

Bureaucratic Agency and Power Asymmetry in Benin-China Relations

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The study of African agency in international relations has gained much ground in the last decade, with several authors scrutinizing how African governments, civil society organizations and other groups have been dealing with China and influencing the relationship to their advantage (Van Bracht 2012; Gadzala 2015; Fraser and Whitfield 2008; Prizzon and Rogerson 2013). Despite the pioneering character of these studies, very few have addressed the particular role bureaucrats play in negotiating with China and how variations of tactics across bureaucracies affect the outcome of such negotiations. Yet, how African states' affect and influence negotiation deserves attention as well as appreciation and join but requires Bob Jessop's theory of the need to identify the specific sets of state officials located in specific parts of the state system, i.e. the bureaucrats of specific entities in ministries (Jessop 1990).

This chapter focuses on the negotiation tactics and manoeuvres of bureaucrats of a small francophone African state, Benin, when negotiating infrastructure project contracts with China and questions the latitude of social action of bureaucrats as substate actors often acting in the shadows of the negotiation process and the agentic dimension of their action. More specifically, it focuses on bureaucrats located in ministerial departments in charge of reviewing calls for tenders, monitoring execution of public works and closing projects. For the purpose of this chapter, civil servants and bureaucrats are used interchangeably. It challenges the assumption that the high dependence on aid and overseas investment of many West African francophone countries necessarily limits their capacity of acting and exercising influence during negotiations with China. It also challenges the alleged assumption that African governments are passive in their relations with China (e.g. Gadzala 2015, 16-17) and re-evaluates how negotiations vary within a country and across bureaucracies. By connecting theories of bureaucratic institutionalism and social agency, and highlighting the extent to which weaker actors can influence negotiations depending on the structure of their bureaucracies and the role substate actors play during these negotiations, this chapter will analyse how these parameters impact on the issues under negotiation. The connection between the study of bureaucratic politics and agency in the case of Benin-China relations is also a means to more specifically locate African agency in Africa-China relations.¹ It is based on

¹ Several authors have written on African Agency in Global politics among which "Beswick, D., & Hammerstad, A. (2013). "African Agency in a Changing Security Environment: Sources, Opportunities and Challenges" *Conflict, Security & Development*, 13(5), 471–486; Bilgin, P. (2008). 'Thinking past 'western' IR?' *Third World Quarterly* 29(1): 5-23 ; Brown, W. (2006). 'Africa and International Relations: a comment of IR theory, anarchy and statehood' *Review of International Studies* 32(1): 119-43 ; Brown, W. (2012). 'A question of agency: Africa in international politics' *Third World Quarterly* 33(10): 1889-1908 ; Brown, W. and Harman, S. (eds). (2013). *African Agency in International Politics* (London: Routledge) ; Bruijn, M de R van Dijk & J Gewald, (2007). "Social and historical trajectories of agency in Africa", in P Chabal, U Engel & L de Haan (eds), *African Alternatives*, Leiden: Brill, 2007, 9–20; Willems, W., & Obadare, E. *Civic Agency in Africa : Arts of Resistance in the 21st Century*. Woodbridge: Boydell & Brewer. More specifically on African Agency in Africa-China relations, there is a little but growing literature among which Corlin, L (2013), *Uncovering African Agency, Angola's management of China's credit lines* (London: Routledge); Gadzala, A ed. 2015. *Africa and China: how Africans and their governments are shaping relations with China*. London: Rowman and Littlefield.

Colin Wight's assumption that "since agents are agents are differentially located in the social structures, their exercise of agency is disparate" (Wight 2004, pp. 269-280). The different case studies show how disparate agencies are exercised by civil servants across ministries, but does not result in the exercise of a 'collective agency' of the Beninese government.

Theoretical literature on bureaucratic politics in IR has so far largely focused on case studies of large-size states' bureaucracies like the United States, and more recently on rising powers (see Hill 2003; Allison 2008; Art 1973; but see Siko 2014). This literature has addressed the organizational process of bureaucratic politics by focusing on the role of executive and high-level ranked bureaucratic branches (Neustadt 1960; Dyson 1986; Kaarbo 1998). It has examined how state bureaucracies impact on foreign policy, highlighting the fragmented and institutionally driven nature of foreign policy making and implementation. This literature has also provided empirical insights into how the administrative structures of government affect foreign relations (Alden and Ammon, 2011).

Through the Benin case study, based on empirical field work and access to negotiation materials, draft terms of reference, draft contracts and final contracts in infrastructure projects, this chapter addresses this shortfall by arguing that bureaucrats play a key role during the negotiations, and their coordination largely affects the outcomes and the edition of the infrastructure projects' contracts. It draws on 30 semi-structured interviews with principal actors in the Beninese bureaucracies involved in negotiating various infrastructure projects (government actors, especially low-ranking, middle ranking and high-ranking civil servants), most of them located in Cotonou, the economic capital of Benin. Civil society actors, Beninese entrepreneurs and diplomats based at the embassies of traditional donors were also interviewed.

The main arguments that this chapter advances are twofold. First, the increasing relationship with China has been largely interconnected with the decreasing involvement of traditional donors in crucial sectors for the Beninese government' economic and social general policy, meaning infrastructure development financing. Second, the intervention of the highly influential executive branch (the presidency) has a major impact on variations in negotiating outcomes: where the executive branch, often promoting the relationship, is less involved, or circumvented, the outcome is more beneficial for Benin. Where the executive branch is more permissive, the bureaucrats are more peculiar regarding technical prerequisites and exert agency as agents seeking to preserve national law and regulations.

This paper hence asserts that despite large power asymmetries in Benin-China relations, and favouritism by the executive branch to Chinese contractors, Beninese bureaucratic agents do not remain passive and exert agency; they exercise variable control over the process and outcome of negotiations with China in accordance to their country's national regulations through several structural and tactical means. Despite the constraints of state organization, and the different social positioning of bureaucrats in the government system which more or less limits their 'capacity to do', these bureaucrats focus their agency or exercise of power before, during and after the negotiation process. This confirms the theory that (bureaucrats as) agents' social action can only be captured in its full complexity if analytically situated within the flow of time (past, present, and future) (Emirbayer and Mische 1998; Wight 1999).

Evolution of Benin-China Relations

Disruptive political relations

Official relations between China and Benin started in 1964, but a Chinese presence in Benin can be traced back to the late 1950s. Following independence from France in 1960, Benin progressively established diplomatic relations with all countries, including the Peoples Republic of China. However, the influence of France on Beninese diplomatic relations remained strong. As France supported Taiwan, it imposed this diplomatic line to most of its former colonies, and Benin (then Dahomey) voted in favour of Taiwan's recognition at the United Nations on 25 October 1978. Following this episode, China suspended its relations with Benin in 1967. Relations were re-established in December 1972 following the revolutionary coup organized by Mathieu Kerekou in October 1972, who established an authoritarian regime based on Marxist-Leninist ideologies under the name "Popular Republic of Benin" (PRB). Diplomatic relations with Taiwan were suspended, and Kerekou was the first Beninese president to make an official visit to China.

Despite the similarity of ideology between the PRC and the PRB, relations between China and Benin were not mainly based on ideology. The economic and business component of the relations increased, albeit at a slow pace. The low level of interactions mainly resulted from high political instability in Benin between 1960-1989, during which Benin experienced 6 coups, 7 national constitutions, and 11 presidents, of which 6 were military and 5 civilian (Topanou 2013). Stable democratic transition in February 1990 did not have an impact on bilateral relations with China. The then-president Nicéphore Soglo did not restate relations with Taiwan but, being willing to break with past socialist ideology, chose to prioritise relations with France, the European Union and the US.

Diplomatic offensive under President Yayi Boni

Before running for president, Yayi Boni was governor of the West African Development Bank from 1994-2006. According to former and current diplomats at the Foreign ministry, who participated in negotiations with China led by President Boni, he was personally impressed by the "Chinese economic model and rise" and the main promoter of China's entry in the Bank and turn away from Taiwanese capital. According to the interviewees, Boni's friendly relations with the former head of the China Development Bank also played a key role in the strengthening of these relations when he was elected president of Benin in 2006.

Following Boni's election in 2006, which he won after a campaign mainly focused on economic growth, China was restated as Benin's key partner. The focus of relations was largely economic, Benin having turned the page of its socialist era under the presidency of Mathieu Kerekou. Under Boni, Benin-China relations intensified. The president made five 5 official state visits to China between 2006-2014 (in comparison to two such visits to France during the same period). A legal framework officially recognizing the Popular Republic of China as the only representative of the Chinese Nation and population was adopted.¹ There was an increase in China-funded projects, largely in infrastructure and agriculture, resulting in

the number of Chinese workers in Benin rising from 230 to some 700 workers in 2013.² The President is often considered by ministers and the cabinet as “the first diplomat” in Benin-China relations. Moreover, he personally receives Chinese SOEs delegations at the presidential palace and officially makes promises of assigning infrastructure projects to these corporations.³

Under Boni, Benin’s debt was progressively erased in 2005 and 2009, amounting to FCFA 20.000.000 (US\$ 32 8000).⁴ Moreover, besides the EU, China is the only country whose products are used for the bids won by Chinese contractors and are tax-exempt (Houndeffo 2013, 231).

Comparative advantages of China

The Chinese credit loans system is considered by the executive as the best option to address Benin’s infrastructure deficit, especially in a context where traditional donors decided to decrease or abandon financing infrastructure projects. The 2012 Beninese National strategy plan clearly articulates infrastructure development (especially road transportation) as a key element of national development.⁵ However, traditional donors like the EU and France (especially the French Development Bank), who were largely present in this sector before 2006, progressively disengaged, citing corruption by the Beninese government and the low profitability of the projects. According to interviewees, these sectors are increasingly considered less competitive for these traditional actors.

In this context, China is viewed by Benin’s executive as more “demand-driven” in the sense that its cooperation and bilateral relations are largely focused on Beninese priorities (i.e. infrastructure), and Chinese cooperation is considered as less procedural. Interviewees repeatedly mentioned fewer procedures, seen in through the reduced number of feasibility studies, allowing for projects to be executed at a fast pace. In return, Benin offers very preferential tax exemptions and contractor preference to China in road, agriculture and administrative infrastructure projects. Most of Benin’s road infrastructure projects are executed by Chinese contractors, especially state-owned enterprises (SOEs) like China Railways, SynoHydro, Anhui Foreign Economic Group, Shanxi Coking Coal Group Co Ltd, and Zhejiang Teams International Economic & Technical Cooperation.

The modus operandi of China’s involvement in Benin is similar to its cooperation in other African countries (Alves, 2012) and can be summarized in four pillars:

- (1) Non-reimbursable subventions and technical assistance;
- (2) Donations: technical materials; infrastructure donations: China donated Benin its first multi-sports complex following the reestablishment of diplomatic relations in 1972;
- (3) Zero-interest loans: reimbursement is spread on 25 years (these loans are often subject to debt cancellation);
- (4) Concessional loans: interests in this case are not higher than 2%.

Benin’s government also offers flexible policies to China by adopting a parallel track in its relations with China, by not requiring its participation in donor harmonization processes:⁶ China’s aid in Benin, according to OECD DAC standards, is very low and mostly consists in technical assistance.⁷ China is also not required by the Beninese government and executive

branch to follow DAC donor requirements: it does not participate in DAC coordination meetings (with the exception of high-level meetings among ambassadors, which the Chinese ambassador has participated in since 2012).

From a Chinese perspective, despite its lack of strategic mineral resources, Benin is considered a strategic hub in Africa-China relations, especially for economic reasons: market consumption for Chinese goods, road transport for its merchandise as China has not developed many airline routes in Africa and uses Cotonou's harbour to expand in West Africa and especially in neighbouring Nigeria (World Bank Database, 2014). In this regard, Cotonou also acts a "warehouse-state" for Chinese contractors' infrastructure projects in Nigeria and the subregion (see Igue 1992). Moreover, by focusing on cooperation on development issues including infrastructure, transportation networks, manufacturing agricultural industries, and debt relief in Benin,⁸ China has been downplaying the role of natural resources and mining cooperation in its Africa relations (Sun 2014).

China: a key actor in the development of Benin's infrastructure projects

Chinese involvement in infrastructure projects in Benin can be categorized into three types. Type 1 takes the form of infrastructure projects on Chinese funding (concessional/non-concessional loans): these generally take the form of loans vs infrastructure projects allocated to Chinese companies, which is a loan prerequisite. The Beninese state also provides funding. Most are road infrastructure projects and do not require any competition or preliminary open or restricted call for tenders. Examples of these projects are the road interchange of Godomey in Cotonou and the rehabilitation works of the Akassato-Bohicon road.

Type 2: infrastructure projects executed by Chinese contractors following loans provided by development banks to Benin. In this case, the call for tenders is either open or restricted to several companies beyond those from China. Most involve road and ICT infrastructure projects. In Benin, Chinese companies participate in calls for tenders for projects with big financial stakes (i.e. no less than US\$ 50 million). Examples include the reconstruction of Godomey-Pahou road as part of the inter-state national road in West Africa (funded by the World Bank); the N'Dali – Nikki-Chicandou road (funded by the African Development Bank), and the Fifadji bridge (funded by the West African Development Bank).

Type 3: infrastructure projects executed by Chinese contractors with Beninese public funding (from the National Treasury). In this case, calls for tenders are either open or restricted to several companies including Chinese companies. Most of these projects also take place in road infrastructure projects, with examples including layout works of the Segbana-Samia, Bodjécali-Madécali-Iloua and the Kilibo-Nigeria border corridors of merchandise transits from Nigeria to other regional countries.

Tracing the Negotiation Process

The negotiation process in Benin-China relations can be separated in three progressive phases that extend from preliminary political discussions to bureaucratic interactions.

The first phase involved preliminary discussions among Beninese and Chinese officials: these generally happen after official state visits in Cotonou, Beijing, or at FOCAC meetings. When

President Boni occupied the rotating presidency of the AU from 2012-2013, he also opened AU high-level meetings up to Chinese attendance, which allowed for bilateral discussions on the sidelines of AU conferences. During these preliminary discussions, most of the loan and infrastructure projects are discussed. The role of the executive branch is crucial in this phase. The 1991 Beninese constitution, following the democratic constitution, established a “presidential” regime in which the executive branch has considerable decision-making powers, and influence across all legislative and judicial institutions (Topanou 2013). In this regard, the president exercise important control of foreign affairs and the intensification of Benin-China relations is largely a presidential project, leaving the foreign minister to an advisory and implementation role.

For the second phase, following official pledges made by Chinese officials and plans announced at multilateral or cross-regional meetings like FOCAC, priority projects are selected by the Beninese government and its bureaucracies, especially the ministries of Development and of Planning . At this level, Chinese contractors engage in an internally competitive process by approaching different Beninese ministries, and proposing to fund their priority projects by jointly applying for China Exim Bank or China Development Bank funding. This competitive process largely driven by the national “going-out” strategy that makes Chinese SOEs more or less prepared actors of FDI in a context where they are decreasingly competitive within the Chinese market (Wang and Zhao 2015). The process can also be inverted when Beninese ministries, following orders from the executive, approach the Chinese embassy directly to request funding for their priority projects. In doing so, sectoral and technical ministries thus set up their own foreign agenda and circumvent the Ministry of Foreign Affairs, traditionally the focal actor in Benin-China relations in charge of coordinating relations and projects locally.

Finally, whether the project is executed on Chinese funding (concessional or non-concessional loans), development bank loans (e.g African Development Bank, West African Development Bank), public funding (Beninese government), the terms of the agreement (contracts) are discussed, negotiated, and revised among the bureaucrats from the sectorial ministry under which the project falls, and the Chinese counterparts (SOE contractors representatives, delegations from the Chinese embassy).

Who negotiates within the bureaucracies?

As with many African and Asian developing countries, Benin has been subject to the slimming down of public bureaucracy and downsizing of government in the framework of structural adjustment programs led by the IMF in the early 1990s as a means to make bureaucratic action more effective.⁹ These programs did not achieve the expected success: Benin still has a massive and choked bureaucracy and faces various dysfunctions: quality of expertise varies across ministries and at the intra-ministerial level; corruption is also endemic and affects the efficiency of delivery. (Topanou 2013). Interministerial coordination is a traditional prerequisite to signing contracts with China and requires the presence of the Ministry of Foreign Affairs (Benin’s MOFA). However, as speed is a key issue in Benin-China relations, especially under Boni,¹⁰ and overall Africa-China relations, this results in the circumvention of MOFA in order to accelerate project execution. This can create tensions

among the various sectoral ministries and the MOFA, as the latter are often asked to intervene when conflicts arise between these ministries and Chinese corporations during the executing phase.

The bureaucrats in charge of negotiating with China consist of MOFA diplomats and technicians from sectoral ministries. For instance, in the case of administrative infrastructure, the bureaucrats from the Beninese Ministry of Urbanism and Habitat consist of civil engineers and architects, whereas the bureaucrats from the Beninese Ministry of Public Works consist of public works engineers. The negotiations hence include both diplomats and technical staff from sectoral ministries. This configuration is not without creating issues as the two categories of bureaucrats do not necessarily adjust on their priorities: technicians tend to be more peculiar and demanding in terms of technical prerequisites and national regulations, whereas diplomats can be more permissive and request more tolerance from the sectoral ministries towards the Chinese partners upon pressing demands from the executive branch.

It is important to note the academic path of the negotiators from MoFA: most were trained in national elite universities or graduated from French universities, which makes them less knowledgeable about Chinese culture and more dependent on Mandarin-French interpreters. During the revolutionary period under Kerekou, several Beninese students received full-scholarships to study in China in several fields including politics, engineering, and management. Most returned to Benin and now act as vectors of China-Benin business development. However, the post-revolutionary governments have not used their knowledge of Chinese culture and languages by involving them in the negotiation, and prefer to rely on diplomats educated in France since their degrees are considered higher status.

According to interviewees, through its Economic mission in Benin attached to the Chinese embassy in Cotonou, China also engages direct relations with civil servants within the bureaucracies by providing their ministries with visiting tours and business road shows (e.g. for the Ministry of Trade and the National Chamber of Commerce). These tours include training Beninese agents on private sector development, and how trade and business chambers are structured in China. They provide an opportunity for Chinese officials to socialize Beninese civil servants to Chinese business practices, and engage Chinese public and private enterprise about prospective business opportunities in Benin. Strategic sectors such as agriculture or energy are chosen as topics for the seminars in partnership with China Exim Bank. The follow up process allows China to use the Beninese civil servants that take part in these road shows to serve as ‘focal points’ and leverage for information, for example about new calls for tenders for various projects in the country.

Comparative Case Studies and Multi-Dimensional Bureaucratic Agency

Although fast-track processes and low-cost spending of Chinese corporations in infrastructure projects was often mentioned by interviewees as China’s main comparative advantage, China is also under scrutiny for several reasons. The following two case studies highlight the role the bureaucrats play during the negotiation process where they intervene (phase three of the negotiation process) and the stratagems and tactics they use in order to influence outcomes to their advantage.

Recurrent issues of content

Recurrent issues of content made to Chinese contractors in infrastructure projects in Benin revolve around three elements: (1) Lack of employment of local workers, according to interviewees, even the levelling staff are said to be coming from China; the use of low quality materials, and the lack of respect of local Beninese standards and legal requirements. (2) Non-use of French as working language, the refusal of Chinese workers to monitoring process of the construction works (3) some episodes of violence against local workers.

Civil society actors, among which labour unions such as the official union of workers a the Ministry of Public Works (SYNTRA-TTP)¹¹, the official labour union connected to the Ministry of Public Works, also recurrently accuse the government of favouritism, unfair competition, connivance with dumping strategies from China in Benin and contribution to national unemployment and closing of local businesses in the road infrastructure sector, as companies like China Railways Suisiju Group Corporation (CRSSG) very often win the contract attribution¹². Moreover, Chinese contractors sometimes get the contracts attributed without taking part to the official Call for Tenders.¹³

Bureaucratic agency in asymmetrical negotiations

In order to shed light on how bureaucracies exert agency on the negotiation process and outcomes in Benin-China relations, this chapter will briefly examine two specific cases in road infrastructure, administrative infrastructure and ICT infrastructure.

Case Study 1: Akassato-Bohicon road infrastructure project

Project characteristics

The Akassato-Bohicon project is a type 1 road project of a total estimated cost of CFA 107 bn (US\$175,480 000) whose aim is the interconnection of two departments in Benin (Atlantique and Zou) funded upon subvention and zero-interest loans provided by the Chinese Government (Lot 1 and 2) and by the EXIM Bank of China and led by the Ministry of Public Works. Selection of corporation and execution of the project was done in China and assigned to China Geo-Engineering Corporation (CGC) and Xinxing Group. Beninese government rejected a grant provided by the European Union for the construction of the road. The project's objective is to provide a liaison between Allada, Sehoué, Zogbodomey and Bohicon, all localities whose activities are based on agriculture, manufactured goods business and livestock farming. Within the Bohicon district, transformation industries of wood and cotton also proliferate. Circulation on this road is particularly difficult both due to high traffic and road deterioration, partly due to the quality of soil. However, this road section is of particular strategic importance as it is one of the most « economic » roads of Benin, as it allows for circulation of goods in other regional countries. ECOWAS has also integrated this interconnection as part of the regional integration program of West Africa. Overall, road infrastructure projects are strategic for the Beninese economy, who lacks strategic resources – they are a source of economic revenue, and facilitate mobility of goods and individuals. Moreover, roads also provide potential political gains for the regime in place in terms of electoral wins. In the case of the Akassato-Bohicon project, legislative elections were one year ahead.

Negotiation process and controversial clauses

The road project was first discussed at a diplomatic level by the Beninese executive branch and the Chinese counterpart on the sidelines of a FOCAC meeting in 2009 in Charm-el-cheikh, Egypt. Upon this meeting, both sides agreed on providing a zero-interest loan affected to the financing of road infrastructure projects commonly decided by the beninese and chinese sides in november 2010. Most of the tensions arise around the Lot 3 of the project for several controversial clauses: the refusal by the Chinese counterpart to appoint an independent controls bureau and the threatening of withdrawing the loan if a Chinese bureau is not appointed. The Chinese counterpart also charged the Beninese government with a loan of 6,09 bn CFA (9 987 699 US\$) in order for the appointed China bureau to provide a feasibility study whereas a Beninese bureau (ETRICO Ingenieurs Conseils) had already been appointed and had estimated the total costs of the construction to 52 bn CFA (85 280 000 US\$) (in comparison to the 107 bn CFA of XinXing corporation – US\$175 480 000). Despite national legal requirements, very few local materials and workers were used for the project. The project has also been affected by delays, strikes by local workers regarding their working conditions and complaints about the quality of the materials used.

Bureaucratic minorities' agency

Within the ministry of public works, the direction of roads and the general direction of Public Works are composed of bureaucrats, most of them civil engineers, who work under the Minister's cabinet. In this regard, as they are subordinates, they form a minority within the government whose power is essentially concentrated around the cabinet. However, they are the most active civil servants within the SYNTRA-TTP union, and their action confirms Putnam's assessment that minority within a government can influence the two-level games played by leaders in international negotiations (Putnam 1988). In order to understand the conditions under which these minorities have influenced the resulting outcomes in bureaucratic organizations, it is necessary to analyse their strategies. In the case of SYNTRA-TTP, one of its leaders Jacques Ayadji occupies the No. 2 position within the union,¹⁴ is a public figure and charismatic civil engineer who is also in charge of the direction of Roads within the ministry of Public Works. The process by which these bureaucrats inside the government have bargained with other actors particularly reveals the bureaucratic politics at play.

These stratagems and tactics revolve around three elements: rewards-and-costs stratagems, informational manoeuvres, and procedural manoeuvres. By using SYNTRA-TTP, a union whose legal status is independent from the ministry, as a platform for their contestation, these bureaucrats have become "reactive bureaucratic agents", a phenomena previously unseen in Beninese national politics.

First, rewards-and-costs stratagems consisted in coalition-building inside and outside the bureaucracy (Ministry of Public Works). These stratagems have revolved around alliance with other departments and unions within the government and mobilizing the support of influential groups outside the executive branch through the use of media in order to mobilize outside supporters and influence constituency opinion (Halperin 1972). Coalition building was set up through alliances with other unions (CSA-Bénin, CSTB, CGTB, Fensetraff-Bénin) from other ministries, namely the Ministry of Economy and Finances, a key player in the negotiations. Following successive denunciations by Syntra-TTP¹⁵ through public press conferences, TV

and radio participation by the unionist, including on highly popular radio broadcasts like “Caravane du Matin” on Radio Tokpa where Jacques Ayadji often participates, the union gained the support of the Minister Lambert Koty who decides to set up an independent standards control bureau for all lots, a decision highly contested by the Chinese counterpart who finally agrees an independent standards control on Lot 3 of the project. Refusal on Chinese contractors to let access to the ministries’ staff members on the construction site was also heavily diffused by the local press.

Second, procedural stratagems consist in manipulation of the legal environment by the inclusion of discriminatory criteria in the call for tenders diffused by the Ministry of Public Works in order to exclude Chinese companies. This stratagem allows for the bureaucrats to determine the procedure in order to affect the choice outcome without having to induce individual preference change (Maoz 1990). This action had led the bureaucrats to impose several clauses making independent standards control compulsory on projects under Type 2 and Type 3. This action has led several Chinese companies, although not all, to withdraw from the international bids and by so participates in “drawing the circle” of contractors bidding to international call for tenders, by reducing the group of participants (Halperin 1972). By first succeeding in making the government appoint an independent standards control bureau (Louis Berger/ACEP/DECO)², which was made possible through funding by the EU, with the support of the Minister, the bureaucrats have also succeeded in persuading the executive branch to their favour.

Third, informational stratagems adopted by these bureaucrats consist in presenting arguments in order to support their cause and enhance the likelihood of persuasion (Kaarbo 1998). These tactics are exerted through association with supposedly independent actors but also by justifying their position by making normative and moral arguments through denunciation. In this case, the bureaucrats use highly moral rhetoric: Chinese corporations “plunge Benin in continued under-development”; the “dignity” of Benin is being flouted. In so doing, the bureaucrats use an “issue escalation strategy” by converting a practical question into a matter of principle (Persson 1986) and gain popular adhesion.

These denunciations are also made through association with popular civil society groups like the Association for the Fight against Communautarism and Racism (ALCRED) through joint press conferences, but also through the organization and support of riots of Beninese local workers on the construction sites denouncing their work conditions. Other informational stratagems have consisted in sending an open letter to the National Assembly¹⁶ asking for the members of parliaments not to sign the loan agreement for the benefit of the Chinese standards control bureau. The combined stratagems used by these bureaucrats have succeeded in converting neutrals to supporters and opponents to neutrals and exert bureaucratic agency (Allison and Halperin 1972).

Effects on the outcomes

² ACEP/DECO : AFRIQUE CONCEPTION ET ETUDES DE PROJETS / DESIGN AND CONTROL

Despite these different actions, the Beninese executive branch has unilaterally decided to take away the standard controls investigation of Lot 3 of the Akassato-Bohicon, despite support from successive Ministers of Public Works Lambert Koty and Ake Natondé, and give it to a Chinese bureau. According to interviewees, this unilateral decision was due to pressure by the Chinese ambassador of cancelling the loan attribution and pressure from the executive branch on the members of parliament (whose majority originates from the party of the president). However, bureaucratic action and organisation has led to popular support and has allowed for pressure on the executive branch. Salaries and health assurance of the Beninese workers were reviewed and upgraded. The combination of stratagems has also led the Chinese corporations, either not to bid on several international call for tenders, where intentional discriminatory clauses were integrated (e.g. compulsory independent standards control) or for the executive branch to take into account multiple bids by Chinese SOEs on Type 3 projects as this was the case on the Pahou-Ouidah-Hillacondji road project which bid was won by a Tunisian consortium.

Case Study 2: The Administrative Tower of Cotonou

Project characteristics

The conception and execution of the administrative tower of Cotonou, which comprises three ministries, is a project executed by the China Anhui Foreign Economic Construction Group (AFECC) under the authority of the Ministry of Urbanism and Habitat. The project total cost is of US\$95 million and is funded through a loan provided by China EximBank. It was initially a Beninese project led by the National Agency of Works of Public Interest (AGETIP). AFECC made the first step by approaching the Ministry of Urbanism and Habitat in order to consult them on priority projects of their portfolio. The initial decision was made to ask for financing from China and execution by AGETIP. However, AFECC requested to entirely execute the project through funding (loans) provided by China EximBank.

Bureaucratic agency

According to the civil servants from the Ministry of Habitat, working with the Chinese is not difficult as long as all clauses are stipulated in the contract. This makes the negotiation process crucial, although longer. Most bureaucratic agency was exercised during the negotiations. The civil servants at the Ministry of Urbanism and Habitat are mostly architects, and civil engineers. Hence, they succeeded in making amendment and observations on the architectural plans. Several rounds of negotiation between AFECC and the civil servants have led to the imposition of several clauses, which were not present, nor mentioned in the Akassato-Bohicon contract. These include:

- (1) Providing assistance to the Chinese counterpart to acquire local material construction¹⁷ and fuel and assisting the Chinese counterpart in hiring local workers.
- (2) Submit on a regular basis, and two weeks after the start of the projects, the roadmap of the works
- (3) Monthly communication of the state of the project by the Chinese counterpart to the Ministry

- (4) Free access for the ministry officials and engineers and free access to the construction site by the latter, upon respect of security rules.
- (5) Respect of the national laws of Benin in regard to salaries, work accidents, social security and employment
- (6) Daily diary of progress of execution phase and The use of french and chinese as working language
- (7) The use of local Beninese materials such as wood, sand, gravel and cement
- (8) Training of Beninese technicians to the use of machinery and equipment provided by the Chinese counterpart.
- (9) Specification of tax-exemption on specific materials used for the project.

Effect on the outcomes

Despite several attempts to reduce control of the bureaucrats and pressure from the executive branch, the clauses agreed upon by both parties were negotiated before the signature of the contract. The Ministry of Urbanism and Habitat used several techniques for delaying the negotiation process in order to get the requested clauses in the contract before its signature. Comparison between contracts of works led by Chinese corporations from the Ministry of Public Works and the Ministry of Habitat show that the latter exerts more bureaucratic agency during the negotiation as they circumvent or resist pressure from the executive branch or the Chinese counterpart, whereas the Ministry of Public Works is more affected by executive pressure during the negotiation phase.

Most interviewees highlighted the difficult relations with their ministries, the executive branch and the Ministry of Foreign Affairs. The two latter are said to affect the negotiation phase as they ask for conciliating measures from the civil servants, in order not to affect diplomatic relations between Benin and China. Most of the demands that arise from the Chinese counterpart are subject to negotiation by the Foreign Ministry with the respective ministries, which creates a lack of coherence, synergy and similar position from Beninese diplomats, and technicians, and other civil servants involved in the negotiation process.

Conclusion

Using Benin, this chapter has asserted that bureaucrats in small African states, despite negotiating in starkly asymmetrical relations, are not passive and conforming agents during negotiations and that they use influence strategies in order for civil servants minorities' views to prevail. Often acting in the shadows, they act as agents preserving national law in opposition to the executive branch, often preserving its narrow, political interests. They thus engage in domestic internal power politics with the executive branch in their foreign relations. The case study of the agency exerted by Beninese bureaucrats in asymmetrical relations and negotiations with China has demonstrated that this agency lies in the influence tactics and moves that these minority actors employ and combine, whether bypassing or exploiting their status in order to influence policy (Kaarbo 1998). Although not a strategy, in the sense of a calculated plan to achieve a goal over a long period of time, this chapter showed that these bureaucrats set up stratagems, tactics and maneuvers in order to influence negotiation outcomes. Beninese bureaucrats combine rewards-and-costs, procedural and informational

stratagems as modes of resistance and action. Although the outcome is more or less successful, due to the politically-motivated interference of the executive branch, agency exerted by these actors influences future decision-making process by the executive branch. This case study also shows the lack of collective agency within the government of Benin. The lack of coordination and ministerial competition do not allow for a coherent 'China strategy' in the framework of infrastructure projects negotiation.

In but beyond Benin, this chapter also shows how a more specific location of agency in Africa-China relations allows for a better and more critical understanding of the underpinnings and manifestations of African agency in global politics. Further research on the exercise of agency in Africa-China negotiation could include a comparative analysis among other small African states such as Togo, Burkina Faso, or Niger, by questioning the effect their different political regimes may have as effects on the stratagems and tactics of different bureaucrats across ministries from democratic versus authoritarian regimes.

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¹ Decret n°2011-599 12 September 2011 - "40 years of cooperation – achievements of China in Benin", *Diplomat*, n°2, special edition, December 2012 (French version – local access)

² "40 years of cooperation – achievements of China in Benin", *Diplomat*, n°2, special edition, December 2012 (French version – local access)

³ "Boni Yayi décidé à réaliser les barrages d'Adjaralla et de Kétou Dogo-Bis », *La Nation*, 19 June 2015, <http://lanationbenin.info/> (accessed on 21 June 2015)

⁴ "40 years of cooperation – achievements of China in Benin", *Diplomat*, n°2, special edition, December 2012 (French version – local access)

⁵ Benin Poverty Reduction Strategy Paper (PRSP/SCRIP 2011) ; Orientations Stratégiques de Développement du Bénin (2006 – 2011) – le Bénin émergent » - both documents are accessible on <http://eeas.europa.eu/delegations/benin/documents/> (accessed 17 July 2015)

⁶ Benin Poverty Reduction Strategy Paper (PRSP/SCRIP 2011)

⁷ "40 years of cooperation – achievements of China in Benin", *Diplomat*, n°2, special edition, December 2012 (French version – local access)

⁸ INFORMATION OFFICE OF THE STATE COUNCIL (2014), China's Foreign Aid, Beijing, July 2014

⁹ AFRICAN DEVELOPMENT BANK (2003), Benin Structural Adjustment Programs I, II, III – Programme Performance Evaluation Report (PPER)

¹⁰ In comparison, under former president Mathieu Kerekou, negotiations were conducted through an inter-bureaucratic coordination among several ministries in order to study details of the clauses and match between the clauses and national law. This inter-coordination, which requires a longer process is less feasible nowadays, according to the interviewees, because of the “speed” requirements by President Boni.

¹¹ Syndicat des Travailleurs de l’Administration des Transports et des Travaux Publics (SYNTRA-TTP)

¹² China Railways n°5 Engineering Group Co Ltd (CREG 5) successively won the road projects N’Dali-Nikki-Chicandou ; Bodjécali – Madécali-Illoua Nigeria border and Godomey-Pahou.

¹³ Press Conference of SYNTRA-TTP on scheming procedures in market attribution of the Ministry of Public Works, SYNTRA TTP, Cotonou, 13 August 2014

¹⁴ In September 2015, Jacques Ayadji was elected secretary general of SYNTRA-TTP.

¹⁵ Press Conference of SYNTRA-TTP at the National Assembly, 8 October 2013.

¹⁶ Open letter of SYNTRA-TTP to the National Assembly, October 2013.

¹⁷ The Beninese Presidency adopted a legal framework in 2005 for the use of local materials in public construction works. The Ministry of Habitat succeeded in having 25% of materials used.