

## **"Political Accord to Strengthen the Democratic Process"<sup>1</sup>**

Since the 2001 presidential election and the 2002 legislative election, the democratic opposition political parties have not stopped demanding the improvement of the conditions for the organization of elections in Chad.

The deficit of political dialogue has led to the deterioration of the confidence between the political actors, including the boycott of the 2005 electoral census, the 2005 constitutional referendum, and the May 2006 presidential election. This strained climate has occasioned a strong popular disaffection among the public.

The dialogue held from 28 July to 2 August has allowed the parties, especially those of the presidential majority, to proceed with the first readjustments of the electoral staff.

The Government of the Republic of Chad addressed a request to its international development partners with a view to technical and financial assistance for the organization of the 2006-07 communal and legislative elections. Following this request, the European Union undertook an exploratory study of the Chadian electoral system that concluded the necessity for the Chadian political actors to reach consensus concerning its improvement.

After many meetings and the taking note of the government's decision to suspend all engaged operations until consensual solutions were achieved, after acknowledging the necessity of meeting the objective conditions allowing the holding of free and transparent elections in a climate of peace and security, and concerned about creating the favorable conditions for the establishment of a real state of law benefiting from the confidence and the support of all Chadians, the political parties of the presidential majority and the democratic opposition political parties express their thanks and gratitude to the European Union. The latter was mandated by the prime minister of the Republic of Chad to provide precious assistance to permit the holding of the Political Dialogue. At the same time, they express their satisfaction with the spirit of balance and consensus that has prevailed all through the discussions.

Moreover, the political parties of the presidential majority and the democratic opposition political parties taking part in the dialogue in Ndjamena from 11 April to 10 August agree upon what follows.

### **1 -- Regarding Bodies in Charge of Management of Elections**

The parties affirm their political will and their determination to create the conditions of free, open, and democratic elections.

The electoral operations are held and supervised by the Independent National Electoral Commission [CENI], and as a self-standing technical structure, the Permanent Bureau of Elections.

### 1. 1. Independent National Electoral Commission

This is the political body for the holding and supervision of all the electoral operations (censuses, organization of elections) enjoys independence in financial management. It has a balanced parity composition as follows.

A) At the national level, it comprises 31 members distributed as follows: a chairperson chosen in common agreement from among Chadian personalities recognized for their competencies, their experience, their moral integrity, and their elevation of view; from the presidential majority 15 members, one per party represented in the National Assembly; from the democratic opposition 15 members, one per party represented in the National Assembly.

The mandate of the members of the Independent National Electoral Commission is renewable at each election.

A representative of the party competing or a delegate of the candidate assists the work of the Independent National Electorate Commission and of its local offices by acting as observer.

B) At the decentralized level, the composition of the local offices of the Independent National Electoral Commission across the whole territory (region, department, commune, and so on) follows the same parity formula.

According to elections to be held, the Independent National Electoral Commission establishes the appropriate offices (regional, departmental, communal, and so on).

### 1.2. Powers, Functioning

The Independent National Electoral Commission and its local offices are granted powers in the following manner: the Independent National Electoral Commission organizes and supervises all elections (referendum, presidential, legislative, regional, departmental, and local elections), the electoral census, and the distribution of voting cards.

It takes its decisions by consensus, if necessary by a two-thirds qualified majority, or by the simple majority in the third round.

The local offices of the Independent National Electoral Commission function in a similar manner as the mother body. Their decisions are submitted to the latter.

During the unfolding of the campaign and the election, the Independent National Electoral Commission and its local offices concentrate on violations and breaches of the laws and regulations in order to take measures of conservation. Immediately, they transmit the cases brought to their knowledge to the competent jurisdictions for summary procedure.

### 1. 3. Permanent Bureau of Elections

The Permanent Bureau of Elections is an administrative and technical structure in charge of undertaking, under the authority of the Independent National Electoral Commission, all the technical operations related to the electoral process. A permanent body, the Permanent Bureau of Elections is led by a general director appointed by decree on the proposal of the Independent National Electoral Commission.

The general director of the Permanent Bureau of Elections runs the secretariat of the Independent National Electoral Commission. The Permanent Bureau of Elections can call on the services of any national or international body.

### 2 -- Regarding Electoral Census

The electoral census will be undertaken according to the latest modern norms with the delivery of voting cards carrying biometric data. A computerized and secure electoral file will be established.

In each locality, an electoral list of elements of the defense and security forces will be established.

The number of electors per voting station will be 300 voters living within a radius not exceeding five kilometers.

The government will organize a demographic census in order to gain actual and reliable data about the Chadian population, to understand electorate better, and to determine better the number of members of parliament and local councilors of different electoral districts.

The government will seize the occasion of this registration to establish the data on a functional civil status.

### 3 -- Regarding Preparation of Electoral Code

#### 3. 1. Regarding Number of Members of Parliament, Electoral Districts

The number of members of parliament in the National Assembly will not be large; it will be fixed after the reliable determination of the total number of inhabitants of each administrative entity. The department is the electoral district. A fixed

number of members of parliament will be assigned to it. Beyond a threshold to be determined, an extra member of parliament will be allotted to the electoral district per slice to be determined.

The number of inhabitants to whom an extra member of parliament is granted will be determined after the update of the administrative warding and knowledge of reliable data of the population of the different departments.

The Independent National Electoral Commission will propose acceptable threshold and slice to the government.

Correctives will be considered for the enlarged and less-populated departments.

### 3. 2. Deadline for Billing of Electoral Lists

The electoral body is summoned six months before the date of the election. The dates for the closing of the inscription of names on the lists, the allotted time for the publication of lists, and the duration of the campaign will be adjusted in a coherent way. The electoral lists must be posted up in front of the voting stations at least seven days before the date of the election.

### 3. 3. Regarding Amount of Deposit

For the legislative election, the amount of the deposit is set at FCFA100,000 per candidate. For the local (rural municipal, departmental, and regional elections) the amount of the deposit is set at FCFA50,000 per list.

### 3. 4. Regarding Vote by Proxy

The provisions of Article 60 of the current electoral code have been completed as follows. The formularies of the proxy, identical across the whole national territory, are countersigned by the delegate of the Independent National Electoral Commission and deposited at the local office within the competence of the corresponding voting station 48 hours before the date of the election.

### 3. 5. Regarding State Subsidy to Political Parties

The state will discharge the arrears of grants owed to the legal political parties under the Charter of the Political Parties (Law Number 45/PR/94, Article 44).

The state will grant a package subsidy to all the legal political parties. However, for the political parties that took part in the last national election, it is Law 45/PR/94 revised that is applicable.

### 3. 6. Regarding Support to Candidates, Political Parties in Elections

The state will support the candidates and/or the political parties in elections, notably by providing them with the specimen of the voting paper, and granting the candidates and/or the parties some tax relief for the acquisition of equipment and materials related to the electoral campaign.

The expenses of the campaign will be reimbursed: for the presidential election, the ceiling of the reimbursable expenses is FCFA500,000,000 if the candidate obtains a score of at least 10 percent; for the legislative election, the ceiling of the refundable expenses is set at FCFA10 million, if the list obtains a score of at least 10 percent. The repayments amount to 30 percent of the cited amounts when they are duly certified.

### 3. 7. Regarding Early Putting in Place of Electoral Material

The non sensitive material (ballot boxes, voting booths, lamps) will be put at the disposal of the concerned local offices of the Independent National Electoral Commission in such a way that they will be deployed in the voting stations on time.

The sensitive material (ballots, seals, indelible ink, formularies of proceedings) will be available at the level of the local offices of the concerned Independent National Electoral Commission 48 hours before the day of the election.

### 3. 8. Regarding Composition of Voting Bureaus

The voting bureaus comprise five members designated by the concerned local office of the Independent National Electoral Commission, by respecting the majority-opposition parity as much as possible, 15 days before the date of the election. The Independent National Electoral Commission confirms this designation.

### 3. 9. Regarding Access to Voting Bureaus

There is need to comply with Law Number 21/PR/2000 revised by Law Number 35/PR/2006 of the electoral code, Article 43.

The delegates of the candidates or representatives of the parties in elections that are duly accredited by the Independent National Electoral Commission must be authorized to have access to these voting bureaus.

### 3. 10. Regarding Opening, Closing of Voting Bureaus

The voting bureaus open at 0600 hours and closes at 1700 hours.

### 3. 11. Regarding Ballot Boxes, Their Security

The ballot boxes are transparent, containing numbered plastic seals with different colors according to the steps of the election operation.

### 3. 12. Regarding Ballots

There will be unique ballots for all elections.

### 3. 13. Regarding Vote of Nomads

The nomads vote on the same day as the other citizens.

The government and the Independent National Electoral Commission will undertake all the indispensable work (identification of nomads, localization of their parking areas on the day of the election, adequate determination of the voting bureau, putting in place of the electoral material) in order to ensure this.

### 3. 14. Regarding Vote of Chadians Living Abroad

Chadians living abroad, like their fellow citizens at home, have the right to vote and must vote the same day as the Chadians at home.

Only Chadians fulfilling the conditions of nationality, enjoying their civil liberties, and regularly listed with the diplomatic representations (embassies or consulates) can take part in the vote.

The government will under take all the work permitting the identifying and registering of Chadian citizens residing abroad. Their listing on the electoral lists is the responsibility of the CENI.

### 3. 15. Regarding Vote of Elements of Defense, Security Forces

The elements of the defense and security forces are confined to barracks on the day of the election. They vote one day before the other citizens outside their barracks in the voting station supervised by civilians. The delegates of candidates or representatives of parties in the election duly accredited by the CENI must be authorized to have access to their voting bureaus.

### 3. 16. Regarding Handover of Proceedings of Counting of Votes

The president of the voting bureaus must hand over to each representative of political party or each of the delegates of candidates present at the counting of the votes a copy of the proceeding as a form of evidence that can be used in the event of a challenge.

### 3. 17. Regarding Process of Centralization, Publication of Results by CENI

It is obligatory to post the results are posted at the voting bureaus as early as the end of the counting.

The results must be centralized by the concerned local offices of the CENI at the level of the electoral district and in the presence of representatives of the parties or of delegates of the candidates.

The centralization at the national level will be made in the presence of delegates or representatives of the parties.

### 3. 18. Regarding Mode of Election

For the electoral districts having many seats (rural, municipal, departmental, regional, and legislative), the mode of the election is one of a list winning in one round. If no list obtains an absolute majority, the repartition of seats is made proportionally with the attribution of the remaining seats according to the system of the stronger remaining.

### 3. 19. Regarding Actions Allowing Violations, Irregularities To Be Noticed

The CENI and its local offices must dispose of mobile teams enabling the violations of the legal dispositions to be noticed during the unfolding of the campaign and the day of the election. They can take measures to conserve and bring the proof to court.

### 3. 20. Regarding Observation of Elections

The national and international observers are accredited by the CENI. They must be able to follow all the operations of the electoral process. As far as possible, the observation will cover at least the half of the voting bureaus over at least two-thirds of the national territory.

The opinions of the observers guide the CENI, as well as the competent surveillance bodies, in the control of the election, as well as regarding invalidations and cancellations.

### 3. 21. Regarding Invalidation of Mandate of MP or Local Official

An MP or a local elected official (rural, municipal, departmental, or regional) under the banner of a political party cannot change party during his term, without seeing his mandate invalidated and the seat contested through a by-election. In the event of the dissolution of his party, the member of parliament keeps his seat. He can remain without any list or can join a parliamentary group of his choice.

## 4 -- Regarding General Environment

#### 4. 1. Regarding Democratic Environment, Neutrality of State

The promotion of the democracy implies that the institutions of the state undertake their mission with efficacy and show real political neutrality. Moreover, the following measures will be taken in an energetic way and with the spirit of follow up.

The depoliticizing and demilitarization of the territorial administration. To this end, to the posts of the heads of administrative districts will be appointed those personalities having sufficient training and experience on the one hand and showing proof of probity on the other hand.

The heads of the administrative districts and their colleagues (sultans and chiefs of canton, village, district, or block) as well as the leaders and elements of the defense and security forces, are banned from partisan membership activities. If they desire or want to engage in elections, they must renounce their public offices and duties beforehand.

All interventions on their part in the activities of the political parties will lead to exemplary sanctions that can involve a ban on assuming responsible posts in the territorial administration and within the defense and security forces.

The government will implement the resolutions of the states general of the armies.

The journalists undertake their profession with all liberty and responsibility and the Chadian National Broadcasting (RNT) and Chadian Television (TVT) will be the subject of particular attention on the part of the government in order to ensure good territorial cover.

The government will strengthen the capacities of the judicial system by ensuring its independence and an effective presence of professional magistrates in the various localities.

The government will negotiate a social pact with the social partners (labor unions and body of the employers) to secure a lasting social peace.

#### 4. 2. Regarding Necessity of Greater Citizenship Participation in Political Life

In the face of the growing disaffection of the population with regard to the electoral process, the political parties of the presidential majority and the democratic opposition political parties agree the following, in addition to the measures advocated already.

The political parties have a national character, from the diversity of the ethnic and regional origins of their members, from a national vision of the problems of our societies and of the state, and from a program of national dimension.

Decentralized training sessions target the leaders and members of political parties, the members of the associations often solicited as observers, the leaders of the civil and military administration, as well as the traditional leaders.

The political parties can circulate and lead their activities without interference across the national territory.

The citizen is really free of his political choices, free to adhere to the party of his choice without consequence on his professional activities.

The Statute of the Democratic Opposition will be elaborated and adopted.

While leading its part of the work of civic education (occasional spots advertising the strengthening of civic education in the curriculum of teaching as early as the primary school), the state supports the political parties, the organizations of the civil society, and various NGOs in the field of the building capacities and subsidies so that these latter develop consequent activities for raising awareness among their members and the whole population.

The CENI will play an important role in the work of raising awareness of electoral matters.

#### 4. 3. Regarding Constitutional Court, Supreme Court, High Communication Council

The Constitutional Court and the Supreme Court must comply with the law on being without any partisan political consideration and improving the quality of their services. Their members must observe the obligation of reserve scrupulously.

The statute of the members of the Supreme Court will be revised in a manner to ensure a periodical renewal, as for the members of the Constitutional Court. They will be not be irremovable any longer.

The delegates of the candidates or the representatives of the parties in elections, as well as those of the Committee of Follow-Up and Support, assist in the deliberations of the Constitutional Court and of the Supreme Court by acting as observers.

The leaders of the institutions appointing the members of the Constitutional Court and the Supreme Court will watch over them so that the appointed persons fulfill

the criteria provided for by the law effectively. In the event of empty seats, the members will be replaced according to the same modalities.

The state must equip the High Communication Council with the adequate means allowing it to follow all the media (public and private) and to fulfill its mission effectively.

The High Communication Council will watch for equitable access to, and identical coverage from, the media for candidates and parties in elections.

It watches so that the information related to the candidates is treated with equity.

The journalists will have to show strict neutrality in the presentation of the candidates and of the parties, declarations, and political agendas of the latter.

The CENI and the HCC will have to leave the public and private media to cover elections, including the day of the election (information and commentaries about the unfolding of the election and about the provisional results) freely and with full responsibility.

#### 4. 4. Regarding Technical, Political Consequences of Postponement of Legislative Election

There is a necessity for: updating of the division of the administrative districts; estimating the number of inhabitants of each administrative entity, whether village, temporary tiny village established by nomads, canton, sub-prefecture, department, region, or district for the cities of Ndjamena, Moundou, Abeche, and Sarh; proceeding to the electoral registration with the establishment of electoral lists and a secure file; implementing the appropriate measures to stabilize the secured environment and to depoliticize the public administration as well as the major institutions of the state.

Considering the technical decision that set the necessary deadline as the last trimester of the year 2009, it is agreed, in order to accompany the execution of the above-enunciated agenda, to extend the current legislature until the establishment of a new elected National Assembly because of forces beyond its control.

The laws deriving from the current Political Accord cannot undergo modifications susceptible to changing them or diverting them from their objectives.

The signatory political parties invite the highest authorities of the state to undertake this in order to ensure the success of the agenda planned by this accord.

For the proper execution of this current accord, the signatory political parties agree to preserve the spirit of consensus that has prevailed during their discussions.

They also commit themselves to the search for peace and the implementation of the measures deriving from the current accord, in order to participate under the responsibility of the president of the republic in the management of public affairs, including in the membership of the government.

The government will implement the reforms and programs deriving from the accord in conformity with the timetable decided by the Committee of Follow-Up and Support.

#### 4. 5. Regarding Security Environment

The government of the republic will work hard to gain the means to ensure the security of people and property across the whole national territory, and the security of the elections and the free circulation of candidates and political actors in general.

The signatory political parties undertake to prioritize the solution of all the conflicts by negotiation and dialogue, including with the armed opposition. As a matter of fact, a declaration will be made for the attention of the armed opposition and the Chadian opposition abroad.

#### 5 -- Regarding Proper Application of This Present Political Accord

The signatory political parties of the present accord agree to ensure the monthly follow-up and assessment of the commitments made by the putting in place of a Committee of Follow-Up and Support that will have the power to watch over the strict application of the present accord according to the decided deadline.

The Committee of Follow-Up and Support will comprise the representatives of the highest levels of political parties and institutions in charge or involved in the implementation of the terms of the Political Accord. It will be constituted by: five majority political members and five opposition party members; representatives of the Presidency of the Republic, the government, and the National Assembly acting as experienced persons without voting rights; representatives of the international community, including the European Union, the African Union, the United Nations, and the International Francophone Organization acting as observers, who will play the role of facilitators.

During his first meeting, the Committee of Follow-Up and Support will establish a bureau comprises a chairperson, a vice chairperson, and two designated recorders from among the representatives of the parties, alternatively for a duration of six months.

The secretariat is backed by the international partners intervening in the Committee of Follow-Up and Support.

The Committee of Follow-Up and Support will elaborate in agreement with the government within a period of time not exceeding one month after the date of signature of this present accord a deadline for the implementation of this agenda.

It will monitor such that the appointment of the members of the Constitutional Court, the Supreme Court, and the heads of the territorial districts take place within the strict respect of criteria provided for by the law.

The head of the Delegation of the European Commission will receive from political parties and the concerned institutions, at the latest two weeks after the signature of the accord, the nominative list of their representatives to the Committee of Follow-Up and Support. It will organize the first meeting. The following meetings will be under the responsibility of the bureau that will be established.

The mandate of the Committee of Follow-Up and Support ends with the establishment of the elected National Assembly.

For the implementation of this present Political Accord, the political parties of the presidential majority and the democratic opposition political parties solicit the support of international partners, notably the African Union, the European Union, the United Nations, and the International Francophone Organization.

They urge the European Union and the United Nations to pursue their initiatives with a view to strengthening the capacities of the political parties, the civil society organizations, and the state institutions.

## 6 -- Regarding Final Dispositions

The signatory political parties call on the Chadian people, and in particular human rights associations, labor unions, women, and youth associations, to support this process of real peace and sustainable development that underlies the present Political Accord.

The present Political Accord is opened to all legal political parties.

The General Report and the Declaration of Intent to the Armed Opposition are an integral part of the present accord.

The president of the republic is the guarantor of the implementation of the present accord.

Done in Ndjamena on 13 August 2007; observers: the Presidency of the European Union; the Delegation of the European Union.

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<sup>i</sup> “Chad: Presidency Publishes Majority-Democratic Opposition Political Accord Text”  
*Agence-France Press* 13 Aug 07 (OpenSource).