LOMÉ, TOGO

Statement of civil society organizations on the ECOWAS communiqué

JULY 1, 2025

We, the undersigned Togolese and African civil society organizations, have taken note of the ECOWAS communiqué dated June 30, 2025 regarding the situation in Togo.

While we welcome the attention paid by the regional institution to the ongoing events in Togo, we express our deep disappointment at the serious shortcomings of this communiqué, which does not reflect either the complexity or the seriousness of the current political, institutional and security crisis in Togo.

Indeed, since the beginning of June 2025, large-scale social and political demonstrations have shaken the Togolese Republic, in reaction to the controversial adoption by parliament of a new Constitution, instituting a Fifth Republic, without referendum consultation. This constitutional change was widely perceived by Togolese youth and civil society as an institutional and constitutional coup d'état, intended to perpetuate a power that had been in place for 58 years. The President of the Council of Ministers has an unlimited mandate and is no longer democratically elected by the Togolese people.

Peaceful protests, mainly led by young people, have been violently repressed, resulting in loss of life, arbitrary arrests, human rights abuses and severe restrictions on civic space.

Notorious shortcomings appear in ECOWAS communiqué

1. Reducing the crisis to a simple social tension

The statement omits any reference to the political causes of the popular uprising: namely, the unilateral adoption of a new constitution through parliament, without a referendum or national consultation. This is despite the regular positions taken by political parties, civil society and religious organisations.

2. Silence on constitutional legality

No mention is made of Togo's commitments under Protocol A/SP1/12/01 on democracy and good governance, in particular the prohibition of abusive or unconstitutional constitutional revisions (articles 1c, 1d, 1h).

3. Lack of a clear call for a return to constitutional order

ECOWAS is content to call for peace, without demanding concrete measures to restore democratic legality, which has been flouted by the transition to the Fifth Republic.

4. Lack of recognition of the right to organize peaceful demonstrations and the legitimacy of Togolese citizens to resist

The statement does not recognize the legitimacy of the citizens' demonstrations, nor the massive violations of human rights: deaths, arrests, acts of torture, restrictions on civic space. It calls on "both parties to exercise restraint" as if the bare-handed demonstrators were using the same means as the security forces and makes no reference to the disproportionate use of force or to the prohibition of the use of weapons and the use of cruel, inhuman and degrading treatment referred to in Article 22 of its above-mentioned protocol,for the dispersal of meetings or non-violent demonstrations.

5. ECOWAS' responsibility in this socio-political crisis

Before the 2024 legislative elections, ECOWAS sent a political assessment mission to Togo in the midst of a debate on the draft constitution of the Fifth Republic. The mission took place from 15 to 20 April 2024, a few weeks before the election on 29 April 2024. It initially had a political mandate to assess the socio-political climate, but following pressure from the Togolese government, it was officially refocused on an "exploratory mission" or "information" on the organisation of the election.

ECOWAS bears a heavy responsibility for the current socio-political crisis in Togo. In 2017-2018, a major crisis erupted around the demand for a return to the original 1992 constitution. During the 53rd session of the Assembly of Heads of State, ECOWAS had defined a roadmap including constitutional revision by parliamentary means, with the support of a constitutional expert and legislative elections. In November 2018, the ECOWAS Commission validated the expert's report, which was deemed to be in line with the summit's decisions and West African practices, and transmitted it to Togolese stakeholders. Legislative elections were held in December 2018 and the elected National Assembly revised the constitution in May 2019, following the expert's recommendations, including an article 59 limiting the presidential term to two times five years, which can only be amended by referendum. The new Article 59 stipulates that: "*The President of the Republic is elected by universal, free, direct, equal and secret suffrage for a term of five (05) years renewable only once*. ***This provision may only be amended by referendum***". However, the National Assembly elected in 2018, resulting from this mediation, extended its mandate beyond the constitutional limit in 2024 and changed the constitution of the Fourth Republic without a referendum in March 2024, which is fuelling the current crisis. The National Assembly elected in December 2018 following this ECOWAS mediation is the one that, after voting for the constitutional revision of May 2019, extended its mandate beyond the five-year constitutional deadline to change the constitution in March 2024, without recourse to a referendum.

ECOWAS' responsibility even dates back to the seizure of power by Mr. Faure GNASSINGBÉ following the death of his father in February 2005. In violation of the Togolese constitution and its additional protocol on democracy and good governance, ECOWAS had validated the calamitous election by which Mr. Faure GNASSINGBÉ remained in power despite the military, then constitutional and institutional coup d'état and the mass crimes committed during the repression of the contestation of this fraudulent election. ECOWAS has never provided after-sales service for the false promises made to the Togolese opposition to make it accept the fraudulent election of Mr. Faure Gnassingbé "for a single five-year term in order to restore his father's image".

More than twenty (20) years after this broken promise, the Togolese have lost all confidence in ECOWAS and risk no longer giving the slightest credence to mediation by the sub-regional institution if it does not take its responsibilities to ensure that its own texts as well as those of the African Union are respected.

Our recommendations to ECOWAS

1. Publicly rectify its position by recognizing the institutional nature of the Togolese crisis and calling for the return to constitutional order of the Fourth Republic and to stop the headlong rush that constitutes the ongoing electoral process, in particular the local elections scheduled for this month of July 2025.

2. Implement its own protocols, by sending a high-level mediation mission with a mandate to restore democratic legality.

3. Suspend Togo from ECOWAS decision-making bodies as long as the constitutional reform process does not respect regional democratic standards.

The Togolese people, and in particular its youth, expect ECOWAS to embody its founding principles, instead of ignoring them. The institution cannot be satisfied with a neutral position in the face of a manifest rupture of the constitutional order.

In the name of stability and democratic justice in Africa, we call on all African peoples to remain vigilant and united in order to prevent the trivialization of constitutional and electoral coups d'état and force, which are the prelude to military coups, the only unconstitutional changes of government subject to sanctions.

Signatories:

1. AfricaJom Center
2. African Centre for Leadership, Strategy & Development (Centre LSD)
3. AfricTivistes
4. Alliance for Inclusive Development- AidAfrica- Nigeria
5. ATTAC Togo
6. Bénin Check
7. Campaign for Good Governance, Sierra Leone
8. Civil Society Legislative Advocacy Centre (CISLAC)
9. Clic Citoyen
10. CREA
11. Femmes Pyramide
12. Fondation Autre Afrique
13. Forum pour la Nation et la Démocratie (FND)
14. Front Citoyen Togo Debout
15. Front National pour la Défense de la Constitution (FNDC)
16. Front Populaire
17. Geek Bénin
18. IMD
19. Kimpact Development Initiative (KDI), Nigeria
20. LAD & HR
21. Ligue Bissau Guinéenne des Droits de l'homme
22. Lueur d'espoir
23. Mouvement Citoyen (Sénégal)
24. Nouveau Contrat Citoyen
25. Novation Internationale
26. Nyonka Africa
27. Pyramide
28. Réseau National des Acteurs du Développement Durable (RENADE) pour la Guinée
29. Synergie Togo
30. TogoDebout-Europe
31. TogoDebout-USA
32. Tournons La Page
33. Tournons La Page Bénin
34. Tournons La Page Burundi
35. Tournons La Page Congo
36. Tournons La Page Côte d'Ivoire
37. Tournons La Page Guinée
38. Tournons La Page Tchad
39. Tournons La Page Togo
40. WADEMOS
41. West African Civil Society Forum- WACSOFOSCAO

References to regional commitments ratified by Togo

- ECOWAS Protocol of 2001 (Art. 1c, 1h, 2, 22, 23): prohibition of unconstitutional changes; guarantee by ECOWAS, of the rights contained in the African Charter on Human and Peoples' Rights and international instruments, obligation to submit reforms to a national consensus, prohibition of the use of weapons and the use of inhuman and degrading treatment in the dispersal of peaceful assemblies or demonstrations.
- 1999 Protocol on the Prevention of Conflicts (arts. 25, 36, 42): right to intervene in the event of a threat to the constitutional order.
- African Charter on Democracy, Elections and Governance (AU): ratified by Togo (Articles 23.5, 24, 25), it condemns and sanctions any amendment to the Constitution that compromises democratic alternation.