmar.

Negotiations in Ouagadougou, Burkina Faso, in June and July 1993 were much more successful. Some suggest this was so because the opposition delegation consisted of more moderate members than Olympio, who, along with other parties, opted not to participate. "Colmar hardly lasted an hour. In Ouaga, Gilchrist wasn't there and Gninginvi took over, which was better" (Agboyibo). "Ouaga was better prepared. . . . France was motivated to lean on Eyadéma to accept the negotiations. The Ouaga negotiations were difficult, often suspended: the government left and then came back. Finally the accord was signed at the Lomé airport. Gilchrist wasn't present, and he denounced it" (Kodjo). Though support for the agenda of holding elections was shared by all members of the opposition, divisions within the opposition continued to plague progress.

The accords stipulated that the FAT would remain in the barracks during the elections, but could be called upon by the government in case of need. Having resolved this sticking point, the parties were free to nominate their candidates. COD II decided on July 20 to present a united front and throw their support behind Edem Kodjo as the only serious opponent to Eyadéma.[30] This agreement, however, lasted only one day as other parties began announcing their own candidates, including the newly formed UFC party of Gilchrist Olympio. Because of Olympio's overwhelming popularity in the south, he was favored among opposition figures, but dividing the anti-RPT vote among multiple candidates would certainly dilute the electoral support for any one opposition leader. International observers were on hand during preparations for the August 25 poll, but joined opposition calls for a postponement in the face of controversy over the eligibility of candidates and inflated voter rolls. All candidates were required to submit a certificate from a doctor proving their good state of health, which Olympio was forced to do in France as he continued to recover from the May 1992 attempt on his life. "When the [Ouagadougou] accords were signed, [the regime] did everything to break them. There was the affair of the medical certificates. Gilchrist [Olympio] had his certificate done in France, and the Supreme Court said that it had to be done in Togo. But of course, there were security reasons that kept him from coming back" (Akitani-Bob). Teams of international observers pulled out in protest when Eyadéma refused

to postpone the election,[31] and Eyadéma won virtually unopposed with more than 96 percent of the vote and about 36 percent turnout.

Olympio and Gninivi, along with the less moderate political party leaders, stood behind their decision not to participate in the elections. "We didn't participate because of the conditions of preparation, like the electoral lists and the circulation of information. It gave too much credit to the government. And our participation would have created a showcase for the government" (Aidam). However, members of the more moderate opposition see the 1993 presidential elections as a missed opportunity, particularly given that the military was effectively prevented from interfering at the time. The inability of the party leaders to find consensus on a single candidate contributed to electoral victory for Eyadéma. "At Ouagadougou, Agboyibo revived the idea [of a single candidate]. If [we had behaved] like that, we could have beaten Eyadéma earlier. Gilchrist felt marginalized. . . . Later, they couldn't support one candidate. . . . I felt I'd failed. There was discord among us while people were killing each other. Gilchrist wanted to be a candidate. The conditions of '93 were better than '98; the army was in the barracks. There was good political faith" (Gninivi). Edem Kodjo himself said, "In 1993 it was a mistake not to participate. I would have won. We had a majority in the country, which after 1994 [legislative elections] was evident. We decided not to because of [restrictions on] candidates, [electoral] lists, etc. In 1993 Olympio thought if it wasn't going to be him, it might as well be Eyadéma; the worst kind of politics. . . . We are paying the price today" (Kodjo).

For the sake of legislative elections in February 1994, however, Eyadéma made a number of concessions that convinced the moderate opposition to participate. The opposition coalition of Edem Kodjo's *Union Togolaise pour la Démocratie* (UTD) party and Yawovi Agboyibo's CAR party won a slim majority, with 7 and 36 seats, respectively. The constitution, however, gave the president the power to choose a prime minister from the parliamentary majority. Eyadéma chose Edem Kodjo, prompting protests from Agboyibo and his CAR supporters, whose participation in the 1994 legislature from that time was often suspended. "And you see, we wanted the PM to be named by the president, but [the opposition] demanded that he be chosen from the majority in the National Assembly. . . . But then things changed during the transition, they didn't go the way [the opposition] had planned. . . . The opposition thought they'd have the presidency, and the PM, and a majority in the Assembly" (Massina). "[The

opposition] sabotaged themselves in the elections of '94. They had the majority, and then they started battling between themselves, after Kodjo was named PM. Agboyibo refused to participate. . . . Nowhere does it say that the president has to pick the PM from the majority of a coalition" (Mivedor).

Gaining access to power was the main item on the political agenda as the transition period wound to a close. Had it only been about winning elections, the "founding" elections that marked the end of the transition might have been deemed a draw: Eyadéma won the presidency and an opposition coalition won the legislature. However, winning elections was not sufficient to gain access to power, as the opposition learned quickly. The legacy of tensions among opposition party leaders and tension in a split executive meant that Eyadéma was able to successfully manipulate the eventual outcome, even without stealing both elections outright. This part of the political agenda, therefore, was not considered fulfilled by the opposition leaders, and they would actively continue seeking power in the post-transition period, thereby keeping this issue at the forefront of the political agenda.

Conclusion

> It's a mixed balance sheet. Politically, the National Conference saved Eyadéma. Without it, he might be gone. And not just in Togo, the same thing happened in all the National Conference countries. Even Kérékou stayed in power afterward. . . . Second, in a distorted way it allowed people to see that change could come. Things will never again be the way they were. [. . . There is] a little, tiny bit of hope. (Ameganvi)

Though many scholars, and many Togolese interview subjects, focused on the "failure" of Togo's transition to produce democracy, the transition did succeed in bringing about some liberalization in terms of having a freer press, more political parties and civil society groups, and greater freedom of expression. "Thanks to the National Conference, people can speak freely, we're free to strike, there are [political] parties, the opposition is known internationally and by the government. There is no more bowing and waving to the president; it's a positive step" (Aidam). But Togo's transition was a prolonged and violent period that did not satisfy any political faction. "Eight years lost. Worse than lost. Today, compared to 1991, we're worse off economically and socially. I don't know if we got democracy, but we got enhanced ethnic problems" (Andjo). But what is important for

this analysis is that despite the fact that democracy did not result, this formative period succeeded in introducing new actors, political institutions, strategies, and agendas of the post-transition period.

Many analysts were tempted to say that by 1994 Togo was back where it started. And it was true that, in terms of the important political actors, Eyadéma and his partisans controlled the main institutions of government and could get extra-constitutional help from the military whenever needed. But to focus only on continuity in personnel misses a number of important differences between the old one-party system of government and the new more liberal post-transition system. First, alternative political parties not only existed but had the right to form in the future, and compete in elections. The divisions within the opposition, first evident in the National Conference, continued to pose problems in the period of the transition government. But the existence of an active opposition is a clear break with the past, and we will see in chapter 5 the extent to which the characteristics of this opposition are a legacy of the transition government. Second, Joseph Koffigoh, despite being a weak prime minister, still was raised to national prominence by the National Conference and his role in the transition government. Whether or not this is a positive thing, those choices in early stages of the transition continued to matter, and could not easily be undone.

In any political system, institutions can be created under a set of circumstances without any guarantee that those circumstances will endure. In this case, the Togolese opposition designed institutions as castle walls to defend against any attacks by Eyadéma and the RPT. In the National Conference act that laid out the transition, they gave the transition prime minister many powers on the assumption that President Eyadéma would take a back seat, and that Koffigoh would be effective. When neither condition appeared to hold, the opposition had little recourse, as they had designed the institutions themselves. The problems of a split executive plagued the transition government throughout, but even so, another split executive was designed and included in the 1993 constitution. Because a number of precedents for informal working relationships were set during the transition period, we can expect this to be an institutional legacy of the transition period.

In terms of political strategies, in the period leading up to the National Conference the opposition experimented with their ability to capitalize on public discontent and bargain hard for terms of transition that were favorable to them. But they also found they could sometimes renegotiate existing bargains, as when they pushed for a

Table 4.3 Togo Interview Subjects

Last Name	First Names	Interview Date	National Conference Delegation/Transition Role
Adjamagbo-Johnson	Brigitte	March 3, 1999	Association representative HCR Transition government
Agboyibo	Yawovi	November 19, 1998 April 13, 1999[1*]	Party leader Preparatory Commission HCR Commission Mixte Paritaire
Aidam	Cornelius	March 11, 1999	Party representative HCR
Akitani-Bob	Akakpovi	February 3, 1999	Party representative
Ali-Diabacte	Tadjoudine	March 5, 1999	Association representative Electoral Commission (CEN)
Ameganvi	*Claude*	January 19, 1999	Party leader HCR
Andjo	Tchamdja	March 18, 1999	Para-public representative
Anonymous		March 11, 1999	Student leader
Apati-Bassah	Jaques	March 2, 1999	Party representative
Aquereburu	Sylvia Adjoa	April 13, 1999	Professional representative Constitutional Commission
Aquereburu	Coffi Alexis	January 5, 1999	Professional representative
Assouma	Abdou	April 15, 1999	Government minister Transition government
Ayeva	Zarifou	March 13, 1999	Party leader Preparatory Commission HCR Commission Mixte Paritaire
Batchati	Bawubadi	February 17, 1999	Rural representative
Bolouvi	William	March 8, 1999	Economic representative
Doe-Bruce	Ruben Adama	November 24, 1998	Professional HCR
Dogbe	Yves-Emmanuel	January 30, 1999	Association representative
Doh-Aduayom	Madeleine	March 9, 1999	Association representative Preparatory Commission
Foli	Messanvi	January 27, 1999	University representative Presidium member
Gbeassor	Francois	January 29, 1999	Union representative

Continued

Table 4.3 Continued

Last Name	First Names	Interview Date	National Conference Delegation/Transition Role
Gbikpi-Benissan	Norbert	March 15, 1999	Union leader HCR
Gninninvi	Léopold	April 9, 1999	Party leader Preparatory Commission HCR
Kodjo	Edem	March 25, 1999	Party leader Preparatory Commission HCR Commission Mixte Paritaire
Kombaté	Léné	March 22, 1999	Rural Representative
Koudoyor	Joseph	March 8, 1999	Economic representative
Koumaglo	Kossi	March 3, 1999	University representative
Kuakuvi	Kuamvi	July 8, 1997	Association representative
Massina	Palouki	January 28, 1999	Constitutional Commission
Melebou	Koffi	February 10, 1999	Regime representative
Memene	Gen. Seyi	March 2, 1999	Armed Forces representative
Mensah	Télé Amendah	March 4, 1999	Association leader
Mivedor	Ayite Gachin	February 1, 1999	RPT ex-dignitary Preparatory Commission
N'Guissan	Ouattara	March 23, 1999	Party leader
Nana	Awa	March 16, 1999	UNFT (RPT) member Constitutional Commission
Natchaba	Fambaré Ouattara	January 27, 1999	RPT ex-dignitary Transition government
Quashie	Maryse	July 9, 1997	Association representative Presidium member
Savi de Tové	Jean-Lucien	March 15, 1999	Party leader Preparatory Commission Commission Mixte Paritaire
Tchinde	Essona Hessou	January 7, 1999	Union leader
Trenou	Evelyne	March 12, 1999	Association representative
Walla	Gen. Sizing	March 1, 1999	Armed forces representative
Wogomebu	Eric	March 8, 1999	Student leader Non-Conference participant

Note: * Agboyibo's interview took place in two separate sessions.
Source: Seely 2001b.

National Conference instead of a Dialog Forum. This continued during the National Conference itself, when the question of sovereignty, once laid to rest, was raised again when the opposition saw it had a great deal of support. Finally, in the transition period when the mandate of the transition government was coming to a close, the opposition launched a general strike to try to extend their mandate. But each of the uses of the dual strategies of escalation and renegotiation appeared to be less effective then the previous, and Eyadéma and the military began to adopt similar strategies, often with horrific and bloody results. What had been an effective short-term strategy proved to have longer-term consequences than anticipated, but the cycle of escalation and renegotiation was not easily broken.

Important aspects of the political agenda in Togo were also established during the transition period. Certainly the opposition's unrealized dream of democratization continues to shape their plans and goals. On a smaller scale, the possibility of winning elections and participating in institutions like the legislature is a tantalizing fruit just out of reach of the opposition; because the institutions are meaningful, if the opposition *could* take their place among the representatives, they would have a chance to pursue their agenda. Knowing this, Eyadéma played a cat-and-mouse game of appearing to let the opposition contest elections, but stacking the deck in his own favor each time. The loss of international funding and diplomatic favor (especially from France) was a significant blow to Togo in the transition period, and an important part of the political agenda since then has been to win it back. This provided additional motivation for Eyadéma and the RPT to appear conciliatory toward the opposition, and to point to the continued existence of competition in the political system as proof of their good intentions.

"To get down from the roof, you have two choices: you can jump down, and break your legs, or you can take the stairs. The opposition didn't organize the National Conference well, didn't manage subsequent events well. They gave the president the means to take back the reins of the country, because of their divisions" (Koumaglo). In Togo's transition, as in many contemporary cases of political change, there was a lack of trust because RPT and armed forces misdeeds were fresh in the memories of all the players. It may also be that if a more equitable institutional framework had been created, Eyadéma (in cooperation with the armed forces) would have worked to destroy it and build something different, rather than share power. While many interview subjects in the opposition had significant regrets about their choices in the transition period, they appear to agree that

their choices have left their mark on the post-transition political system. It remains to examine contemporary Togolese politics more closely to see if we can determine whether there are meaningful legacies of the transition government that have persisted despite the failure of the transition to install a working democracy.

This page intentionally left blank

Chapter 5

The Legacies at Work

Introduction

Having closely examined the processes and choices of the National Conferences and transition governments in both Benin and Togo, we now turn to an examination of the political systems that followed. The argument laid out in this book is that transition governments establish new political patterns that continue to influence governance long after their brief mandate is over. This is true regardless of whether democratization can be said to have succeeded or failed. Moreover, the four legacies of transition governments—new actors, institutions, strategies, and agendas—represent important breaks with past political practice, and owe their genesis to the choices and events in the transition period. In this chapter, I will provide a brief summary of that past political practice for both Benin and Togo, before going on to describe each of the four legacies of transition governments. Though there are many ways in which the legacies of transition periods continue to shape the present political situation, I have highlighted four aspects in each country as representative examples.

In Benin, prior to the democratic transition, the one-party state was run in a very centralized, top-down fashion, with the lion's share of the power concentrated in the executive branch. The agenda consisted of what President Mathieu Kérékou and other important actors in the *Parti de la Révolution Populaire du Benin* (PRPB) wanted, tinged with an ideological component of Marxism-Leninism. After transition, however, many new important actors emerged on the political scene. Moreover, popular opinion helps shape decision making in Benin today, canvassed as part of a routine political strategy of gaining legitimacy through gatherings called estates-general. At these periodic topical meetings, professionals and representatives of civil

society gather to share ideas and make recommendations to government. Whatever government decisions are made, the legislative and executive branches must work together to draft and implement policy, and the new Constitutional Court has emerged as a powerful institution for mediating these disputes and ensuring that human rights are protected in Benin.

The political agenda in Benin today is fairly broad, encompassing important issues like economic and infrastructure development. But one important item on the agenda that emerged from the transition is the process of decentralization and the transfer of control from the national to the commune-level governments. The desire for more local control was expressed during the National Conference, was institutionally provided for in the new constitution, was debated and laid out at an estates-general, and has been an important agenda item for each of the three post-transition presidents. Each of these aspects, I will show, represents a meaningful break from past practice and traces its origins to the time of democratic transition.

Togo, like Benin, experienced one-party rule prior to the democratic transition. Unlike Benin, however, that system did not have a left-wing ideological tendency, but rather was open to capitalism and free trade with Western countries, especially France. President Gnassingbé Eyadéma, who ruled longer than Kérékou and was accused of greater human rights violations, was arguably less popular than his counterpart in Benin. Though protecting human rights has been an important rallying cry for prodemocracy activists in Benin, the situation was worse in Togo, with dissidents frequently put in prison and sometimes assassinated. Eyadéma kept tight control and did not allow rivals to gain too much power. Many of his political opponents operated in exile for their safety. The attempted transition to democracy transformed a great many of these realities, though it did not result in a free and fair democratic system. In the post-transition period, political parties operate openly (if not freely), and political leadership positions are contested by a broad field of opposition actors, whose very presence has changed the nature of electoral competition in Togo. Some of these actors have held the post of prime minister, an institution that traces its origins to the transition government, and has remained controversial. Though the former ruling party, the *Rassemblement du Peuple Togolais* (RPT), represented by Eyadéma and later his son, never relinquished power altogether, the post of prime minister has sometimes been an avenue for the opposition to play a role in the executive branch. The pattern of interaction between the

prime minister and president in the post-transition period clearly derives from that relationship in the transition period, which was the first time such power sharing was attempted. The Togolese prime minister is appointed by the president from the majority in the parliament, and therefore opposition parties, as part of their post-transition political strategies, work to make sure that the terms under which legislative elections are held are free and fair enough to warrant competing. Elections are frequently boycotted or delayed by one side or the other, and the international community is often called upon to mediate these disputes. These strategies also trace their roots to the transition period. Finally, after the economic devastation of the general strike and the loss of donor support, the main item on the post-transition political agenda in Togo has been to recapture international funding and get the economy back on track. Each election cycle, therefore, brings these important agenda items to the fore, and offers an opportunity to witness the various legacies of Togo's transition government.

In this chapter I will address both Benin and Togo, starting with the former. First, I will present a brief overview of pre-transition politics to highlight the contrast between pre- and post-transition politics for each. Then I will examine some relevant examples of each of the four legacies, providing evidence that each of these aspects of post-transition politics conforms to patterns established under the transition governments. In both cases, there is strong evidence that the patterns of politics in the post-transition period have been greatly influenced by the transition government. In Benin, some of the influence of the transition government can most easily be seen in the first 10 to 15 years after transition, but in recent years the influence seems to be fading, and new actors, in particular, are asserting themselves on the political scene. In Togo, too, there is a new actor in the form of President Faure Gnassingbé, who replaced his father, Gnassingbé Eyadéma, after the latter's death in 2005. However, the legacies of transition government continue to hem in the new president, and he continues to employ some of the same strategies to manage the opposition and try to address the political agenda. Though not permanent, this critical juncture produced legacies of transition governments in Benin and Togo that have had a profound influence on post-transition politics. This suggests that these interim institutions should be more carefully crafted in future transitions to bring about specific post-transition outcomes, regardless of whether successful democratization results.

Benin

Benin's political transformation was dramatic and decisive, and as such, drew the attention of prodemocracy forces in other African countries, as well as the attention of political analysts. The young democracy established in Benin has encountered some difficulties (in particular, the problematic presidential election of 2001), but it is generally deemed an example of successful democratic transition. Despite this, some scholars still lament that politics in Benin is dominated by some of the same political divisions of the past, and has some undemocratic tendencies, like the persistence of patron-client ties. This analysis focuses specifically on what has changed from past practice, and how those changes can be traced to the transition period. First, however, I will establish some important points upon which present-day politics in Benin represents an important break with the past. The period immediately preceding the transition was that of military dictator Mathieu Kérékou. This period is today known as "Kérékou I" to distinguish it from the period 1996–2004 when the former dictator was the elected president, commonly known as "Kérékou II." Kérékou I was characterized by one-party dictatorship with a Marxist-Leninist veneer, and provides some important contrasts with politics in Benin today.

Because of the Marxist-Leninist ideological bent under Kérékou I, there was a tradition of consultation with people's representatives as a political strategy, but the exercise was more symbolic than influential. Kérékou created the PRPB in 1975 which, like the RPT in Togo, attempted to absorb most aspects of civil society under its rubric. In 1977 the Marxist constitution came into force. Two years later a Revolutionary National Assembly was elected, with members (approved by the party) drawn by social group: professionals, peasants, civil servants, army, clergy, students, and the like. The consultative nature of the parliament, however, was heavily restricted. The desire to appear to consult with the people was evidenced by gatherings like the Cadre Conference of 1979 (see chapter 2), in which candid opinions on governance were offered by participants, but the Conference decisions were not implemented. This preexisting tradition of consultation was far removed from sense of obligation to consult the population before big decisions, or sense of accountability once recommendations were made. This earlier period provides a sharp contrast to the post-transition period, where consultative estates-general can have a meaningful impact on policy decisions.

The political agenda under Kérékou I was determined by needs at the top, and implemented in a very hierarchical fashion. For example, an administration reorganization in 1974 created districts and communes with some theoretical autonomy, but in reality these communes were administered by prefects and district chiefs named by the central government. Moreover, these sub-national units were "aimed at recruitment and enrolling of citizens at grass roots level" for participation in party politics and as a guarantee against foreign influence and ideology (Dèhoumon 1997, 342). The decentralization experience, though just one example of many, demonstrates how the political agenda was set according to the priorities of the central government and concerns about outward appearances, rather than coming from the bottom up. Certainly Marxism-Leninism was frequently referenced, but the interpretation was so broad that people referred to it as "Marxism-Beninism." In reality, Benin under Kérékou was only lightly influenced by that ideology, and the period under the PRPB was comparable to that of other African one-party states (Allen 1992, 69).

In terms of political institutions, the party was the paramount entity, with government institutions running, at best, parallel in importance to party decision making. In the 1970s, "[p]ower and increasingly spending was centralized in a Presidency, ruling through a hierarchy of prefects and their subordinates, and in the highly overlapping membership of the core political institutions: the Central Committee, the National Executive Council, and the Permanent Bureau of the National Assembly. Kérékou dominated the system both through his formal offices in state, party and army, and through his extensive use of appointment, patronage, and ethnic balancing." (Allen 1992, 66) The executive branch, with Kérékou as president, clearly dominated. Institutional change has been a fundamental component of democratization analysis in Africa, but a great many critiques of African democratization suggest that superimposing new political institutions on existing elites or long-standing systems of patronage helps account for the continuity from pre- to post-transition period. New sources of political checks and balances on the executive branch would constitute evidence that the political institutions had indeed transformed.

The significant political actors in the pre-transition period were, of course, the PRPB and Kérékou himself. Though there were some leftist ideological detractors who expressed themselves openly, there was very little opposition organization. Development Associations were nonparty regional groups permitted to operate on the condition that they only organized and raised money for local improvement

projects, and did nothing of an explicitly political nature. These associations existed in different regions of the country, usually run by a prominent local leader. Finally, there were the ex-presidents, none of whom were killed in their ousters, a fact that Beninese frequently use to contrast their peaceful political culture with Togo. The ex-presidents lived in exile and had no formal role in politics under Kérékou I. There were precious few avenues for any challengers to Kérékou to rise to prominence under the pre-transition political system, and therefore the entry of any new non-PRPB political players on the political scene would mark an important break with the past.

We now turn to specific examples of each of the four legacies of transition governments, each of which represents a break with past practice as described above, and each of which traces its origins to the National Conference and transition government. I examine the contemporary use of estates-general as a political strategy, decentralization on the political agenda, the Constitutional Court as a good example of a working government institution, and the competition in post-transition presidential elections as an example of the diversity of actors present and eligible to participate in the post-transition political system.

Strategy: Estates-General

The National Conference in Benin introduced the concept of estates-general (EG) to the population in a practical context, moving beyond French history lessons. The idea of a constituent assembly that would consider important questions and make recommendations was not new to Beninese politics. As we have seen, Kérékou hosted conferences in hopes of shoring up legitimacy for his party's policies (see chapter 2). What was new, thanks to the National Conference, was the idea that the proceedings of a constituent assembly would be followed by the popular media, include nonelites and/or experts in a particular field, and that the recommendations of such a forum would directly impact policy. Expectations had been raised by the transition to democracy, as they always are, and politicians were now expected to take the popular view into account when considering policy choices and crucial reforms. The notion of popular consultation went from window dressing to an indispensable strategy employed by presidents to help chart a course of action, as well as to shore up popular support for the chosen path.

Since 1991 there has been a series of successful issue-specific estates-general dealing with national education, the future of Benin's

military, and decentralization, among other topics. These estates-general have been convened under all three post-transition presidents, demonstrating that the strategy of calling on popular opinion for policy, established during and after the National Conference, has become an important pillar of the young democracy. "In addition to the professionals and government representatives of each sector, these meetings ensure representation by important groups in civil society—religious leaders, women's groups, youth groups, traditional leaders, labor, business, community development associations, and other non-governmental organizations (NGOs)" (Magnusson 2002, 184). Each sector that is invited must also balance regional representation among its delegates, which also reflects the legacy of Benin's transition government. Not all the estates-general have been equally effective, but they have become an important aspect of policy making for political leaders in the post-transition period.

One of the earliest estates-general was convened in September 1990 on the subject of education. Such an early date—when the country was still in political transition—is an indicator of the priority placed on education by the people of Benin. UNESCO had already undertaken a series of studies on the educational sector, and a National Conference committee had also canvassed the subject.[1] The documents generated by these earlier activities provided a baseline discussion for the 400 or so "stakeholders" who made up the EG on Education. Like the National Conference, the debates in the plenary sessions were broadcast live on the radio. However, a number of the policy initiatives proposed by the EG were ultimately rejected as the education reform proceeded through the 1990s. This may have been because this particular EG was held so early in the transition, while a number of other important national debates were being held, and before the EG phenomenon had become established as an effective political strategy for incorporating that type of popular opinion. It is more likely, however, that international donors, who were committed to education reform in Benin, conditioned and directed their aid in directions that were not always compatible with the decisions of the 1990 EG (Welmond 2002, 115–116). However, as the education reform project took place over many years after the EG, the ineffectiveness was not necessarily evident to the population, and did not, in any case, undermine the use of the EG as a meaningful political strategy.

All three post-transition presidents have convened estates-general to consider important policy issues. Once Nicéphore Soglo had been officially elected to the presidency under the post-transition constitution, he convened the EG on Territorial Administration (EGTA) that

would lay down the major provisions of the decentralization program (see below, *Agenda*). This was followed by an EG on the civil service, which reinforced the conclusions of the earlier EG with respect to administrative decentralization, and also recommended greater public oversight of the state as a check on corruption (Heilbrunn 1999, 234). Kérékou continued the tradition of calling such gatherings, including organizing an EG on justice with the intention of giving Beninese more confidence in their judicial system, which in the past protected the rights of the government, rather than the citizens. Even under the third post-transition leader, President Boni Yayi, an EG on the subject of health was convened in 2007, and others may be to come.

The estates-general in Benin have emerged as a useful strategy for government to include important stakeholders in the decision-making process with respect to a particular policy issue. Though the financing necessary to carry out reform is not always available, the EGs provide a chance for the public to learn more about the activities of the state, and impose limits on government. The EGs have provided "enhanced political efficacy and improved popular awareness about specific problems confronting the government. Each conference thereby reinforced sentiments that the government was committed to engage in a dialog with its constituents" (Heilbrunn 1999, 232). The EGs lend legitimacy to the process of reform, and help ensure that key players are invested in the process. This represents an important break with past practice, when most of the decision making was a top-down affair, with ideas generated by the single party and implemented with only token input from the masses. Though popular gatherings such as the modern-day EG were held prior to transition, their use as a meaningful tool of communication and as a way to shape policy is a legacy of the transition period. Starting with the National Conference itself, a political strategy of collecting popular opinion on a subject was legitimized as a democratic means of decision making. As a legacy of the transition government, the estates-general have made lasting changes in the political landscape of Benin. Important policy initiatives sought by subsequent governments or international donors must recognize the importance of this political strategy in order to bring about meaningful and legitimate change where desired.

Agenda: Decentralization

The political agenda in any country is difficult to effectively sum up, and there are often several issues at once that capture the public

interest and galvanize politicians to action. An important item of public debate today in Benin is the question of administrative decentralization. After the estates-general on the subject, a comprehensive reform program has been undertaken but not completed, to the consternation of many Beninese. Decentralization reform was something that rural representatives lobbied for at the National Conference, to give localities more control over resources and decision making, rather than having all decisions and funding handed down from the central government. Still, the rural representatives at the National Conference were marginalized, and their concerns were put to one side to facilitate some of the more pressing negotiations about the nature of the political transition and the drafting of a new constitution. A very general provision was inserted into the 1990 constitution stating that the administration of the country would be decentralized, but that the nature of that decentralization would be laid out by law. Despite the vagueness of this provision and the lack of specific recommendations on territorial reform by the National Conference or the transition government, interviews reveal that this issue was very important in the minds of the delegates, and underpinned a great many other reforms, such as those in the education and health sectors.[2]

The EG on Territorial Administration was held January 7–10, 1993, quite early in the post-transition period. Approximately 300 delegates to the EGTA met to consider proposals from Soglo's government and make some recommendations of their own. According to Magnusson (1996, 47), the delegates proposed having a powerful commune-level council in each of the old administrative sub-prefectures (*sous-prefectures*), and that this communal council would choose a mayor from one of its own, while the post of prefect would not have direct supervision of the mayor or council, but exercise power in different, parallel sectors. The EGTA also recommended that meaningful financial resources be put at the disposal of the commune-level governments (a problem that had stymied past efforts at administrative reform), and break up each of the six existing administrative departments into two, requiring six new prefects and six new "county seats" for these administrators to occupy (Dèhoumon 1997, 344). The delegates were eager to provide a check on the power of the central government with this proposition, but may have also inadvertently placed very real roadblocks in the path of reform by tying the hands of government officials.

The input from the EGTA into the decentralization reform process has been incorporated into the process of decentralization, for better and for worse. Benin's decentralization is fairly straightforward.

First, there is only one main level of decentralized administration, the 77 communes of Benin, which cover the entire territory of the state and are governed by a communal council headed by a mayor. These 77 communes conform to the old sub-prefectures and urban districts of the previous system, and the extent of the decentralized units was not renegotiated as part of the reform, deliberately eliminating a potentially contentious set of debates. The second level of reform is the deconcentrated administration, where the 6 old prefectures were each subdivided in 2, forming 12 departments. The deconcentrated administration of each department is headed by a prefect, who is the president's representative in the department and is charged with overseeing deconcentrated public administration in the territory. However, the EGTA never specified where the new prefect "seats" would be located in the six newly created departments. This has created a serious political problem for Benin's presidents, because in some of these new departments, there is more than one politically significant city that would welcome the infrastructure and jobs that would inevitably follow the creation of this new prefect seat. Because choosing one seat over another would involve displeasing political supporters and possibly even inciting ethnic rivalry (Magnusson 1996, 47), it is not surprising that three successive presidents have been reluctant to undertake the unpopular decision. This is all the more remarkable, given that presidents would undoubtedly welcome the chance to distribute patronage in the form of a high-ranking office such as the prefect, but the issue is too politically hot to handle. It is perhaps unfortunate that Kérékou, when he reached the end of his second term and it became clear he could not run again, did not simply solve the problem with a decree, given that he was no longer subject to political pressure.[3] The issue is now in the hands of Yayi and the debate promises to drag on, perhaps more than 15 years after the EGTA made its recommendations.

On paper, the communal governments (a mayor, responsible to a communal council elected by party-list proportional representation) have a wide range of responsibilities, including the upkeep and tax collection in their markets, roads and infrastructure, and transportation stations. For the most part these were responsibilities of the old *sous-prefectures* and were easily transferred. Transferring the "competencies," or the real decision-making power and resources to back it up has greater implications for the power and privilege of politicians and civil servants, and has lagged behind. The full transfer of competencies in areas such as water, education, and health is being held back over concerns about the political costs. The politically powerful civil

servants' union, which showed its strength during the democratic transition when salaries were unpaid, could rise up against any attempt to limit their power and privilege. Another concern is giving power to political opponents who dominate in specific regions of the country. In particular, Cotonou and Porto-Novo stand to gain a great deal of clout with the full transfer of powers to the communal governments. These regions are also important in terms of political party competition; ex-President Nicéphore Soglo is the mayor of Cotonou and perennial presidential candidate Adrien Houngbedji holds sway in Porto-Novo.

The public market of Dantokpa in Cotonou is a good example what decentralization might cost the central government. Dantokpa, the country's biggest public marketplace (*grand marché*), is still under the control of the central government, though every other public market has been placed under control of the appropriate communal government. This exception is very revealing of the priorities of the central government: the vast sums collected in fees from the thousands of vendors (Dantokpa's total revenue is estimated at about US$6 million each month) currently go to the central government instead of the communal government of Cotonou. The government has justified the exceptionalism of Dantokpa by saying it is an important locus of trade in Nigerian goods, and international trade remains under the purview of the central government in the decentralized system. This argument rings a bit hollow as the market is located well inside the borders of Benin. Though a legal challenge might be brought against the central government by the commune of Cotonou, it appears the communal government there preferred to wait until after the presidential elections of 2006, hoping for a more favorable political climate. With the victory of Boni Yayi that hope was dashed, and then there was little time to initiate any legal procedure before the 2008 communal elections. Now that Soglo has been reelected as mayor of Cotonou in 2008, the political struggle will continue over Dantokpa and the implementation of full decentralization.

Despite these difficulties, the decentralization reform has been quite successful. Though not without some problems, Benin managed to organize municipal elections in April 2008, to which an Economic Community of West African States (ECOWAS) monitoring group gave general approval. The tension between implementation and resistance that characterizes the decentralization process in Benin is very strong evidence of the power of the National Conference agenda. Benin's presidents have all been more or less reluctant to follow through on the decentralization plan, as it would necessarily

mean taking some power out of the hands of the central government, and potentially supporting the regional power bases of political rivals. However, they have not been able to thwart the process altogether; the reform has moved inexorably, though slowly, forward through three administrations and two rounds of local elections. Having been put on the political agenda by the National Conference and been supported in the constitution drafted under the transition government, decentralization reform constitutes a mandate that has impacted all three post-transition presidents in Benin, and until the reform is carried out in full, it promises to remain on the agenda as a powerful legacy of the National Conference.

Institutions: The Constitutional Court

With respect to institutions, there are a great many changes that resulted from the democratic transition 1990–1991, most embodied in the 1991 constitution. The working of the executive and legislative branches, and the input of the voting population of Benin, necessarily changed in the transition from authoritarianism to democracy. Though there have been tensions between the president and the National Assembly, in particular between Soglo and the parliament over the budget crisis of 1994 (discussed in this section), these disputes have not resulted in large-scale boycotts and walkouts the way similar deadlocks have in Togo. Scholars have pointed to the strength of Benin's democratic institutions at mediating ethnic rivalry and competition in post-transition elections: "...The particular institutions that were adopted at the Conference were key. The institutional structure facilitated the formation of many diverse parties and frequently shifting alliances across regional and 'ideological' lines, helping to ensure that no cleavages were very deep in a political sense" (Gisselquist 2008, 808). In this section, I highlight the institution of the Constitutional Court, whose role and membership clearly are rooted in the transition period. Moreover, this remarkable institution has served not only to mediate disputes between the other two branches of government, but also to reassure the general population that human rights abuses will not be ignored, as they were in the pre-transition period.

Benin's Constitutional Court was one of the last of the main institutions of the state to be established after the political transition, being installed in 1993. Until that point, the transition legislature, the *Haut Conseil de la République* (HCR) served as the Constitutional Court, lending its legitimacy to the newly created body. This temporary

arrangement lasted longer than many observers thought necessary, and Archbishop de Souza ultimately resigned from the Court in protest of the arrangement, in hopes of speeding up swearing in of the proper court (de Souza 1993). In any case, this institution was closely tied, in the minds of many Beninese, with the transition government. This view was reinforced by the presence of two Court members who were "personalities," much like that category of invitee to the National Conference. Ex-President Hubert Maga, indeed, served on the first Court in that capacity, after being a personality invited to the National Conference, and a personality represented in the HCR. Each justice of the seven-member Court may serve up to two five-year terms, so the composition of the Court has changed several times since it was installed 15 years ago. In addition to Maga, some other actors who played an important role in transition governance have also appeared on the Court, including Maurice Ahanhanzo-Glèlè, and the current Chief Justice, Robert Dossou. The Court does not publish dissenting opinions, reinforcing the appearance, at least, of consensus decision making. My interviews reveal that the same principles were at work when the transition government made decisions.

With respect to human rights, Benin's Constitutional Court is unique in that individuals, organizations, or other branches of government can bring a case to the court if it relates to human rights violations.[4] Individuals do not even need to have a lawyer to file a claim, and human rights claims have been increasing, as more and more people seem to take advantage of this opportunity. This increase is all the more remarkable given that reporting government violations to a government institution was a foolhardy proposition, to say the least, under the pre-transition system. "Given that almost three years passed between the National Conference and the inauguration of the Constitutional Court in 1993, one could argue that the public had already grown confident in its democratic institutions. Yet it may be naïve to accept that after decades of repression, both the perception and reality of the government had so changed that the Beninese would boldly bring their human rights complaints before a government institution" (Rotman 2004, 293). The confidence in this institution, therefore, must spring in large part from its own legitimacy, which in turn derives from the experience of the HCR under the transition government.

The credibility that the Constitutional Court enjoys, thanks to its role as human rights watchdog, can also bolster its credibility as an arbiter of disputes between the other branches of government in upholding the constitution. As with any governmental institution,

the power of the Constitutional Court, and how it would be exercised, needed a test case to be revealed. The first such prominent case was the 1994 budget battle,[5] which took place after the traumatic experience of the devaluation of the CFA franc. The National Assembly, responding to popular concerns about the value of salaries, modified the budget to increase civil service salaries beyond those agreed upon by Soglo's government and approved by the International Financial Institutions (IFIs). Soglo insisted that an increase in spending of that magnitude would endanger Benin's Structural Adjustment Program (SAP) status, and negatively affect his negotiations with the IFIs in the future. Soglo issued a rival budget using emergency decree powers, which put the executive and legislative branches directly opposed to one another without a clear directive as to whose budget should take precedence over the other, and which branch had the right to constrain the other as part of the conflict. Labor unions, the press, the IFIs, and ordinary Beninese watched the debate closely to see how the new post-transition government would weather the crisis. Over a period of three months, the Constitutional Court handed down a series of decisions, including an opinion that the National Assembly had the right to limit the president's use of emergency power, and another opinion that decisions about salaries were the purview of the executive branch (Magnusson 1996, 41). These decisions were accepted, and the two branches of government negotiated solutions to the remaining difficulties in the budget, and the crisis passed.

This highly visible instance of the Constitutional Court successfully arbitrating disputes between the branches of government was followed by others, and gradually the Court became a viable institution for resolving disputes, and one whose decisions would be accepted. This was especially useful in the 1996 presidential elections, where Soglo appeared prepared to challenge his loss to Kérékou, threatening to destabilize the young democracy. According to Amuwo (2003, 167), the reason Soglo ultimately accepted the decision was due in large part to the fact that the Constitutional Court had the legitimacy to decisively end the debate over the validity of the results with its rulings. In late 2000, very close to the next presidential election, the National Assembly undertook revisions of the electoral law, which caused tension and controversy among the different parties in the assembly, as well as between the executive and legislative branches (Guedegbe 2004). Part of the debate had to do with the number of members of the electoral commission to be appointed by the different branches of government, and the Court was invaluable in validating

the constitutionality of the proposed laws by making sure the executive branch, and therefore the political incumbents, did not have disproportionate sway over the appointment of members of the commission (Amuwo 2003, 170). Though the debate over the electoral law was heated, all sides managed to amicably accept the results because, "...each side was ready to submit in the face of the decision by the Constitutional Court" (Guedegbe 2004, final paragraph).

Though the institutions that emerged from the democratic transition have experienced modification and clarification in the post-transition period, the institutional structure that emerged from the transition has remained a lasting legacy of that transition. Some important constitutional provisions, such as the age cap and the two-term limit on the presidency (see *Actors*), have withstood concerted attempts at modification. Part of the reason for this is the power of the Constitutional Court, itself a legacy of the transition government and a departure from the pre-transition role of the judiciary. The Constitutional Court is a prominent example of an institution that was shaped by the transition government, draws its credibility from that legacy, and plays a very important role in the new democratic political system. This is not to say that the Court's reputation could never be tarnished; some would argue when the Court issued results of the controversial 2001 election without including returns from one disputed region it undermined its own legitimacy (Rotman 2004, 290). But the Court's position has been firmly established as a positive legacy of the democratic transition, and one that plays a crucial role in the consolidation of the young democracy. "It is increasingly clear that the Constitutional Court has become a major arbiter of conflict among the political elite in Benin, replacing the military of the 1960s and 1970s, and the Central Committee of the single party of the 1980s" (Magnusson 1996, 42).

Actors: Presidential Election Contenders

Many who follow Beninese politics viewed the return of Mathieu Kérékou to the presidency in 1996—or Kérékou II—as a bad sign for Benin's democratic credentials. For the purposes of this study, I have identified the rise of new political actors after a transition (whether successful or failed) as an important break with past political practice, as well as a significant legacy of transition governments. From either perspective, Kérékou's prominent role in the post-transition political system begs an explanation, because it appears to represent business as usual, rather than any significant political change. Here I will argue

that although the political transition did not immediately rid Benin of Kérékou as a relevant political player, the legacies of the transition government with respect to actors were twofold: first, it introduced new important actors (both parties and individuals) who were more direct rivals to Kérékou and his supporters than any had been in the pre-transition period; and second, the institutional provisions in the constitution, in particular the age cap on the presidency, set up a vital mechanism for future turnover in the political elite. The legacies of Benin's transition government, therefore, were to introduce new actors onto the political scene at once, and while not necessarily forcing old actors to exit immediately, setting up the means for a later, more graceful, exit that remains uniquely successful on the continent.

In this section, I will focus on the presidential elections in the post-transition period, which were dominated by the rivalry between Soglo and Kérékou until the most recent election in 2006. Since 1991, new political parties have proliferated and then consolidated, settling into a somewhat more predictable pattern of electoral competition. However, given the executive turnover since 1991, party loyalties have shifted to accommodate political alliances, and new parties have sprung up to support the newest important actor, President Boni Yayi. The latter, in fact, can hardly be claimed as a "legacy" of the transition period, having come to the political scene much more recently. The actors with which he must compete and compromise, however, are very much legacies of the transition period.

Kérékou, the former military dictator, demonstrated willingness to support political transition when the country was in crisis in 1989. This willingness created a favorable impression with many Beninese, especially as subsequent events in Togo demonstrated how brutal a transition could become. Kérékou's decision to run for the presidency in 1991 surprised many, including those who had carefully crafted a system in which most ex-presidents were banned from running (see chapter 3). Kérékou was still young enough to escape the presidential age limit, and still popular enough in the north of the country to make a very respectable second-place showing in the 1991 national contest, shortly after being deposed by the National Conference. The transition government helped establish an important democratic precedent for the peaceful transfer of power by offering Kérékou amnesty and a lifetime pension to facilitate his acceptance of defeat. But his return five years later arguably also set another important precedent: to be defeated at the polls does not automatically consign a politician to obscurity forever. Dissatisfaction after Soglo's first term left many Beninese casting about for a presidential alternative, and Kérékou had

the national presence and newly acquired democratic credentials to make him a viable candidate. Though Soglo won in the first round of the 1996 election, in the run-off Kérékou secured the support of voters from the south-east Porto-Novo region to win a majority and the presidency. Soglo had no choice but to follow Kérékou's example in ceding defeat.

The 2001 presidential elections, when Kérékou was reelected for a second term were a disappointment to many observers of Benin's democracy. A dispute between the Constitutional Court and the electoral commission over voter rolls led the second-place Soglo and the third-place candidate to pull out of the race after the first round. Kérékou therefore won the presidency against only token opposition, and the focus turned to 2006. Would Benin go the way of so many post-transition African countries, in removing term limits and allowing elected leaders to outstay their original mandates? Would future elections continue to be as uncompetitive as the last, or could they return to earlier post-transition standards? Both Soglo and Kérékou were over 70 years of age by the time the next presidential elections were to be held, and therefore ineligible on that count. The age cap on the presidency, which was originally included in the constitution to prevent older ex-presidents from running for office (see chapter 3), was now having an impact on a new set of candidates. The constitution also limited presidents to two terms in office. Soglo, who had only served one term, would have been eligible on that ground, were it not for the age cap, but Kérékou had two constitutional provisions working against his reelection bid. Though he would not give up without a fight, it seemed that there was an important opportunity for Benin to turn over control to a new generation of political leadership.

However, as the competition heated up, it became clear that candidates with established political support bases and long, distinguished careers were likely to be the frontrunners.[6] Maintaining the traces of the three-way divide in Beninese politics, candidates emerged to represent the south-east around Porto-Novo, the south-central Abomey region, and the large but more sparsely populated north. Among the most well-known was Adrien Houngbedji of the *Parti du Renouveau Démocratique* (PRD), who had loyal support centered around the political capital, Porto-Novo. Another was Léhadi Soglo, son of former president Nicéphore Soglo, who was supported by the *Renaissance du Benin* (RB); he was deputy mayor of Cotonou and was expected to do well in that commercial capital, and the central region that had supported his father. Though Soglo had always denied

allegations of nepotism in his administration, this was one of the most prominent family legacies in contemporary Beninese politics.

Kérékou had been the candidate of the north, and a number of rivals were jockeying for position to succeed him. One was a political outsider, Boni Yayi, an independent candidate and the eventual winner. After completing his doctorate at the IV Dauphiné University in Paris, he worked in Togo as head of the *Banque Ouest Africaine de Développement* (BOAD) from 1994, had served briefly as an economic advisor to Nicéphore Soglo, but was better known for his non-political positions, including a long tenure (1977–1989) at the *Banque Centrale des États de l' Afrique de l'Ouest* (BCEAO). Not unlike Soglo in 1991, Yayi's economic credentials helped make him a viable contender, despite his lack of formal political experience. Finally, another familiar political figure was Bruno Amoussou of the *Parti Social Démocrate* (PSD), the perennial fourth-place finisher, who enjoyed a power base in south-west Benin (and had parlayed that support into the position of Minister of Development and Planning under Kérékou II, 1999–2005). Though this region has not been as electorally important as the other three, in the post-transition period Amoussou has consistently won electoral support in that region, and his presence on the second-round ballot in 2001 helped prevent that contest from losing all legitimacy (Gisselquist 2008). All in all, the 2006 presidential election was contested by 26 candidates.

The debate about Kérékou's eligibility was kept alive throughout the campaign, and even during the poll itself. Kérékou initiated series of debates in 2004 and 2005 on modifying the constitution to permit him to run again (Gisselquist 2008, 799), but he did not prevail. It seems that the dual constitutional provisions of the age cap as well as the presidential term limit were too much to overcome. Perhaps to buy time, in 2005 Kérékou announced there were insufficient funds in the treasury to mount the election on schedule. This sparked popular outrage and protests in the streets, with civil society groups, including trade unions, promising to contribute funds to the beleaguered organizing committee, the *Commission Electorale Nationale Autonome* (CENA).[7] In the end, the election went ahead without Kérékou's name on the ballot. Even after the first round on March 5, when no candidate had the requisite majority, Kérékou was in no mood to be conciliatory. The second run-off round of voting must be held two weeks after the first in Benin, but the first round count had taken so long that many assumed the government would employ the legal provision that enabled the second round to be delayed another week. Overriding the advice of the CENA and the Constitutional

Court, however, Kérékou's government announced that the second round would be conducted on March 19. Many were angry at this parting shot by Kérékou, but the CENA put in a Herculean effort to print the ballots, and brought off the second-round poll in the appointed time. Turnout in the second round was lower (68–70 percent), probably due to disorganization on the part of candidates and the CENA's difficulties. Nevertheless, Benin's political system, unlike so many in sub-Saharan Africa, was able to resist the pressure to lift presidential term limits and successfully usher in a new set of political actors to the scene. The official results of the first round were Yayi 35 percent of the vote; Houngbedji 24 percent; Amoussou 16 percent; and Soglo a disappointing fourth with 8 percent. In the second round of voting, Boni Yayi secured an overwhelming victory: almost 75 percent of the vote to Houngbedji's 25 percent.

The nature of political competition in post-transition Benin, though it owes a debt to Benin's political history, is also more immediately a legacy of the transition government. Political pluralism in its current form is a distinct break with pre-transition practice, but also a given when countries liberalize or democratize. Competitive party formation and the rise of different political leaders in the last 15 to 20 years has been shaped by a much more stable institutional setting than Benin previously enjoyed. Though many deplore the ethnoregional character of electoral competition, the degree of turnover in the post-transition period means that competition among these elite is far less of a zero-sum game than it has been in the past. Having had three different presidents, and at least three different party alliances controlling the legislature, between 1991 and 2009 demonstrates that actors may enter and exit the political scene reasonably often. Soglo and the rehabilitated Kérékou were direct legacies of the transition government. Their behavior and role during the transition period led directly to their eligibility and success in the post-transition period. However, in the case of Benin, the legacy of these two men as important actors is coming to an end. Legacies do not last forever, though a much more important precedent has taken over: that of relinquishing power via competitive elections, and being assured that a younger generation of actors will have a chance to compete in the not-too-distant future. Yayi represents post-legacy leadership in Benin, though he is faced with a number of other legacies of the transition government, including the strategy of holding estates-general on major policy issues, the agenda of the incomplete decentralization reform, and important counterbalancing institutions, including the Constitutional Court.

The Legacies in Benin

Benin in the post-transition period effectively demonstrates all four of the legacies of transition governments. The estates-general as strategies for soliciting popular opinion and initiating meaningful political reform are a legacy of the success of the National Conference. Though such gatherings were not unheard of prior to the democratic transition, it was the experience in transition that gave them the heft and legitimacy to keep them in use under all three post-transition presidents. Many items from the National Conference agenda still impact politics in Benin today, but here I focused on decentralization reform, which continues to move forward despite countervailing political pressures. The difficulties in transferring power away from the central government to local government—and to political rivals—are such that only the magnitude of the legacy of the transition could have kept the reform on track. With respect to institutions, the Constitutional Court is only one example of an institution with a direct legacy to the transition government that enjoys considerable respect today. The Court has also been very effective at mediating disputes between the other branches of government, which has helped the harmonious nature of transition government relations carry over into the post-transition period. Finally, the actors who have dominated the political scene in the post-transition period owe their popularity to their transition experiences. Soglo, as transition prime minister, showed his political mettle and became the first post-transition president. And it is very difficult to envision how Kérékou could have returned to power had he not appeared to be rehabilitated during the year-long transition period, and emerged a prodemocracy figurehead.

Though Kérékou and Soglo dominated most of the post-transition period up to the president, a new generation of actors, led by Yayi, have come to power, and the legacy of the transition government is beginning to fade in this respect. This is to be expected, especially when the 20th anniversary of the National Conference is drawing near. Benin's democratic political institutions have outlived a generation of political leaders, which is a milestone many African countries have yet to achieve. New strategies and agenda items will inevitably emerge in the coming years, but this does not mean we should discount the legacies of the transition government. It is doubtful that Benin would have come so far if they had not had a healthy transition government arrangement upon which to build their permanent institutions. I have demonstrated here that there are important legacies of

the transition government that helped shape politics in the post-transition period. These legacies, however, are not only present when a country successfully transitions to democracy, but also impact the post-transition political system in countries that do not make the full transition to democracy, as was the case in Togo.

Togo

Though it is tempting to summarize Togo's aborted democratic transition as an exercise in President Gnassingbé Eyadéma losing and then regaining his old political dominance, the truth is that the political landscape in Togo has changed in several important ways. Eyadéma continued to control the government in the post-transition period, but could no longer dominate as before. His son, and the current president, Faure Gnassingbé is also constrained by some of the same post-transition realities. While both have been tolerably secure in office, they were constrained enough to permit an opposition to exist and be heard, even when excluded from holding important positions in government. Key policy questions in Togo today are debated in media outlets, and though many of these are openly partisan, there are pro- and anti-government perspectives to choose from. And most telling of all, the opposition continues to contest elections, even though representatives of the RPT routinely win.

Togo under Eyadéma prior to the 1990s transition period was a system which did not tolerate political dissent. Most of those who opposed the regime were forced into exile, lest they risk imprisonment or assassination. The RPT party controlled the government and did not, as had been the case in Benin, allow nonpolitical independent groups to form. Prior to the attempted democratic transition, Eyadéma had maintained good international relations with France and other countries, and embraced free trade, enabling the country to prosper economically without political openness. This meant that with the collapse of the Soviet Union, Eyadéma's regime in Togo did not suffer a loss of legitimacy comparable to Kérékou in Benin.

The military was one of the most important actors in the pre-transition political system. Eyadéma himself rose through the military and never resigned from it. There are some companies of the army that were explicitly loyal to him as a person, and the military as a whole was drawn largely from his own Kabiye ethnic group (Apedo-Amah 1991). With this formidable support, it is little wonder that there were relatively few who could oppose Eyadéma openly from within the country. Gilchrist Olympio, son of the first president, was

the main rival to Eyadéma but lived and worked in Ghana and Europe prior to the transition. He had no formal party organization in Togo, and could not hope to compete for public office. Other opposition leaders operated underground, as Leopold Gninninvi of the *Convention Démocratique des Peuples Africains* (CDPA), or tried to make peace by working with the RPT, as Edem Kodjo did in the early days. With respect to actors in the pre-transition period, there was little room to be an open opponent to the political system, so a large and diverse opposition operating with relative freedom would represent a significant break with past practice.

With respect to institutions, Togo went from the military coup of 1963 (with Eyadéma taking over the presidency personally in 1967) to 1979 without a constitution, let alone the usual institutions representing the three branches of government. Parliament was entirely dispensed with until elections in 1979, but with a mandate of six years, there had only been two parliaments in the pre-transition system, each dominated by the RPT. As in many one-party states, the RPT was the preeminent political organization. It had marching wings for women and youth, which encompassed the vast majority of civil society, with the exception of the association of market women (see chapter 2). The institutions were meant to serve the party and the party's interests, and having been created by Eyadéma, it is clear that the institutions were there to serve the president's interests. The military, of course, was the lynchpin of the system, as it provided the backing that the regime needed to keep opponents in check.[8]

According to LeVine (2004), Togo in this period represented an example of administrative-hegemonic rule, where pragmatism was the guiding principle. Though Eyadéma styled himself as the "Guide and Savior of Togo," the main political strategy of this type of regime is not to fall back on charismatic leadership or cult of personality. Instead, strategies of governance focused on a delicate balancing act where the leadership was poised to fend off challenges as they arose, and in whatever form (LeVine 2004, 203–204). Through elaborate social contracts, human rights abuses might be tolerated for the sake of certain economic benefits. An important element of this strategy was facilitating the ability of the largest ethnic group in the country, the Ewe, to become rich through private enterprise, on the condition that they did not enter the political arena (LeVine 2004, 294). As a result, an important item on the pre-transition agenda was economic growth for the sake of political legitimacy. Though Togo was, until the late 1980s, considered a prosperous country by West African standards, that economic clout was never sufficient to buy more than

tolerance for the ruling regime, rather than outright legitimacy or hearty endorsements.

To provide a meaningful break with past practice there would have to be some fundamental changes to Togo's political system. The RPT and the military would have to cease to be the "only game in town," and new actors would have to start playing a meaningful role in political decisions and outcomes. The political agenda would need to be shaped by something other than the imperative of the ruling party to stay in power, but instead address the concerns of a broader political spectrum. Togo's institutions under Eyadéma's RPT were subordinate to the interests of the leadership, and therefore having institutions that provided meaningful constraints on political action would represent a break with the past. Finally, political strategies other than dominance and repression would represent a welcome change for Togo's opposition. For the purposes of the present argument, it is important to highlight the fact that some of these significant departures from past practice can be achieved short of full democratization.

Actors: Presidents, Challengers, and the Military

Though Gnassingbé Eyadéma has passed away, the strong Togolese presidency is an important legacy of the transition period. Eyadéma remained in the post until his sudden death in 2005. One of his sons, Faure Gnassingbé, took his place, inheriting the agenda formed by the bloody transition period. He continues to employ strategies that are a legacy of the transition period and that worked for his father. Moreover, he faces a remarkably similar cast of opposition characters, their shifting alliances, and some of the same "neutral" actors, like Joseph Koffigoh, that have continued to crop up in Togolese politics since the transition. Finally, the military remains a strong presence in Togo, and they continue to exercise their influence when they feel their interests are threatened.

Eyadéma was elected unopposed in 1994 and he was reelected in 1998 in a close contest with Gilchrist Olympio, which the latter claimed, with considerable foundation, was rigged.[9] That being his second term in office, Eyadéma then used the National Assembly, packed with his supporters after a series of noncompetitive legislative elections, to change the constitution to remove the two-term limit on the presidency. This enabled him to run again in 2003 against Olympio's partisan stand-in (Olympio having been disqualified) Emmanuel Akitani-Bob, and again he won, with considerable allegations of vote fraud. His death two years later threw the political system

into turmoil, as befitting a circumstance where the same man had been president for 38 years. The institutional conflict that took place during that time is described below (under *Institutions*), but Gnassingbé emerged victorious. Prior to this, Gnassingbé was best known for his academic and business background, having earned degrees from the Sorbonne and George Washington University. He entered politics in 2002 as a National Assembly deputy, and at the time of his father's death held the important post of Minister of Telecommunication, Mines and Equipment. He was relatively little known, though notable for his civilian background, which contrasts sharply with some of his well-known brothers who have made their careers through the *Forces Armées Togolais* (FAT).

Despite the persistence of this family at the head of Togolese politics, there have been some important changes in the ruling party, the RPT. The party is no longer the only legal party, and the marching wings of the party have been abolished; it is now a party that must compete with other parties, especially for seats in the legislature. In the legislative elections of 1994, which closed the transition period, the RPT lost its majority. Moreover, the RPT is no longer filled with partisans of Eyadéma or Gnassingbé who unquestioningly support the government. In 2001 and 2002 there were some high-profile RPT members who left the party to pursue their own political path (Manley 2003, 2), including Dahunku Péré. The RPT has managed to consolidate itself as a meaningful political party in time for the competitive 2008 legislative elections, where it won a majority of seats in a contest that garnered the approval of international observers. Another important legacy is the new, more limited, role for the RPT, though the National Conference and transition government may have given a new lease on political life for those partisans of Eyadéma (and later his son).

Gilchrist Olympio continues to loom large over Togolese politics, though he does not necessarily directly compete for office. His party, the *Union des Forces pour le Changement* (UFC), sometimes engages in reconciliation negotiations with the rest of the opposition, but is more likely to pull out when the terms and conditions are not favorable, particularly with respect to security of the candidates. Olympio's transition legacy includes the assassination attempt on his life, as well as his refuge in Ghana (see chapter 4). Olympio did contest the presidency directly in 1998, and very nearly won. With popularity in the south of the country unmatched by any of the other opposition candidates, he is considered by many to be the rightful heir to the presidency, and has the best chance of uniting the opposition parties and

supporters (Manley 2003, 11). After the 1998 elections, Eyadéma and the RPT-controlled legislature changed the electoral rules to exclude anyone who had not lived in Togo for the 12 months previous to the election, which ruled out Olympio almost permanently. As a result, Akitani-Bob of the UFC ran in Olympio's stead in 2003 and 2005.

Olympio and the remainder of the opposition parties discussed in this study have been labeled "the radical opposition" by Eyadéma, and the name has stuck thanks to repeated uses by local and international media (Kohnert 2007, 9). However, there is very little that is "radical" about the views of Agboyibo, Gninginvi, and Kodjo, who have advocated for free and fair elections and the protection of basic civil liberties. Both Agboyibo and Kodjo have served as prime minister in the post-transition period, and other opposition leaders such as Zarifou Ayeva have also participated in unity cabinets. The opposition leaders who are active in Togo today all gained experience negotiating with Eyadéma on something like an even footing during the transition period, and continue to strive to return to that point in the post-transition period. An important legacy of the transition period is an opposition that has tasted success and refuses to surrender. They now compete with the RPT, which represents a distinct break from pre-transition politics. Another legacy of the transition period is the nature of the opposition, including the fragmentation and personal rivalries that arose during the transition period and have continued to prevent unity. Playing one party leader off another was a strategy Eyadéma developed during transition, employed in the post-transition period, and President Gnassingbé has done the same.

Though many of the key opposition leaders mentioned here were prominent before transition, there are some political figures who owe their notoriety to the transition period. Joseph Koffigoh, the transition prime minister, continued to hold government positions post-transition when Eyadéma regularly formed so-called unity cabinets after boycotted or flawed elections. Though few in the opposition consider him a real representative of their views, he owed these positions to his role as the opposition's most prominent representative in the transition government. Indeed, the compromises struck in making him the prime minister had much longer-term implications than most anticipated, because most assumed his tenure as transition prime minister would last one year, and then he would be ineligible to run for the presidency. But the failure to calculate this particular legacy of the transition period is one that haunts the opposition still. After Amnesty International released a July 2005 report on the violence

that followed Gnassingbé's election, the new president appointed a commission of inquiry headed by none other than Koffigoh (Kohnert 2007, 18). Koffigoh's commission report, as might be assumed, was much kinder to Gnassingbé than Amnesty International's report. It may be said that Koffigoh's prominence has not been a positive legacy of transition, but for better or for worse, decisions in the period of transition had implications that far outlasted that brief period.

The U.S. State Department and other watchdog agencies regularly report on human rights abuses by Togo's military, but they are not constant over time. Togo's military is more involved in domestic policing than most militaries, and since the period of the transition government they have exerted their influence at strategic times, especially during elections. This interference has not prevented elections from being held, though it has meant that a great deal of the preelection negotiation has to do with constraints on military activity. It remains unclear, under Gnassingbé's administration, the extent to which the military is under the president's control, or is acting on its own initiative. Splits in the military were evident in April 2009 when one of Gnassingbé's brothers, Kpatcha Gnassingbé, was arrested for plotting a coup. Kpatcha appeared to have the support of more reactionary elements in the military, though supporters of the (relatively) reformist Faure appeared to have won the day. The military remains an important and enigmatic figure in Togolese politics, but its role has narrowed in scope since the period of the transition government. Other actors have also appeared on the scene, who are too numerous for the military to control, so their political role is more circumscribed, though still far too large for the liking of many. The military's behavior after the death of Eyadéma (detailed under *Institutions*) is one indicator of their new role.

Agenda: Elections and International Aid

Togo's troubled transition left the legacy of two important, and related, agenda items: first, fixing or compensating for problematic elections; and second, restoring suspended international funding. Both the presidential and legislative elections at the end of the transition period were problematic, and as a result, extensive negotiations were required to entice the participation of the opposition in subsequent elections. Because of the legacy of transition strategies (see *Strategies*) whereby Eyadéma and his successor manipulate the outcome of various elections, each time an election is in the offing, the cycle of preelection negotiations must be resumed. Closely related is

the issue of international aid, which donor countries and agencies have pegged to competitive elections. The Togolese themselves, opposition politicians, and even political analysts of Togo focus almost exclusively on these two issues when discussing contemporary politics, as there is a sense that once they are resolved, the country can "move on" from transition and focus on other concerns. This legacy of the transition government is not necessarily a positive one, but there is no doubt it traces its origins to the period under the transition government, because concern over participatory elections formed no part of the pre-transition agenda under Eyadéma. In this section, I will focus on the negotiations to resume the flow of international aid in Togo between 1993 and 2007.

The conventional wisdom on international aid to Togo is that it was effectively suspended in 1993 in response to a military crackdown on demonstrators under the nose of visiting German and French representatives (see chapter 3), and international aid renewal has been under negotiation almost constantly since then. In reality, the situation is more complicated, because each donor nation has an individual relationship with Togo, and the IFIs also had individualized policies toward Togo at different times. It is most accurate to say that prior to democratic transition, Togo enjoyed very good relations with international donors and IFIs, and these relations were significantly worse in the post-transition period, notably 1993–2007. Though specific concerns of donors came and went, the lack of free and fair elections and the persistent violations of human rights were frequently cited as reasons to suspend aid.

France, for example, which had suspended aid to Togo in 1993 after the HCR was taken hostage by security forces, resumed aid again in 1994 after the opposition won legislative elections, and it was to be hoped that the country was emerging from the period of transition turmoil.[10] The EU followed France's lead in 1995, though the United States chose to continue suspended cooperation for a longer period. This aid became all the more necessary to Togo, and other countries in the Franc Zone, when the CFA franc was devalued in January 1994, throwing budgets into turmoil and making loans in foreign currencies twice as expensive. Luckily for Togo, the International Monetary Fund (IMF) and World Bank made a sizable three-year commitment even before the new legislature was installed. Because of Togo's long history of free trade practices, the IMF and World Bank were more amenable than bilateral donors, and Eyadéma made sure to initiate and follow through on privatization plans in the mid- to late-1990s to stay in the IMF's favor. Though wrangling

continued each year as the structural adjustment loans were parceled out, Togo faced a major renegotiation of these loans leading up to 1998, which provided an incentive to allow meaningful competition in that year's presidential election.

In October 1997 a joint committee of the parliamentary assembly of the EU and representatives of the African-Caribbean-Pacific (ACP) group released its report stating that the human rights situation in Togo had improved, and that the 1993 constitution was satisfactory. The report stipulated that the resumption of aid would depend on satisfactory presidential and parliamentary elections with the full participation of the opposition.[11] The 1998 presidential elections received considerable funding from the European Union and were organized in a sufficiently open manner to generate hope that they might be genuinely competitive. These elections are described in greater detail below (see *Strategies*), but the outcome was not sufficiently free and fair for the EU, and the normal flow of aid was not resumed. After 1998, there was a considerable aid drought in Togo, with the exception of that flowing from the IMF and World Bank. As a result, the government focused more on free trade practices and maintaining good relationships with the IFIs. So lasting was the negative impact of this election, and of two subsequent uncompetitive legislative elections, that the EU took six years before seriously entertaining commitments by Eyadéma's government again. By the end of Eyadéma's second term in office, however, he was preparing to break his earlier promise not to stand for a third term, and as such, was looking for a boost of legitimacy from other sources. Renewing the flow of international aid provided an opportunity.

In April 2004, the Togolese government finally managed to persuade the EU to resume the flow of desperately needed aid that could amount to US$30 million or more each year (Walker 2003). The Togolese government agreed to 22 "democratic commitments" including freer access of political parties to the media and to rural areas for campaigning purposes. The government also promised to hold credible talks with the opposition, revise election laws, and hold transparent elections by the end of 2004 or early 2005. An EU delegation also met with Togolese opposition leaders to discuss their views on democratic progress, and sought the approval of these veteran opposition leaders as a condition of the resumption of aid.[12] As presidential elections in 2003 had just renewed Eyadéma for a third post-transition term in office, the main condition for the resumption of aid was successfully organizing competitive legislative elections, as the opposition had not effectively participated in the legislative branch

of government since they failed to work together after the 1994 parliamentary elections. However, the sudden death of Eyadéma and the problem of succession—culminating in the problematic and violent presidential election in 2005—interrupted the implementation of the 22 commitments and the resumption of EU aid.

Once the dust had settled from the succession, however, President Faure Gnassingbé found himself powerfully influenced by the agenda left him by the troubled transition government: the economy must be stabilized and aid money restored to shore up political legitimacy. The same path that had been open to his father remained open to Gnassingbé, and he undertook to resume the dialog with the opposition in 2006 and revive the idea of the 22 democratic commitments. Finally, in October 2007, legislative elections were held that met the international community's standards, and the flow of aid from the EU resumed. However, as the RPT won the majority in the legislature on that occasion, the opposition remains dissatisfied with electoral outcomes and will bargain hard for a more competitive presidential election, likely to be held in 2010. Now that a major source of aid has resumed, that item might appear to be off the political agenda. However, elections in Togo have been so fraught with difficulties in the post-transition period that it is entirely plausible that the next presidential elections could result in violent confrontations or otherwise incur the wrath of donors. As agenda items, the intertwined problems of international aid and successful competitive elections seem resolved at the moment, but as legacies of the transition period, they may not yet have been laid to rest.

Institutions: The Split Executive

Togo's 1993 constitution, drafted by Eyadéma's opponents but modified by the president once he took control of the transition government, contains important democratic principles and delineates democratic institutions. As in many authoritarian countries that hold elections, however, the constitution does not represent the ultimate authority in the country; the rule of law can be subverted to the president's needs. However, Eyadéma (and later Gnassingbé) could no longer govern as the authoritarian leader of a one-party state. Both presidents have tried to appease international donors by demonstrations of democratic fervor, and there are now openly operating domestic prodemocracy constituents to appease. Moreover, the institutional context in which these two presidents have operated post-transition does provide some constraints, though it may not be considered the

rule of law. Two institutional legacies in particular are noted here. First is the working relationship between president and prime minister in Togo, which amounts to an informal institutional relationship. Though the presidency as the exclusive purview of Eyadéma and later his son has been maintained, sharing power with a prime minister from the opposition has happened several times. The second legacy discussed here is the constitution itself. The 1993 constitution provides some constraints on the behavior of very powerful political actors in Togo, and its power derives from the period under the transition government.

Togo's system is considered presidential, not semi-presidential, because the role of prime minister is consistently second in importance to the president. The prime minister has some power, nevertheless. Though the president presides over cabinet meetings, the prime minister coordinates the government's plans, countersigns legislation, and acts in the president's stead in case of absence or incapacity. Once named by the president, the prime minister is responsible to the National Assembly, and the prime minister must be consulted with respect to government formation and any dissolution of the National Assembly. Despite the potential danger raised when political opponents hold this position, the office of prime minister has not been abolished in the ultimate concession to centralized political control. And yet, as long as this position has existed in the transition and post-transition period in Togo, it has been a source of political contestation, and an access to power for opposition candidates.

The struggles between the two parts of the executive branch began in the transition government, and the pattern of struggle follows that laid out in the transition period. Eyadéma stayed on as the president and head of state under the terms laid out by the National Conference, and Joseph Koffigoh was named transition prime minister by the delegates to the Conference. Koffigoh's candidacy at the National Conference was supported by the prodemocracy opposition, and his supporters certainly hoped that he would play a greater role in the day-to-day running of the government than Eyadéma. However, only a few months into the transition, Koffigoh's authority was thoroughly undermined by the RPT dues incident, and he was taken hostage by the military and forced to publicly capitulate to Eyadéma, on television (see chapter 4). After that, the balance of power between the president and the prime minister was decisively shifted in favor of the president, and this pattern has continued post-transition. However, because of Koffigoh's inexperience as a politician, other members of the opposition seemed to think the problem lay with him, rather than

with the position itself. As a result, the post-transition prime minister spot has been sought after by a number of prominent opposition politicians, and the competition has sometimes been intense.

In the post-transition period, there have been two avenues to the prime minister position for opposition politicians: either appointment by the president by virtue of leading a majority party in the National Assembly, or appointment by the president as part of an attempt to form a government of national unity. There have been four National Assemblies during the period 1994–2009, beginning with the Assembly elections that closed the transition period. In those elections, a coalition of Agboyibo's *Comité d'Action pour le Renouveau* (CAR) party and Kodjo's *Union Togolaise pour la démocratie* (UTD) party won the majority, with CAR having the greater number of seats. But Eyadéma shrewdly offered the prime ministerial position to Kodjo, causing a rift in the opposition alliance. The main opposition parties boycotted the next legislative elections in 1999 and 2002 because of concerns about the fairness of the polls. After the contentious and bloody presidential elections in 2005, the new President Faure Gnassingbé promised to form a unity government that many speculated would include Agboyibo as prime minister.[13] But Gnassingbé, taking a leaf from his father's book, appointed the more moderate Kodjo, thus setting off a new round of opposition squabbling. Another unity government was formed in 2006, leading up to the EU-negotiated legislative elections of 2007. This time, Agboyibo took the position of prime minister but lost it soon after when the RPT won the parliamentary majority in 2007. All others who held the post of prime minister in the period 1994–2007 were partisans of the RPT.

With respect to the second legacy of informal institutional constraints on government, let us turn to constitutional changes that have taken place in the post-transition period. As Eyadéma unilaterally changed the draft constitution as a member of the transition government, it should come as no surprise that he has also changed the 1993 constitution when it suited him, and when he could command an RPT majority in parliament. A number of significant constitutional changes were made in 2002 to prepare the setting for the 2003 elections. First, the RPT-dominated legislature modified Article 59, lifting the two-term limit on the presidency and enabling Eyadéma to run for a third term. Second, the electoral system was modified from the French two-round model (in use by several francophone African countries, including Benin), which would involve a run-off election if no candidate secured a majority in the first round. Article 60 of the

current constitution mandates only one round, in which the candidate who secures the plurality of the vote wins. This takes advantage of the fragmented opposition's limited ability to unite behind one candidate. Third, the minimum age for a president was lowered from 45 to 35 years (Article 62). Given that Eyadéma was in his 70s at the time, it was widely speculated that this clause was altered for the sake of one of Eyadéma's sons, and some pointed out that Faure Gnassingbé was at the time 36 years of age (Manley 2003). Finally, candidates must live in the country for the 12 months leading up to a presidential election, which effectively excluded Olympio from competing.

It is worth noting that these changes were made to the constitution, not an electoral law, which suggests their importance. But it also reflects the view that the constitution is a meaningful document and one that is likely to remain as the framework for Togolese politics in the foreseeable future. Eyadéma probably knew by 2002 that the constitution would outlive him, but he chose to retain this document created under the transition government with considerable input from the opposition. Despite the fact that the RPT and Eyadéma had a monopoly of power at this moment in Togolese politics, they did not opt to revamp the constitution altogether. The precedents of opposition participation set during the transition period meant that a broader consultation would be required to overhaul the constitution completely, which was not what Eyadéma or the RPT wanted. The constraints that this constitution imposed became most obvious only with the death of Eyadéma, because the succession method named by the constitution could not be ignored altogether.

Though obviously there had been some institutional preparation for political competition after Eyadéma, his death produced a scramble.[14] The military installed Faure Gnassingbé as president and announced that he would serve out his father's term through 2008. The constitution, in contrast, provided that the head of the National Assembly should serve as interim president and organize elections within 60 days of the death, but the leaders of the putsch chose to ignore this provision at first. The international outcry at this appears to have taken the RPT and the military by surprise, especially because African leaders, often willing to look the other way at extra-constitutional behavior, pressured the newly installed president to conform to the constitution. In response, Gnassingbé was retroactively named head of the National Assembly, and elections were scheduled for April 24, 2005, almost within the two-month deadline. Though these elections were clearly flawed, for the purposes of this section the resilience of the political institutions as laid out in the 1993 constitution

is what stands out. Though it can hardly be said that the rule of law prevails in Togo today, the relevant political actors, including the military, have chosen to keep this constitution and abide by it, in the main. The constitutional framework established by the transition government has proven flexible, but still provides meaningful constraints on political behavior. Though this is by no means sufficient for those who wish to see democracy installed in Togo, it does demonstrate the power of the constitution and an important legacy of the transition government. It is also a good example of a legacy of transition government that is not dependent on successful democratization. An undemocratic post-transition constitution is not the same as no constitution.

Strategies: Renegotiation and Escalation in 1998

The post-transition strategies employed by both Eyadéma and the RPT on one hand, and the opposition on the other, can be sufficiently displayed with the example of the 1998 presidential election, which was fairly typical for presidential elections in this period. Unlike pre-transition elections, where there was no doubt about the participants and the outcome, today the opposition has a role to play, and the international community monitors the elections as millions in international aid hangs in the balance. These circumstances are actually much trickier to control for Togo's president than a situation where the political system is more under his thumb. But Eyadéma learned the lessons of the transition period well, and continued to employ some of the same strategies: create conditions that are at least superficially open, renegotiate the bargain once you have the upper hand, and deploy the security forces to raise the stakes, as necessary. The opposition, as well, was adjusting to the relatively novel situation of being able to participate in an electoral contest, but also fell to using some of the same strategies that they employed during the transition period: form a united front but be prepared to sacrifice it for individual benefits, escalate the rhetoric and launch a general strike when the outcome is not to your liking. The opposition in post-transition Togo today is prepared to reject the terms of any compromise that is too modest, even if it means boycotting another election and remaining on the political outside.

Opposition jockeying for position in the mid-1998 presidential elections began nearly 12 months earlier. In late June 1997 CAR leader Agboyibo, *Parti pour la Démocratie et le Rénouveau* (PDR) leader Zarifou Ayeva, and UFC leader Olympio announced that they

would form an election alliance to mount an effective challenge to Eyadéma in the 1998 presidential elections.[15] In August 1997 opposition leader Léopold Gninginvi returned from three years of exile in Paris and announced that his CDPA party would participate in the 1998 elections. Given the fact that Eyadéma needed the resumption of bilateral aid (see *Agenda*), the view of the international community on these elections was relevant. The biggest challenge to Eyadéma came on April 27: Gilchrist Olympio made his announcement to 15,000 cheering supporters during a brief visit to Lomé, an event noteworthy in itself as Olympio had not returned to Togo since the assassination attempt in May 1992. In May, former Prime Minister Edem Kodjo announced that he would not run in order to prevent dividing the opposition. Indeed, the alliance of opposition parties announced in June 1997 had come to nothing; every other viable opposition party leader declared his candidacy in the end.

Election day was deferred two weeks from the original date, as the government tried to ensure opposition participation for the sake of international legitimacy while still tightly managing the election. International observers and supporters were there in abundance to witness what might be the first real competitive election in Togo, but Eyadéma and the RPT began to demonstrate willingness to use their established strategies to manipulate the elections. By June 19 the government refused to let 500 EU-trained domestic election observers witness the poll, claiming that they were biased toward the opposition. Still, the electoral preparation was favorable enough to opposition candidates that none threatened to boycott, and international observers waited to see if the irregularities could be sufficiently overcome to produce a fair outcome. The polls opened June 21, but almost immediately complaints began rolling in that polling stations in Lomé opened late or were not sufficiently equipped. The government closed the border with Ghana (next to the capital Lomé) for security reasons, effectively keeping Olympio out during the vote. Angry voters held demonstrations throughout the day demanding the opportunity to vote, and Yawovi Agboyibo and 1,000 supporters marched on foreign embassies chanting, "Help us!" Some polling places in Lomé remained open late to allow more voters to cast ballots.

According to the electoral code, votes were to be counted Sunday, voting day, at the polling places, results relayed to the office of the *Commission Electorale Nationale* (CEN), and the CEN was to announce provisional results as they became available. On Sunday night, however, some ballot boxes from polling places in the capital were removed by police to the Lomé city hall. Both Eyadéma and

Olympio had predicted victory by Monday morning, and the provisional results released later that day lent support to both claims, with Eyadéma dominating results from the north and Olympio scoring well in Lomé. But by Tuesday the vote counting had inexplicably stopped, and CEN President Awa Nana wondered why her organization had not received any results for nearly 24 hours. Shortly after, however, Nana announced that she could not carry out her mandate in the face of what she suggested were threats and intimidation from the opposition, and that she was resigning along with the four other RPT members of the CEN. With the credibility of the electoral body undermined, Interior Minister Seyi Memene stepped into the institutional void and took on the responsibility for reporting the election results.

Memene announced the complete results the following day, saying that despite nearly 90 percent of the Lomé vote going to Olympio, Eyadéma was still the victor with 52 percent of the overall vote. Opposition leaders led a chorus of protest, saying that the votes could not have been counted so quickly, that a run-off between Olympio and Eyadéma was a much more plausible outcome, and that Memene had no legal authority to announce the election results. Olympio, who was accorded 33.37 percent of the vote in the official tally, held a press conference June 25 and announced that his own independent tally of the results gave him victory with 59 percent of the vote. Though the balloting in Lomé had been the most troubled, Olympio effectively endorsed the government's figures for that area, and contested results elsewhere in the country. Olympio issued an ultimatum to Eyadéma to step down at the end of his term, and threatened civil disobedience if Eyadéma refused to comply.

The days following the election saw a return to popular violence in the streets of the capital, including stone throwing and vehicle burning. Foreign observers, particularly the French, found themselves the target of both scorn at allowing Eyadéma to once again steal victory, and appeals for intervention to support claims of Olympio's victory. Demonstrators outside the French embassy chanted, "Eyadéma thief, France the accomplice!" By June 26 Minister Memene had banned all demonstrations, and the international community had begun to express serious doubts about the official results.

On July 10 the Constitutional Court rejected all appeals to overturn the official results and endorsed Eyadéma's victory. The opposition called for citizens of Lomé to observe a "dead city" strike on July 17, which was widely respected as shops remained closed and there was virtually no pedestrian or vehicle traffic. On August 4,

Eyadéma announced that he would seek to form a government of national unity, but the opposition parties, believing that Olympio won the election, refused categorically. The UFC counterproposed that a second round of presidential voting be held with Eyadéma and Olympio as the only candidates, but that also was refused. The opposition called a second strike on August 10 and August 11, but there was some activity among civil servants who feared losing their jobs if they complied with the strike call. A few days later mortar fire broke out on the border with Ghana, described by government officials as "terrorist aggression" launched from Ghana. However, a number of UFC posts and homes were destroyed in the attack, lending credence to opposition claims that the attack had been staged by the government as an excuse to crack down on dissidents. Kwassi Klutsé, an RPT member, was reappointed prime minister August 20, and the new government was announced September 2. Far from a government of national unity, Klutsé was forced to content himself with a handful of non-RPT members including the perennially co-opted Joseph Koffigoh and Harry Octavianus Olympio, a little-known cousin of Gilchrist Olympio, to diversify the RPT government.

The 1998 presidential election was as problematic as any in the post-transition period. It was contested, as such polls have been, by a divided opposition who clearly views elections as a means to access political power in the post-transition political environment. Because such polls need international credibility, the government must labor to make them open while still trying to control the outcome, which is not always possible. The possibility of a miscalculation or mistake in the management of elections lends hope because the process has been legitimated; in other words, should a member of the opposition accidentally win, the result might stand. In 1998 the government appeared to realize how close it came to losing, prompting the constitutional changes of 2002 to shore up its position in the future. But the 2003 presidential election was still intensely negotiated and contested, as was the 2005 contest. In each case, both sides used strategies developed in the transition period to cope with the lopsided competitive environment that characterizes the Togolese political scene. Representing a distinct break with pre-transition practice and tracing their origins to the period of the transition government, the strategies of escalation and renegotiation have served both the government and the opposition in the post-transition period, and have been successfully employed no matter which opposition parties contest a particular election, and no matter whether Eyadéma or Gnassingbé is positioned as the incumbent.

The Legacies in Togo

Togo's transition was certainly problematic, and the post-transition period has frustrated many democratic hopes, but these realities do not preclude political change. I do not mean to argue here that Togo can be considered a "success" in democratic terms, but I dispute the internal logic of dichotomous nature of the study of democratic transition wherein it can only be considered a "failure." There is a more temperate view to be found in tracing the country's political development from the critical juncture of the National Conference and transition government. Political competition is a legacy in Togo as a result of precedents set by the transition government. There was no meaningful political competition in the pre-transition period, so any form of competition represents an important break with past practice. These new actors, institutions, strategies, and agendas are heavily influenced by the experience under the transition government, for better or for worse. Understanding the link between the strategies of transition and the post-transition strategies helps explain, for example, why the opposition continues to contest elections despite the fact that they are rarely allowed to win. Elections have been contested throughout the post-transition period and the opposition has sometimes been allowed to take its place in the legislature or prime minister's office. A better understanding of contemporary politics in Togo can help us understand the point of departure for the next critical juncture.

In some cases, as with the continued presence of the transition prime minister or the difficulties in securing aid money, the legacies of the transition government in Togo have not been so positive. Eyadéma, and later his son, devised strategies to successfully manipulate their political opponents and still enjoy aid money from the international community thanks to a thin veneer of political participation and competition. Flawed as it may be, the RPT, military, and the current president seem invested in the 1993 constitution and are prepared to be guided by its mandates. Though this has not protected political opponents from being harassed and even killed, it is a step forward in terms of establishing the rule of law. If the legacies of transition governments are as influential as this in Togo, then it behooves those interested in democratic transition to more closely examine the construction and implementation of transition governments in general, in order to provide a set of minimal guarantees if an attempted democratic transition falls short of full political transformation. Practitioners in the international community can also benefit from

understanding the longer-term impact of the decisions made in transition, rather than focusing only on short-term goals, such as early exit. The possibilities raised by an understanding the legacies of transition governments is only meaningful if we let go of the analytical dichotomy of success and failure in democratic transition, and look at the larger political process before and after transition.

Conclusion

The legacies of the transition governments in Benin and Togo have similar themes, despite the very different transition outcomes. I have argued that these attempts at democratic transition amounted to meaningful breaks with past political practice, and rather than wring our hands when these countries fall short of perfect democracy, we should instead focus on what has significantly changed. And to understand why things have changed the way they have, we must look to the National Conferences and the transition governments for the precedents they set. These precedents—the legacies in the form of new actors, institutions, strategies, and agendas—are present and traceable to the transition governments regardless of whether we are discussing Benin, which successfully installed a new democracy, or Togo, which still struggles with free and fair competition and participation. The presence of these legacies in two African cases suggests that the study of democratization would profit from closer examination of the workings of transition governments, both those that have already taken place, and those that are to come. Viewing a democratic transition as a critical juncture in a country's history is not new, but taking into account how the workings of a transition government impact a permanent political system in the subsequent decades offers a new means to predict political outcomes regardless of the success or failure of the transition.

The legacies I discuss in this book were already abundantly clear to the participants well before I began this project. Everywhere I went, I found people eager to discuss the National Conferences and the transition governments, and to give their own analyses of what was good and bad in the proceedings. In Benin it was much easier to discuss because of the prevailing political openness, but in some cases I found people's memories less than exact on the details, because they had moved on to other, more immediate, political concerns. In Togo, there was more reluctance to take on the subject, and many said it was

"too soon" even in 1998 and 1999 to bring up such painful events. But once they began, the participants poured forth their stories about what was clearly a watershed event, while trying to find some worthy moral to the story. As I have tried to let the participants tell their own stories in this work, it is fitting to conclude with some representative views on the legacies of the National Conferences and transition governments in Benin and Togo.

In Benin, the National Conference was a definitive turning point. "As soon as the Conference proclaimed itself sovereign, we rejected everything that had come before" (Glélé Ahahanzo). But it was more than a gathering that marked a turning point. "[The National Conference] was a method, a dialog, because we all agreed to dialog in order to reach a solution" (Tévoédjrè). Many contrast the success in Benin with the failure of others who tried to copy the model. "We resolved it all in ten days. What did we want? Change. We defined the grand themes; we didn't get into the details. Those others, they got into the details. The conferences were erected as a tribunal, there to condemn, insult" (Glélé). Many Beninese feel that a National Conference could be a positive thing for many countries, even if full democratization does not result. "Today it is important that [francophone Africa] try to take stock [of the one-party states], to critique . . . I think in the countries where there wasn't a National Conference, there is a risk that violence will overtake the democratic debate; that's the case in Côte d'Ivoire . . . in Guinée. . . . In Benin, we are very lucky, it's true . . . when something does not work out, we can refer to the National Conference to find ourselves" (Adamon).

For those in Togo, the National Conference brought about some important changes, but not everything they hoped for. "The sovereign National Conference was like a raised veil, but people didn't see it. We don't yet have a change of regime. But at least everyone knows what's going on now. It's like the government is under glass; you can see what it happening. . . . The king is naked" (C. Aquereburu). Even members of the RPT admit there are some positive outcomes from the National Conference. "Well, there is press freedom . . . Before, it was like the Gestapo, or Cuba. If you said anything against the regime, you were a target for revenge. There were people in prison that the president didn't know anything about. Now there is freedom of expression. And people are less prejudiced against the army. Before everyone was scared of what their acts might trigger" (Kombaté). And the ability to vote, and mark displeasure with the government, even if it does not result in a change of leadership, is also a valuable outcome. "We continue the struggle. The 21 June [1998 presidential

election] was the first one in which the Togolese people really voted. [Days later] the *Union des Forces de Changement* was the first [party] to say no to the delays, and to demonstrate. It came from the people" (Akitani-Bob).

Many of those I interviewed gave their opinion that the transition legacy was more positive in Benin than in Togo because of the acrimony that characterized the National Conference in the latter. "What was lacking in the other [National Conferences] was a consensus on sovereignty. The one you want to get rid of, you have to give him some guarantees, or he'll never go. . . . That sovereignty was badly managed elsewhere. When you say you'll put him in prison and burn his village, he won't give up power. Would you?" (Ligali). Or, more cryptically, "You don't drive a car by looking in the rear view mirror" (Kéké). Some advice was given directly after Benin's National Conference and before Togo's.

> We discussed it with the Togolese politicians; our friends came and asked our advice. And we said to them, the first error to avoid is to have a trial of the [president] in office and the government, because you have a dictatorial government like ours at the time. The president has the weapons and the military on his side, so it is in your interest not to put him on trial because the objective is to regain your freedom and instate democracy. For the moment, close your eyes to what has passed and turn your eyes to the future. The second piece of advice . . . was to pay attention to the composition of the High Council of the Republic (HCR) because from our experience, if we had had only young people, we would not have had the same results. We told them to put in the experienced ones and some young ones to bring in new ideas. . . . [But] Togo began a trial of the man in power right away. That was an error. And then in the HCR, there were only young people of between 30 and 50 years, maximum, whereas we had elderly members of 70 years, real wisdom. (Hountodji)

The problems in Togo's National Conference then affected the transition government. "There were lots of problems, brought up by the sovereign National Conference—a 'Pandora's Box'—that it was then left up to the HCR to solve with little means and little experience" (Doe-Bruce).

I hope that those who are seeking meaningful political change around the world can benefit from the analysis here, drawn from the cases of Benin and Togo. The means of managing a political transition may be constrained by historical circumstances, but they are also designed by transition actors, and can be deliberately shaped with

particular outcomes in mind. And these outcomes may have a meaningful impact far beyond the short-term considerations that predominate in extraordinary historical moments. Democracy, especially one that is stable yet inclusive, may be a product of forces beyond the control of individuals. But individuals do choose the actors that will represent them in transition governments, they do produce constitutional drafts that outline the institutions of governance, they do select the strategies they will employ to get what they want, and they do contribute to the national agenda and debate on the future of the country. Citizens of a country that has experienced a political transition will have to live with the consequences of all these decisions regardless of whether the transition produces a democratic political system. There is a great deal more to be learned about the legacies of transition governments beyond these two cases, but the results of this study suggest that this is a fruitful direction for research, both for analytical and practical purposes.

Notes

1 The Legacies of Transition Governments: Practical Changes and Theoretical Optimism

1. Villalón and VonDoepp (2005) also note this undue pessimism in the study of African democratization.
2. The role of civil society is also discussed with respect to Mali's National Conference transition in Smith (1998); as well as more generally in African transitions in Monga (1996) and Nwokedi (1995).
3. I have addressed the role of the French in these transitions in greater depth in Seely (2001b).
4. These are: Benin, Burkina Faso, CAR, Comoros, Republic of Congo, Gabon, Madagascar, Malawi, Mail, Namibia, Niger, Sao Tomé, South Africa, and Togo.
5. See, for example, Bendahmane and McDonald (1986), Peter Gastrow (1995), and Marks (2000). For the aftereffects of transition see Pierre du Toit (2003).
6. Iraq 2005 constitution, Chapter 1, Art. 65.

2 Political History and Practice Prior to Transition

1. This section draws upon the works of Cornevin (1962), Decalo (1995), and Ronen (1975), which should be consulted for additional information.
2. For more on this ethno-regional pattern of alliances see LeVine (2004, 168–170).
3. See Decalo (1995, 234–235) for individual members of the Ligue and the roles they played in government.
4. From President Kérékou's speech at the opening of the Conference des Cadres (*Ehuzu* October 8, 1979, no. 1010).
5. From Gbenou's closing address to the president (*Ehuzu* October 19, 1979, no. 1020).
6. From Kérékou's closing address (*Ehuzu* October 19, 1979, no. 1020).
7. "Special Sondage: Résultats, Chiffres et Estimations en Pourcentages," *Gazette du Golfe* September 1, 1989, no. 037. One hundred one people in Cotonou and 75 people in Porto-Novo were polled. The editors

admit (p. 3) that their methods are not the most sophisticated; they were forced to calculate percentages by hand because their Atari computer did not have the software for such a task.

8. "Recontre du ministre des Enseignements moyens et superieur avec la Cooperative universitaire des Etudiants," *Ehuzu* (Cotonou) January 23, 1989, no. 3374.
9. "Fini, les bras de fer entre les enseignants et le gouvernement?" *Gazette du Golfe* (Edition Internationale) September 16, 1989, no. 38.
10. For example, "Exclusif: Affaire BCB, les protagonistes parlent," *La Gazette du Golfe* (Cotonou) November 1988, no. Speciale.
11. "Communique Final de la Session Conjointe Speciale," December 7, 1989. In Fondation Friedrich Naumann (1994), 112–116.
12. *Ehuzu* December 12, 1989, no. 3598.
13. From "Discours du president Kérékou a l'Ouverture de la Conference des Forces Vives de la Nation," reprinted in *Les Actes de la Conference Nationale* (1994).
14. The Versailles meeting was organized by Severin Adjovi under the guise of his party "Club Perspectives '99," and the meeting and his role are recounted in detail in Adjovi (n.d.). Interview subject Aguessy also notes the importance of this gathering.
15. This section draws upon the works of Cornevin (1969), Decalo (1987), and Brown (1983), which should be consulted for additional information.
16. For more on the CUT and its role in the struggle of French colonies for independence, see LeVine (2004, 129–130).
17. Figures for Benin are from *Africa Contemporary Record* 1989–1990. Figures for Togo are from Apedo-Amah (1991). Benin's population at this time was roughly 4.5 million, and Togo's 3.4 million.
18. "Brazilian" is used to refer to Togolese of "mixed Euro-African parentage, formerly exiled or deported Africans, and slaves taken to Brazil who went back to the coastal areas in the nineteenth century," according to Decalo (1987, 50).
19. *Africa Research Bulletin* November 1987, 8677B.
20. Dossouvi Logo and Agbelenko Doglo were the two men on trial when the October 5 incidents took place.
21. "Togo: Le vendredi noir," *FORUM Hebdo* October 17, 1990, no. 12.
22. "Une commission constitutionelle est créé," *La Nouvelle Marche* October 17, 1990, no. 3330.
23. "Voici la constitution des 109" *Atopani Express* February 1–8, 1991, no. 24.
24. "Soulevement Populaire: Eyadéma cède sous la pression de la rue," *FORUM hebdo* March 22, 1991, no. 31.
25. *La Nouvelle Marche* April 12, 1991, no. 33468.

3 Benin's Civilian Coup d'Etat

1. "Tableau synoptique des suggestions faites dans le cadre de la Conférence Nationale," République Populaire du Benin, January 1990.
2. The importance of this document in laying down the basis for the Conference decisions was mentioned by Glélé and Ibrahima, among others.
3. In the "Tableau Synoptique des suggestions faites dans le cadre de la Conference nationale," (Ministry of the Interior document, January 1990) there are summaries of almost 500 letters sent to the National Conference preparatory committee. Here I am analyzing content of letters sent by organized groups (not individuals). Of these, there are 226 from political parties, regional development associations, unions and professional organizations, religious groups, and groups representing the diaspora. These letters were voluntary and content was varied. Though they do not represent a random survey of preferences, they are a very revealing way to examine preferences as the transition was beginning.
4. From "Discours du président Kérékou a l'Ouverture de la Conférence des Forces Vives de la Nation," reprinted in Fondation Friedrich Naumann (1994).
5. Kérékou visited the Conference on the third day, February 21, and expressed regret for the excesses committed under his regime but rejected the possibility of Conference sovereignty. On February 26, he returned to contribute the discussion of the economic commission report, and he returned later the same day in the context of the sovereignty debate to declare that he would not resign (Foundation Freidrich Naumann 1994, 6–10).
6. Transcript of the National Conference of Active Forces of the Nation, Ministry of the Interior document, 241.
7. In my interview, Alidou also suggested that getting the ex-presidents "out of the way" facilitated Soglo's election.
8. Kouandété was invited to the Conference as a "personality," but later was designated an "ex-president." Kouandété held the presidency for a short period after one of the coups, and when he reminded the Preparatory Committee of this fact, his status was changed. The other ex-presidents were: Hubert Maga, Justin Ahomadegbé-Tometin, Emile-Derlin Zinsou, Paul-Emile de Souza, and Tairou Congacou.
9. Title III, Art. 44 of the final draft of the constitution; candidates must be between the ages of 40 and 70 on the date they officially declare their candidacy.
10. "Réunion du Conseil des Ministres," *La Nation* June 21, 1990, no. 36, p. 3.
11. "Projet de loi sur l'amnistie" reprinted in *Forum de la Semaine* October 3–9, 1990, no. 25, p. 19.

12. Title II, Art. 13 of the December 11, 1990 constitution.
13. Title III, Art. 71, Arts. 76–78.
14. "Haute Conseil de l'Audio-Visuel," Title VIII.
15. The preferences of different administrative regions were taken by giving each village one vote on each question and then reporting the majority opinion of all the villages in a given region. See, for example, Quénum (1990).
16. More recently, this party has changed its name to *Parti du Renouveau Démocratique*.
17. For more on regionalism of the 1991 legislative elections, see Degboe (1995), Bako-Arifari (1995), and Battle and Seely (2007).
18. Respectively: Idelphonse Lemon, Albert Tévoédjrè, Joseph Kéké, Bertin Borna, and Robert Dossou.
19. This point was also made by Kéké in our interview on July 12, 1999.
20. Loi no. 90–13 portant immunité personnelle du président Mathieu Kérékou.

4 "We Are Not Sheep": Finding a Togolese Path

1. Joseph (1999) draws a distinction between transitions that happened before 1992, which were more likely to lead to democracy, and transitions after 1992, when leaders were better able to manage the transitions and establish "virtual" democracy, instead of real electoral democracy.
2. Groups and individuals at Togo's National Conference, including the RPT, made more than 130 prepared speeches, or "communications." Here I have analyzed printed records of 118 speeches by group representatives or prominent individuals.
3. Party tracts from the CDPA of Leopold Gninginvi ("Special Conference Nationale Communiqué no. 2," no date) and CAR of Yaovi Agboyibo (CAR Communiqué no. 1, July 17, 1991) affirmed the parties' support for Act 1 of the Conference that declared sovereignty.
4. National Conference Report no. 6: séance de lundi 15 juillet 1991.
5. Declaration du gouvernement. Cabinet du President, Lomé: 16 juillet 1991.
6. In an appearance on TV by Defense Minister Gen. Yao Ameyi, he said the military had "reservations about this concept of democracy," and was concerned about the possibility of civil war, and reaffirmed their allegiance with Eyadéma (*Africa Research Bulletin* August 1991, 10232C–10233A).
7. Three interview subjects explicitly described the voting as ethnic, with Koffigoh winning the support of those from his own region, Kloto, as well as of the Kabiye delegates, many of whom live in or near that region (Batchati). Gninginvi, on the other hand, is Mina (or "Brazilian"), which is a very small percentage of the population

(Andjo). The Ewe, also southerners, were not able to unite behind the Mina candidate because of ethnic rivalry (Apati-Bassah).

8. "Largely, yes, the independent unions [were for Gninivi]. The unions were approached to vote for Koffigoh . . . by the trade unionists of Koffigoh's region. The workers came to put pressure on their comrades" (Gbikpi-Benissan).
9. According to the official Conference report (no. 37), there were 765 votes cast and 757 usable ballots. Whichever of these figures is used, Koffigoh's total of 385 is greater than 50 percent of the vote, so there did not appear to be any reason for a run-off. Many interview subjects referred to a possible outcome if there had been a run-off, however, suggesting it was considered a viable option by many delegates at the time. A point of procedure would probably have been necessary; though if (as is often speculated) the opposition would have preferred to unite behind Gninivi, given the RPT's support for Koffigoh, then perhaps an extraordinary second round would have been approved by the Conference.
10. There is an apparent contradiction implicit in the fact that the president had suspended the Conference, but the regime delegates were still there in sufficient numbers to influence the prime ministerial vote. Apparently, as long as the Conference was making decisions, the regime wanted to take part, while still maintaining the military "veto" over any decisions.
11. National Conference Report no. 6: séance de lundi 15 juillet 1991.
12. *La Nouvelle Marche* October 7, 1991.
13. This word derived from the Ewe word "ékpé," meaning "rock," and "mog," taken from the joint African force ECOMOG, then attempting to make peace in Liberia (Degli 1996, 95).
14. *La Nouvelle Marche* October 9, 1991.
15. Resolution no. 3 Portant dissolution du Rassemblement du Peuple Togolais—RPT Parti Unique—Parti-Etat, August 27, 1991.
16. This conflict between Koffigoh, the transition government, and the HCR was recounted by a member of the first transition cabinet (Adjamagbo-Johnson).
17. Art. 62 in the later draft deletes two paragraphs, including: "Tout membre des forces Armées ou de Sécurité Publique, qui désire etre candidat aux fonction de Président de la République, doit, au préalable, donner sa démission des forces Armées ou de Sécurité Publique. [Any member of the Armed Forces or Public Security forces who wishes to be a candidate for the office of the president of the republic must, beforehand, submit his resignation to the Armed Forces or Public Security forces.]" (Draft reprinted in *Togo-Presse* supplement dated July 25, 1992, p. III).
18. Arts. 97 and 98, which stipulate a simple majority in the July 25 version (*Togo-Presse* supplement dated July 25, 1992, p. III), but a two-thirds majority in the final version (Republic of Togo Constitution 1993).

19. These are: Walla, Mivedor, Massina, Natchaba, and Kombaté.
20. One interview subject suggested that the incident was provoked because the military feared that secrets about its past actions were soon to be revealed: "The hostage-taking wasn't about the dissolution of the RPT, but about our commission . . . We were looking into the affairs of 1 and 8 October . . . . They saw problems, that the evidence had accumulated, and they had to stop it. There were military members on the commission who saw the danger" (Ayeva).
21. One example of the violence: during the negotiations, COD II General Secretary Tavio Amorin was shot by unidentified assailants in Lomé on July 24. Flown to Paris for treatment, he nevertheless died on July 30, 1992. A young socialist party leader, Amorin was considered among the more radical members of the opposition, and public opinion about who was behind it was decided when newspapers reported that the identity card of a Kabiye was found at the scene ("L'Assassinat de Tavio Amorin, Leader du PSP," *Forum hebdo* July 31, 1992, no. 97).
22. *Togo-Presse*, in a special supplement December 18, 1992, published the full CMP recommendations that were signed on September 4, 1992.
23. Commission Mixte Paritaire Rapport General, as printed in *Togo-Presse* special supplement dated December 18, 1992, p. II.
24. The electoral process was directly attacked on August 8, 1992 when some 30 men armed with automatic weapons attacked the offices containing the computerized electoral lists and destroyed or stole a number of election materials (*Africa Research Bulletin* August 1992, 10678B).
25. Government minister Fambré Natchaba made this claim publicly on Radio France International on January 20, 1993, though it had been whispered before (*Africa Research Bulletin* January 1993, 10859C).
26. MO5, or Movement of October 5, a group formed in the transition period in memory of the events that launched the transition in 1990, had by this time replaced the Ekpémog as the popular military wing of the opposition.
27. He was a member of the "crisis" government, which was the result of the fourth ministerial reshuffle of the transition period on February 12, 1993 (*Africa Research Bulletin* February 1993, 10905C–10906A).
28. Most women interviewed (Trenou, Aqereburu, Doh-Aduayom, and Mensah) pointed out that the effects of the strike were particularly felt by women, whose economic activities were suspended, and by children, who were not able to attend school.
29. *Africa Research Bulletin* November 1992, 11935A.
30. Two independent candidates, Jacques Amouzou and Ife Adani, won less than two percent of the vote each (*Africa Research Bulletin* August 1993, 11109C).

31. Another concern was that the number of eligible voters for the constitutional referendum had been inflated by nearly 600,000 names by the time of the presidential election, giving a list of 2.7 million eligible voters in a country of about 3.6 million. Given that in Togo, as in most sub-Saharan African countries, about half the population is under the age of 18, international observers agreed that this was statistically impossible.

5 The Legacies at Work

1. This discussion of educational reform is drawn from Welmond (2002).
2. Some of this discussion stems from a visit to Benin in June 2007 when I worked as a World Bank consultant researching the progress of decentralization.
3. I am indebted to a private conversation with Paul Dehoumon for this point.
4. This discussion of the nature of Benin's Constitutional Court draws on Rotman (2004).
5. Details of the 1994 budget battle are drawn from Magnusson (1996).
6. The summary of the 2006 presidential election in Benin draws on Seely (2007).
7. United Nations Integrated Regional Information Networks (IRIN), "Benin: On eve of election campaign, strikes and cash crunch cloud poll," February 16, 2006.
8. For more on the role of the military in Togolese politics, see Toulabor (1989), Thiriot (1999), and Houngnikpo (2000).
9. Discussion of Togo's 2005 presidential election draws on Seely (2006).
10. The discussion of aid flows during 1994–1998 draws on *Africa Contemporary Record* volumes 25 and 26.
11. EIU *Country Report: Togo* 1997, no. 4, p. 10.
12. "Togolese Government Confident on Renewed EU Aid," *Afrol News* June 7, 2004.
13. IRIN, "Togo: President snubs opponents for 'moderate' prime minister," June 9, 2005.
14. This discussion is drawn from Seely (2006).
15. This discussion of the 1998 presidential election in Togo draws on *Africa Contemporary Record* 1996–1998, volume 26.

This page intentionally left blank

Bibliography

Adamon, Afize. 1995a. *Le rénouveau démocratique au Benin: La Conférence Nationale des Forces Vives et la période de transition*. Paris: l'Harmattan.

———. 1995b. *Le rénouveau démocratique au Benin: Les éléctions de la période de transition*. Porto-Novo, Benin: Editions du Journal Officiel.

Adjovi, Severin. (n.d.). *De la dictature à la démocratie sans les armes*. Paris: Editions CP 99.

Agboyibo, Yawovi. 1999. *Combat pour un Togo démocratique: Une méthode politique*. Paris: Karthala.

Ahomadegbé, Justin. 1990. Interview in *Liberation*. July 13 special issue, 6.

Ake, Claude. 1993. The Unique Case of African Democracy. *International Affairs*, 69:2.

Allen, Chris. 1992. Goodbye to all that: The Short and Sad Story of Socialism in Benin. *The Journal of Communist Studies*, 2:8, 63–81.

d'Almeida-Ekue, Silivi. 1992. *La révolte des Loméennes: 24–25 janvier 1933*. Lomé: Les Nouvelles Editions Africaines du Togo.

Ameganvi, Claude. 1998. *Pour l'Avenir du Togo*. Lomé: NYAWO.

Amuwo, Kunle. 2003. The State and the Politics of Democratic Consolidation in Benin 1990–1999. In *Political Liberalization and Democratization in Africa*, ed. Julius Ihonvbere and John Mbaku, 141–178. Westport, CT: Praeger.

Apedo-Amah, Ayavi Togoata. 1991. Le tribalisme dans l'armée. Conference Nationale Togolaise: communication du Comité d'Action contre le Tribalisme et le Rénouveau (CATR). In Céline Thiriot, ed. 1999. Démocratisation et démilitarisation du pouvoir: Etude comparative à partir du Burkina Faso, Congo, Ghana, Mali, et Togo. Thèse doctorat. CEAN: Université du Bordeaux, 184–193.

Bako-Arifari, Nassirou. 1995. Démocratie et logiques du terroir au Benin. *Politique Africaine* October, 59:7–24.

Banegas, Richard. 1995. Mobilisations sociales et oppositions sous Kérékou. *Politique Africaine* October, 59:25–44.

———. 1997. Retour sur une "transition modèle:" Les dynamiques du dedans et du dehors de la démocratisation béninoise. In *Transitions démocratiques africaines*, ed. Jean-Pascal Daloz and Patrick Quantin, 23–94. Paris: Karthala.

Bates, Robert. 1994. The Impulse to Reform in Africa. In *Economic Change and Political Liberalization in Sub-Saharan Africa*, ed. Jennifer Widner. Baltimore: Johns Hopkins University Press.

Battle, Martin, and Jennifer C. Seely. 2007. "It's All Relative: Competing Models of Vote Choice in Benin." Afrobarometer Working Paper Series, No. 78.

Bayart, Jean-Francois. 1993a. La politique africaine de la France: de Charybde en Scylla? *Politique Africaine* March, 49:133–136.

———. 1993b. *The State in Africa: The Politics of the Belly.* Harlow: Longmans.

Bendahmane, Diane, and John McDonald, eds. 1986. *Perspectives on Negotiation*. Foreign Service Institute, U.S. Department of State.

Berat, Lynn, and Yossi Shain. 1992. Provisional Governments in Democratization: The "International Interim Government" Model and the Case of Namibia. *Coexistence*, 29:19–40.

Bermeo, Nancy. 1999. Myths of Moderation: Confrontation and Conflict during Democratic Transitions. In *Transitions to Democracy*, ed. Lisa Anderson, 120–140. New York: Columbia University Press.

Boudon, Laura E. 1997. Burkina Faso: The "Rectification" of the Revolution. In *Political Reform in Francophone Africa*, ed. John Clark and David Gardinier, 127–144. Boulder: Westview Press.

Boulaga, Eboussi. 1993. *Les conférences nationales en Afrique Noire: Une affaire à suivre*. Paris: Karthala.

Bratton, Michael. 1997. Deciphering Africa's Divergent Transitions. *Political Science Quarterly*, 112(Spring):67–93.

Bratton, Michael, and Nicolas van de Walle. 1997. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.

Brown, David. 1983. Sieges and Scapegoats: The Politics of Pluralism in Ghana and Togo. *Journal of Modern African Studies*, 21:3, 431–460.

Butterfield, Herbert. 1965. *The Whig Interpretation of History.* New York: Norton.

Carothers, Thomas. 2002. The End of the Transition Paradigm. *Journal of Democracy*, 13(1):5–21.

Chabal, Patrick. 1998. A Few Considerations on Democracy in Africa. *International Affairs*, 74(2):289–303.

Chazan, Naomi, Peter Lewis, Robert A. Mortimer, Donald Rothchild, and Stephen John Stedman. 1999. *Politics and Society in Contemporary Africa* (3rd ed.). Boulder: Lynne Rienner.

Clark, John F. 1994. The National Conference as an Instrument of Democratization in Francophone Africa. *Journal of Third World Studies*, 11:1, 304–335.

Collier, Ruth Berins, and David Collier. 1991. *Shaping the Political Arena*. Princeton: Princeton University Press.

Collier, Ruth Berins, and James Mahoney. 1999. Adding Collective Actors to Collective Outcomes: Labor and Recent Democratization in South

America and Southern Europe. In *Transitions to Democracy*, ed. Lisa Anderson, 97–119. New York: Columbia University Press.

Conteh-Morgan, Earl. 1997. *Democratization in Africa: Theory and Dynamics of Democratic Transitions*. Westport, CT: Praeger.

Cornevin, Robert. 1962. *Histoire du Dahomey*. Paris: Berger-Levrault.

———. 1969. *Histoire du Togo*. Paris: Berger-Levrault.

Cissé, Daba. 1983. Des femmes en or. *Jeune Afrique* February 23, 1155.

Daloz, Jean-Pascal. 1999. *Le (non-) renouvellement des élites en Afrique subsaharienne*. Bordeaux: CEAN.

De Souza, Isidore. 1991. Interview in *Afrique Magazine*. May. Reprinted in 2 ans après: Les principaux acteurs témoignent. *La Nation Special An 2 de la Conference Nationale*, February 19, 1992.

———. 1993. Interview in *Jeune Afrique Economique*, 173(November): 144–149.

Decalo, Samuel. 1987. *Historical Dictionary of Togo*. Metuchen, NJ: Scarecrow Press.

———. 1995. *Historical Dictionary of Benin*. Lanham, MD.: Scarecrow Press.

———. 1997. Benin: First of the New Democracies. In *Political Reform in Francophone Africa*, ed. John Clark and David Gardinier, 43–61. Boulder: Westview Press.

Degboe, Kouassi A. 1995. *Elections et Realités Sociologiques au Benin*. Cotonou: Intermonde Editions.

Degli, Jean Yaovi. 1996. *Togo: La tragédie africaine*. Ivry-sur-Seine: Editions Nouvelles du Sud.

Dèhoumon, Paul. 1997. Local Autonomous Collectivities in Benin's Present-Day Constitutional Dynamics. In *Formes traditionnelles et contemporaines de participation locale et d'autonomie en Afrique*, ed. Wilhelm Hofmeister et Ingo Scholz, 331–353. Johannesburg: Konrad Adenauer-Stiftung.

Diamond, Larry. 1997. *Consolidating the Third Wave Democracies*. Baltimore: Johns Hopkins University Press.

Di Palma, Giuseppe. 1990. *To Craft Democracies: An Essay on Democratic Transitions*. Berkeley: University of California Press.

Dogbe, Yves Emmanuel. 1991. *Le Renouveau démocratique au Togo*. Lomé: Editions Akpagnon.

Doorenspleet, Rense, and Petr Kopecký. 2008. Against the Odds: Deviant Cases of Democratization. *Democratization*, 15(4):697–713.

Dossavi-Messy, Ephrem. 1990. La Gaffe du Colonel. *Ehuzu* February 26, no. 3630: 6, 8.

Dosseh-Adjanon, Benjamin Adama. 1993. *Le Togo en marche vers la démocratie*. Lomé: IMP EDITOGO.

du Toit, Pierre. 2003. Why Post-Settlement Settlements? *Journal of Democracy*, 14(3):104–118.

Elster, Jon. 1996. Introduction. In *The Roundtable Talks and the Breakdown of Communism*, ed. Jon Elster, 1–20. Chicago: University of Chicago Press.

Establet, Jean. 1997. *Mathieu Kérékou: L'inamouvible président du Bénin*. Paris: L'Harmattan.

Eyadéma, Gnassingbé. 1992. Le Président Eyadéma rompt le silence. Interview in *Togo-Presse*. July 21, 3.

———. 1993. Ce que je sais du Togo. In *L'Afrique au tournant du siècle*, ed. Jean-Louis Remilleux. Paris: Michel Lafon.

Feuillet, Claude. 1976. *Le Togo "en général:" la longue marche de Gnassingbé Eyadéma*. Paris: Afrique Biblio Club.

Fondation Friedrich Naumann. 1994. *Les Actes de la Conference Nationale*. Cotonou: Editions ONEPI.

Gasiorowski, Mark J. 1998. The Structural Determinants of Democratic Consolidation: Evidence From the Third World. *Comparative Political Studies* 31(6):740–771.

Gastrow, Peter. 1995. *Bargaining for Peace*. Washington: US Institute for Peace.

Gbado, Béatrice. 1991. *Benin: passage d'un régime autoritaire à un état de droit. En marche vers la liberté Mai 1985–Fevrier 1990*. Porto-Novo, Benin: CMPMS.

———. 1996. *Benin: La period transitiore Fevrier 1990–Avril 1991 Chronique et Analyse. En marche vers la liberté Tome 2*. Cotonou: Imprimerie Minute.

Gisselquist, Rachel. 2008. Democratic Transition and Democratic Survival in Benin. *Democratization*, 15(4):789–814.

Glélé, Maurice. 1990. Mathieu Kérékou candidat? S'il met en disponibilité de l'armée. Interview by Christian Castran in *Jeune Afrique* June 4, 1535.

Grosh, Barbara. 1994. Through the Structural Adjustment Minefield: Politics in an Era of Economic Liberalization. In *Economic Change and Political Liberalization in sub-Saharan Africa*, ed. Jennifer Widner, 29–48. Baltimore: Johns Hopkins University Press.

Guedegbe, Bonaventure. 2004. De nouvelles lois pour l'élection présidentille de 2001 au Bénin: Les parlementaires entre présidence de la République et Cour constitutionnelle. *EPIL (bulletin de liaison de l'équipe)*, 13(February):1–4.

Guttieri, Karen, and Jessica Piombo, eds. 2007. *Interim Governments: Institutional Bridges to Peace and Democracy?* Washington, DC: US Institute of Peace Press.

Gyimah-Boadi, E. 1998. The Rebirth of African Liberalism. *Journal of Democracy*, 9:2.

———. 2004. Civil Society and Democratic Development. In *Democratic Reform in Africa: The Quality of Progress*, ed. E. Gyimah-Boadi, 99–120. Boulder: Lynne Rienner.

Hado, Phillipe. 1991. M. Tévoédjrè invite ses militants voter en pleine responsabilité. *La Nation*, 217(March 18):3.

Heilbrunn, John R. 1993. Social Origins of National Conferences in Benin and Togo. *Journal of Modern African Studies*, 31(2):277–299.

———. 1994. *Authority, Property and Politics in Benin and Togo.* Ph.D. Dissertation: University of California, Los Angeles.

———. 1997. Togo: The National Conference and Stalled Reform. In *Political Reform in Francophone Africa,* ed. John Clark and David Gardinier, 225–245. Boulder: Westview Press.

———. 1999. Corruption, Democracy, and Reform in Benin. In *The Self-Restraining State: Power and Accountability in New Democracies*, ed. Andreas Schedler, Larry Diamond, and Marc F. Plattner, 227–244. Boulder: Lynne Rienner.

Heilbrunn, John, and C.M. Toulabor. 1995. Une si petite démocratisation pour le Togo . . . *Politique Africaine* June, 58:85–100.

Hoeltgen, Dominique. 1991. Benin: l'Oba des urnes. *Jeune Afrique Economie* March, 141.

Houngbedji, Adrien. 1989. Le temps du pardon est venu. Interview in *Jeune Afrique.* November, 1506.

Houngnikpo, Mathurin. 2000. The Military and Democratization in Africa. *Journal of Political and Military Sociology*, 28, 2(Winter):210–230.

Huannou, Béatrice. 1994. *L'Implication politique des femmes dans le processus démocratique béninois.* Mémoire DEA. CEAN: Université de Bordeaux.

Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century.* Norman: University of Oklahoma Press.

Joseph, Richard. 1999. Democratization in Africa after 1989: Comparative and Theoretical Perspectives. In *Transitions to Democracy*, ed. Lisa Anderson, 237–260. New York: Columbia University Press.

Kérékou, Mathieu. 1989. Tous les Beninois peuvent rentrer! Interview by Francis Kpatindé in *Jeune Afrique.* December 4, 1509.

Koffigoh, Joseph Kokou. 1993. Le Togo est reparti. Interview by Hamza Kaïdi and Augustin Thiam in *Jeune Afrique.* August, 1700.

Kohnert, Dirk. 2007. *Togo: Failed Election and Misguided Aid At the Roots of Economic Misery.* Munich Personal RePEc Archive Paper No. 5207. URL http://mpra.ub.uni-muenchen.de/5207/ accessed on August 3, 2008.

Kpatindé, Francis. 1991. Vie, mort et resurection d'un President. *Jeune Afrique* February 27–March 5, 1574.

Laloupo, Francis. 1993. *La Conference nationale du Benin: un concept nouveau de changement de regime politique.* Année Africaine *1992–1993.* Bordeaux: CEAN-CREPAO.

LeVine, Victor. 1997. The Rise and Fall of Constitutionalism in West Africa. *Journal of Modern African Studies,* 35(2)(Spring):181–206.

———. 2004. *Politics in Francophone Africa.* Boulder: Lynne Rienner.

Lipset, Seymour Martin. 1956. Some Social Requisites of Democracy: Economic Development and Political Legitimacy. *American Political Science Review*, 53(1):69–105.

Magnusson, Bruce. 1996. Benin: Legitimating Democracy: New Institutions and the Historical problem of Economic Crisis. *L'Afrique politique 1996, democratization: arrets sur images*, 33–54.

Magnusson, Bruce. 1997. *The Politics of Democratic Regime Legitimation in Benin: Institutions, Social Policy, and Security*. Ph.D. Dissertation: University of Wisconsin-Madison.

———. 2002. Transnational Flows, Legitimacy, and Syncretic Democracy in Benin. In *Constructivism and Comparative Politics*, ed. David Green, 175–193. New York: M.E. Sharpe.

Manley, Andrew. 2003. Togo: After Eyadéma? *WRITENET* (UNHCR) Paper No. 14.

Manning, Carrie. 2007. Interim Governments and the Construction of Political Elites. In *Interim Governments: Institutional Bridges to Peace and Democracy?* ed. Karen Guttieri and Jessica Piombo, 53–72. Washington, DC: US Institute of Peace Press.

Manning, Patrick. 1998. *Francophone Sub-Saharan Africa, 1880–1995*. New York: Cambridge University Press.

Marks, Susan Collin. 2000. *Watching the Wind*. Washington: US Institute for Peace.

Mbaku, John Mukum. 1997. Effective Constitutional Discourse as an Important First Step to Democratization in Africa. In *Democracy and Democratization in Africa: Toward the 21st Century*, ed. E. Ike Udogu, 39–51. New York: E.J. Brill.

Monga, Celestin. 1996. *The Anthropology of Anger: Civil Society and Democracy in Africa*. Boulder: Lynne Rienner.

N'Goma, Germain. 1992. *Le Processus de démocratisation en Afrique: cas du Congo et du Togo*. Mémoire DEA. CEAN: Univerisité du Bordeaux.

Njam, Mal. 1989. Togo: Fin de règne pour Nanas Benz. *Jeune Afrique Economie* no. 115/116, January/February:23.

Noudjenoume, Phillipe. 1999. *La démocratie au Bénin: Bilan et perspectives*. Paris: l'Harmattan.

Nwajiaku, Kathryn. 1994. The National Conferences in Benin and Togo Revisited. *Journal of Modern African Studies*, September, 32(3):429–447.

Nwokedi, Emeka. 1995. *Politics of Democratization: Changing Authoritarian Regimes in Sub-Saharan Africa*. Munster: Lit.

O'Donnell, Guillermo, and Philippe Schmitter. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press.

Posner, Daniel. 2005. *Institutions and Ethnic Politics in Africa*. New York: Cambridge University Press.

Przeworski, Adam. 1992. The Games of Transition. In *Issues in Democratic Consolidation*, ed. Scott Mainwaring, Guillermo O'Donnell, and J. Samuel Valenzuela, 105–152. Notre Dame: Notre Dame University Press.

Przeworski, Adam, and Fernando Limongi. 1997. Modernization: Theories and Facts. *World Politics*, 49(2):155–183.

Putnam, Robert. 1993. *Making Democracy Work*. Princeton: Princeton University Press.

Quantin, Patrick. 1995. Afrique: Les élites politiques face aux transitions démocratiques. *L'Afrique Politique 1995*, 277–284.

Quénum, Anicet. 1990. Vulgarisation de l'avant-projet de Constitution: Synthèse des amendements dans le département de l'Ouémé. *La Nation*, 43(July 3):3, 8.

Ray, Donald. 1989. *Dictionary of the African Left : Parties, Movements, and Groups.* Aldershot: Dartmouth.

Riker, William. 1986. *The Art of Political Manipulation.* New Haven: Yale University Press.

Robinson, Pearl. 1994. The National Conference Phenomenon in Francophone Africa. *Comparative Studies in Society and History*, 36(3):575–610.

Ronen, Dov. 1975. *Dahomey: Between Tradition and Modernity.* Ithaca: Cornell University Press.

Rotman, Anna. 2004. Benin's Constitutional Court: An Institutional Model for Guaranteeing Human Rights. *Harvard Human Rights Journal*, 17:281–314.

Rustow, Dankwart. 1970. Transitions to Democracy: Towards a Dynamic Model. *Comparative Politics*, 2(3):337–363.

Ruzindana, Augustine. 1997. The Importance of Leadership in Fighting Corruption in Uganda. In *Corruption in the Global Economy*, ed. Kimberly Ann Elliott, 133–144. Washington, DC: Peterson Institute.

Schedler, Andreas. 2002. The Menu of Manipulation. *Journal of Democracy*, 13(2):36–50.

Seely, Jennifer C. 2001a. A Political Analysis of Decentralization: Co-opting the Tuareg Threat in Mali. *Journal of Modern African Studies*, 39(3): 499–524.

———. 2001b. *Transitions to Democracy in Comparative Perspective: The National Conferences in Benin and Togo.* Ph.D. Dissertation: Washington University in St. Louis.

———. 2006. Togo's Unexpected Presidential Election 2005. *Electoral Studies*, 25(3):611–616.

———. 2007. The Presidential Election in Benin, March 2006. *Electoral Studies*, 26(1):196–2000.

Shain, Yossi, and Juan Linz. 1995. *Between States: Interim Governments and Democratic Transitions.* New York: Cambridge University Press.

Soglo, Nicephore. 1990a. J'aurais préféré un peu plus de discipline.... Interview by Francis Kpatindé in *Jeune Afrique.* September 12–18, 1550.

———. 1990b. Quelle armée pour le renouveau? Interview by Léon Brathier and Phillipe Hado in *Le forum de la semaine.* April 11–17, no. 2; (continued) April 18–24, no. 3.

Smith, Zeric. 1998. *Building African Democracy: The Role of Civil Society-Based Groups in Strengthening Malian Civic Community.* Ph.D. Dissertation. University of North Carolina at Chapel Hill.

Special Sondage: Résultats, Chiffres et Estimations en Pourcentages. 1989. *Gazette du Golfe* September 1, 37.

Tableau Synoptique des suggestions faites dans le cadre de la Conference Nationale. 1990. Cotonou: République Populaire du Benin.

Thiriot, Céline. 1993. *L'Armée face à la démocratisation: Mali, Ghana, Burkina Faso, Congo, Togo.* Mémoire DEA. CEAN: Université du Bordeaux.

———. 1999. *Démocratisation et démilitarisation du pouvoir: Etude comparative à partir du Burkina Faso, Congo, Ghana, Mali, et Togo.* Thèse doctorat. CEAN: Université du Bordeaux.

———. 2000. La démocratisation en Afrique noire dans les années 1990: L'hypothètique militaire. In *Trajectoires de libération en Afrique contemporaine*, ed. Piet Könings, Wim van Binsbergen, and Gerti Hesseling, 185–203. Paris: Karthala.

Toulabor, Comi. 1989. Dix ans de "democratisation" au Togo: les faussaires de la démocratie. *L'Année Africaine, 1989*, 287–310.

Toulassi, Victor K., and Kangni A. Alem. 1994. La presse libre au Togo: à quand la mutation? *Politique Africaine* June, 54:160–163.

Tripp, Aili. 2001. The New Political Activism in Africa. *Journal of Democracy*, 12(3):141–155.

Villalón, Leonardo. 1998. The African State at the End of the Twentieth Century: Parameters of the Critical Juncture. In *The African State at a Critical Juncture: Between Disintegration and Reconfiguration*, eds. Leonardo Villalón and Phillip Huxtable, 3–26. Boulder: Lynne Rienner.

Villalón, Leonardo, and Peter VonDoepp. 2005. *The Fate of Africa's Democratic Experiments.* Bloomington: Indiana University Press.

Walker, Joshua. 2003. Sanctioning Politics and the Politics of Sanctions: The EU, France, and Development Aid in Togo. Unpublished Paper, University of the Western Cape.

Welmond, Michel. 2002. Benin: Systemic Education Reform during Democratic Transition, 1991–97. In *Education Reforms in Sub-Saharan Africa: Paradigm Lost?* ed. Jeanne Moulton et al., 87–118. Westport, CT: Greenwood Press.

Widner, Jennifer, ed. 1994. *Economic Change and Political Liberalization in Sub-Saharan Africa.* Baltimore: Johns Hopkins University Press.

———. 1997. Political Parties and Civil Societies in Sub-Saharan Africa. In *Democracy in Africa: The Hard Road Ahead*, ed. Marina Ottaway, 65–82. Boulder: Lynne Rienner Publishers.

Ziegler, Jean. 1997. *Démocratie et nouvelles forms de légitimation en Afrique: Les Conférences nationales du Bénin et du Togo.* Geneva: Institut Universitaire d'etudes du développement.

Zinsou, Emile Derlin. 1990. *Liberation.* Interview, July 13, special issue, 4.

Periodicals

Africa Contemporary Record (New York). Various dates.

Africa Research Bulletin (Oxford). Various dates.

Atopani Express (Togo). January 22, 1990–September 9, 1994.

Country Profile: Benin and Togo. London: Economist Intelligence Unit. 1989–1993.

Economist Intelligence Unit Country Report Benin (London). Various dates.
Economist Intelligence Unit Country Report Togo (London). Various dates.
Ehuzu (Cotonou). April 3, 1989–December 27, 1990. [Becomes *La Nation*.]
FORUM Hebdo (Lomé). March 16, 1990–April 29, 1994.
La Gazette du Golfe (Cotonou). March 1, 1988–September 15, 1990.
La Nation (Cotonou). January 2–June 10, 1991. [Previously *Ehuzu*].
La Nouvelle Marche (Lomé). October 6–December 21, 1990. [Becomes *Togo-Presse*.]
Le Forum de la Semaine (Benin). April 4, 1990–April 16, 1991.
Liberation (Benin). July 6, 1990; July 13, 1990.
L'Opinion (Benin). February 15, 1990; April 2, 1990.
Togo-Presse (Cotonou). January 1, 1992–April 23, 1994. [Previously *La Nouvelle Marche*.]
United Nations Integrated Regional Information Networks (IRIN). Various dates.

This page intentionally left blank

Index