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*Full Length Research Paper*

# **Presidential election petitions in Ghana: A catalyst for democratic maturity**

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**Ghana's multiparty democracy continues to attract global attention. While every election comes with its dynamics, it also provides valuable lessons for the country's democratic maturity. Drawing mainly from desk study and using Linz and Stepan's three dimensions of democratic consolidation, the study examined how the two presidential election petitions, 2012 and 2020, have catapulted the democratic drive of the country. The paper unearthed that the Ghanaian political demagogues are largely willing to stick to the rules of the game for democratic maturity. In addition, the judiciary in their rulings upheld the results of the two respective elections as declared by the Electoral Commission. However, the actions and the inactions of the jurists and rulings in the two cases have different implications for electoral reforms and democratic maturity in Ghana.**

**Key words:** Presidential election petitions, democratic maturity, elections, Supreme Court, electoral commission, Nana Addo Dankwa Akufo Addo, John Dramani Mahama,

## **INTRODUCTION**

Elections affirm the sovereignty of the people (Lindberg, 2008:10-14). Through elections, citizens constitute a government and give her the legitimacy to govern and see to the authoritative decisions and allocation of resources of the state (Lasswell, 1936). Victors in elections are therefore in charge of the largesse of the state. The control and responsibility for the authoritative allocation of resources have made elections very competitive across the globe with the compliance and consent of losing candidates in multiparty democracies far from being guaranteed (Przeworski, 2003; Erlich et al., 2021:1). This has made disputed elections more of a

norm rather than an exception (Lindberg, 2008:10 -14).

Ghana returned to multiparty competitive electoral politics following the founding election of 1992. This marked the beginning of the fourth republic right after the promulgation of the 1992 Republican Constitution on January 7, 1993. Since then seven successive elections have been held in 1996, 2000, 2004, 2008, 2012, 2016 and 2020. These elections have witnessed three peaceful alternation of political power from the incumbent to the opposition party in 2000, 2008, and 2016 (Graham et al., 2017). In addition, the country also witnessed the death of a sitting president in July, 2012 and as enshrined in

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Article 60(6) of the 1992 Republican Constitution (Republic of Ghana, 1992:52), the sitting vice president was sworn into office without interruption of the country's stability. In 2016, a sitting president lost the election to the opposition political party and there was a peaceful transition. With these upsides, there have been issues of electoral disputes. For example, the general elections of 1992 were disputed by the New Patriotic Party (NPP) but there was no formal petition. Again, the 2004 elections were disputed by the National Democratic Congress (NDC) and there was an official petition but it was not amplified (Owusu-Mensah and Frempong, 2015:20). The outcome of the 2016 elections was also accepted in spite of the allegations that the Electoral Commission's system was hacked. One thread that ran through these elections were that there were issues that qualified the elections to be declared flawed and the results not to be accepted by the defeated candidates yet they conceded defeat. On the contrary, the 2012 and the 2020 presidential elections saw a novelty in the electoral politics of Ghana. This time the losing candidates challenged the declared results at the Supreme Court per Article 64(1) of the 1992 Republican Constitution (Republic of Ghana, 1992:55).

Though it is apparent that Ghana continues to be the object of fascination in Africa due to the modest progress made towards democratic consolidation, her electoral process has been associated with a multiplicity of institutional and structural challenges. Unfortunately, these identified lapses have not received sufficient scholarly attention. For instance, perennial problem of vote-buying, excessive politicization of all electoral issues, abuse of incumbency, bloated electoral register, the phenomenon of political vigilantism have all undermined the legitimacy of successive elections in one way or the other (Afrobarometer, 2017:1-3; Ayee, 2019: xiii-xxii).

Additionally, studies on election petitions in Ghana are at the embryonic stage; as such, a handful of studies exist. Mostly the studies focused on the judiciary and elections in Ghana (Owusu-Mensah and Frempong, 2015; Adams and Asante, 2020; Adu, 2015). The scholarship of Gyampoh (2018) concentrated on the 2012 presidential election petition and electoral reforms. It is significant to state that Asante and Asare (2016) discussed the contribution of the 2012 presidential election petition to democratic consolidation in Ghana. This paper therefore complements the study of Asante and Asare (2016) by comparatively examining the contribution of both 2012 and 2020 presidential election petitions towards democratic maturity in Ghana. The paper deploys Linz and Stepan (1996) behavioural, attitudinal and constitutional dimensions of democratic consolidation to explain the deepening trajectory of Ghana's democracy using the two presidential election petitions.

Focusing on Ghana's experience is important because

the country is regarded as a shining example within the sub-Saharan African region in terms of democratic development and institutional reforms (Adams and Asante, 2020:244). The country is among the eight countries (18%) in sub-Saharan Africa rated by Freedom House as "free, with the others (82%) rated as either partly free or not free" (Freedom House, 2017). Furthermore, the same report indicated that by the end of 2016, the country has consolidated her position as an example of the most stable democracies in Africa. The orderly transfer of power from the defeated incumbent John Mahama to the opposition candidate Nana Akufo-Addo after the December 2016 presidential elections was cited as the main reason for the assertion. Besides, Ghana became a pacesetter on the continent to pass Huntington's threshold for the consolidation of democracy (Huntington 1991) and for these reasons, the country represents an interesting case for the study of electoral politics in Africa. The paper proceeds in six sections. Following the introduction, the rest of the sections are as follows: section 2, theorizes election petitions and democratic consolidation, section 3; focuses on Ghanaian scholarship on election petitions, section 4 was devoted to methodology, section 5 deals with findings and discussions, and section 6 is conclusion and recommendation.

## THEORIZING ELECTION PETITIONS AND DEMOCRATIC CONSOLIDATION

This section is divided into two: election petitions and democratic consolidation.

### Election petition

The phenomenon of election petition has globally been accepted as an integral part of election administration. The first recorded case in history was championed by Matthew de Cranthorn in 1318 against Robert Buedyn before King Edward II and his Council (Owusu-Mensah and Frempong, 2015:20). The concept of election petition takes its root from the electoral history of the British (Jack and Thomas, 2011). The evolution of elections, the extension of franchise and the development of British electoral democracy in the 19<sup>th</sup> century were associated with power contestation, corruption and improper practices that threatened electoral outcomes (O'Leary, 1961 cited in 'Nyane, 2018:4). Historically, the adjudication of election petitions was the preserve of the legislature to the exclusion of the traditional courts and non-judicial in nature ('Nyane, 2018:4). The partisanship of the legislators eroded the credibility of their decisions on election petitions. Consequently, the credibility deficit associated with such decisions culminated into a complete depletion of public confidence in elections as a

whole. This therefore led to the shift from parliament-based electoral disputes adjudication to judicial resolution ('Nyane, 2018:5). The judiciary was initially reluctant and averse to execute this arduous task of settling election petitions. However, the operationalization of the Parliamentary Elections Act of 1868 facilitated the change from the parliamentary electoral dispute resolution mechanism to a judicial resolution. Antiquated as the legislation may appear, it still remains very critical in understanding election petitions as they are often applied and used today in many countries ('Nyane, 2018:5).

Huefner (2007:265-326) has highlighted three key factors that must drive the process of election petition adjudication. He intimated that apart from the fact that the entire process must be fair from the perspectives of both the litigants and the public, transparency and prompt determination of the petition are crucial; as this is premised on the assumption that justice delayed is justice denied.

Kaaba (2015:334-335) enumerated five distinctive problems that have regularly characterized domestic adjudication of presidential election petitions in Africa, namely;

- (i) "All cases are decided in favour of the incumbent candidate, the candidate sponsored by the ruling party, or the presumptive winner"
- (ii) "Many cases are dismissed on minor procedural technicalities without consideration of the merits".
- (iii) "There is misuse of the substantial effect rule".
- (iv) In other countries, "the resolution of disputes is inordinately delayed to render the whole process nugatory".
- (v) "Judges simply fail to address the issues presented before them by constraining themselves from making appropriate decisions".

Generally, challenging presidential election results through the judiciary has hardly ever been successful. Countries in Africa where election petitions filed against the results of their presidential elections have failed include: Ghana, Uganda, Kenya, Nigeria, Sierra Leone, Zambia and Zimbabwe (Azu, 2015:151). The Cote d'Ivoire case of 2010 was a departure from the norm because the Côte d'Ivoire Constitutional Council reversed the announced results. Scholars however, argued that the effect of this ruling was similar to other decisions that upheld the results of the other disputed elections. This is because the judgement was made in favour of the incumbent, President Laurent Gbagbo, who had clearly lost the election (See Verdict of the Constitutional Council of Côte d'Ivoire of 3 December 2010 147) (Kaaba, 2015; Owusu-Mensah and Frempong, 2015; Adams and Asante, 2020; Azu, 2015). In effect, the available evidence suggests that with the exception of Ukraine

where a presidential election petition was successful, judicial challenges to presidential election results have rarely been ruled in favour of the petitioners (Azu, 2015:151). It has been established that overturning election results, managing political reputation, using the court cases as leverage to obtain a government appointment, and fulfilling psychic needs have been identified as the motivation behind politicians challenging the outcome of election results (Erlich et al., 2021:3). The scope of this study covers the 2012 and 2020 presidential election petitions and their respective contributions to Ghana's democratic maturity.

### Democratic consolidation

Etymologically, democracy as a word and a form of political life both began in ancient Greece (Asante and Asare, 2016). The word is derived from two Greek words: "*demos*" which stands for common people and "*kratein*" meaning to rule (Sargent, 2008:62). For the Greek, democracy represents rule or government by the common people. That is those who were uneducated, unsophisticated and poor. Abraham Lincoln at the Gettysburg Address eulogized the virtues of democracy and aptly described it as "government of the people, by the people and for the people" (Asante and Asare, 2016:2).

Democracy as a concept, while it is being considered as an important notion in comparative politics, is also elusive and does not lend itself to easy conceptualization and measurement (Khorram-Manesh, 2013:5), as such scholars have defined it variously. Huntington (1991:6) has intimated that contemporary definitions of democracy could be classified into three (3) distinct families:

- (i) "the sources of authority for government",
- (ii) "the purposes served by government", or
- (iii) "the procedures for constituting the government".

Democracy in the opinion of Huntington (1991:1) "is a political system where the most powerful decision makers are selected through fair, honest and periodic elections in which all the adult population are eligible to vote" He further argued that at the heart of democracy are contestation and participation (Huntington, 1991:1). Przeworski, et al., (2000) believe that contestation through elections is an essential feature of democracy. Collier (2009:15) succinctly corroborated it by intimating that elections are not only essential defining characteristics of democracy but also the most visible feature in any democratic environment

Consolidation is derived from the Latin word, "consolidare" which simply means to "make firm" (Asante and Asare, 2016). Pridham (1990:8) exposition that democratic consolidation was a "nebulous concept" still

remains valid. Till date “no clear consensus has emerged” regarding the exact meaning of democratic consolidation (Gunther et al. 1996:5). Diamond (1997) argued, “consolidation is the process of achieving broad and deep legitimation, such that all significant political actors, at both the elite and mass levels, believe that the democratic regime is the most right and appropriate for the society, better than any other realistic alternative they can imagine”.

From the perspective of Linz and Stepan (1996:5), democracy cannot be described as consolidated unless a number of conditions are established including the cultivation of certain unique attitudes and habits. In highlighting the key characteristics of a consolidated democracy, they emphasized on a narrower definition which combined behavioral, attitudinal and constitutional dimensions (Linz and Stepan, 1996:5). They argued that democracy is said to be consolidated whenever three key dynamics are firmly established. First, the behavioral dimension is fulfilled when there is absence of significant national, political, economic social, or institutional actors spend substantial resources in an attempt to create a nondemocratic regime or try to secede from the state. Second, is the attitudinal dimension which becomes operational when a vast “majority of the public believes that democratic procedures and institutions are the best way to govern collective life, even in the midst of major economic problems and deep dissatisfaction with incumbents”. In this vein, the support for anti-system alternatives in such a regime must be insignificant compared to the pro-democratic forces. The third criterion to be fulfilled is the constitutional dimension. They explained that the attainment of this requirement becomes real when the “governmental and nongovernmental forces alike become subjected to and habituated to the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process” (Linz and Stepan, 1996:5).

In addition to the above three dimensions, Linz and Stepan (1996:6-7) prescribed other five interconnected and mutually reinforcing factors as prerequisites of democratic consolidation. One, conducive condition which supports the development of a free and lively civil society must be created. Two, the existence of a reasonably autonomous political society. Three, within the entire territory of the state, all the key political actors, particularly the state apparatus as well as the government, should be “subjected to rule of law that protects associational life as well as individual freedoms”. Four, a state bureaucracy which is fit for purpose must exist to be used by the new democratic government, and five, the existence of institutionalized economic society. Linz and Stepan (1995) further declared that a democracy becomes consolidated, “when it is the only game in town”. This study applies these time tested

dimensions of democratic consolidation framework aptly developed by Linz and Stepan (1995), thus behavioural, attitudinal and constitutional blueprint for democratic consolidation to examine democratic maturity in Ghana within the context of the two presidential election petitions. The choice of Ghana is timely and intriguing because it has successfully conducted eight general elections from 1992–2020, with 2012 and 2020 being the most contentious and controversial, and yet they did not lead to violence but the actors played according to the rules of the game by resorting to battle their differences at the Supreme Court. The objectives of the study are to:

- (i) discuss the two petitions, the actions and inactions of the actors and
- (ii) examine the rulings of the Supreme Court’s and the contribution to consolidating Ghana’s democracy.

### **Ghanaian scholarship on Election Petitions**

Election petitions are universally sanctioned as vehicles for addressing election impasse. Since returning to multiparty democracy in 1993, election petitions have been part of Ghana’s democratic journey. Studies on election petitions in Ghana are at the formative stage as such few empirical studies exists on the subject matter. Some of these are reviewed below.

Adams and Asante (2020:249) examined the judiciary’s role in the consolidation of democracy in Ghana with special focus on the Supreme and High Courts. They identified three key factors that led to conflicts in elections under the country’s Fourth Republic. These factors include the general misconduct of some EC officials and temporary staff such as polling agents, security personnel as well as non-compliance with the electoral laws by both EC officials and contesting candidates, and the uncertainty associated with the qualification status of candidates. Discussing the role of the Judiciary in the adjudication of election petitions, Adams and Asante (2020:250-251) enumerated the interpretation of some electoral laws, clarification of procedures and basis for dismissing some petitions as part of the roles played by the Courts in election petitions. They also highlighted the roles of other stakeholders like the politicians, legal practitioners and the staff of the Electoral Commission. They singled out the negligence of some experienced legal practitioners in filing their election petitions (Adams and Asante, 2020:151-152) as well as EC staff not doing due diligence as far as their roles were expected as factors resulting in the withdrawal of election petitions.

Adams and Asante (2020:152-153) reported that politicians in Ghana are devotedly resorting to the existing legal provisions to settle electoral disputes. They further revealed that after the 1996 general elections, Ghanaians began to develop some confidence in the

democratic institutions especially the judiciary. A number of election petitions have subsequently been filed at the various High Courts in the country. Contrary to the expectation, majority of those petitions have been dismissed by the court due to procedural errors. They also opined that the Courts in general have also learnt from the past experiences and consequently become innovative. Among some of the key reforms, they highlighted in their study included: the replacement of oral statement with written witness statement, massive improvement in the accessibility of the courts such as ensuring that the election petition process become transparent through the live streaming of proceedings on television as witnessed during the 2012 and 2020 election petitions. In their estimation, these have contributed to entrenching Ghana's democratic drive.

Azu (2015) examined the evidentiary rules with special focus on the burden of proof and standard of proof, which ought to be discharged in the process of resolving disputes in presidential election. The study discussed the conditions under which the Ghanaian courts would invalidate presidential elections results. He also interrogated a number of extra-legal matters that appear to be considered by the judges during the adjudication of presidential election disputes. The outcomes from the judgments of both 2012 and 2013 presidential elections petitions in Ghana and Kenya, respectively revealed apparent breaches of the key electoral laws. It further found that while the Kenyan Supreme Court unanimously ruled that the non-compliance was insignificant to affect the validity of the results and therefore failed to grant a declaration of invalidation, the jurists in Ghana were divided in their ruling, though majority of them held the position of their counterparts in Kenya. The ruling of judges is not always based on law. Extra-legal matters such as public policy and public interest sometimes influenced judges in their verdicts. This assertion was clearly echoed when Justice Atuguba intimated that "the Judiciary in Ghana, like its counterparts in other jurisdictions, does not readily invalidate a public election but often strives in the public interest to sustain it" (Supreme Court Verdict, 2012; Presidential Election Petition Judgement, 2013:33).

Owusu-Mensah and Frempong (2015:32) examined Ghana's 2012 presidential elections petition and its ramifications for the organisation of future elections. In their opinion, the 2012 presidential election petition conveyed the degree of vulnerability of the political system, particularly the extent of impartiality with regards to the judiciary and the citizens' trust in democratic institutions. The final ruling by the Supreme Court communicated to all political stakeholders that the electoral politics in Ghana has been reduced to what they referred to as "polling station politics". It revealed that state institutions charged with the responsibilities of delivering public goods could not be trusted with any

meaningful post electoral adjudication. The outcome sent a strong signal to all participating political parties in subsequent elections to use all available lawful mechanisms to ensure that the rights of voters and votes are well protected during the elections to prevent post-election judicial disputes settlement.

Gyampoh (2017) interrogated the 2012 presidential election petition *visa-vis* electoral reforms. In his estimation, the ruling on the 2012 presidential election highlighted a number of flaws in the electoral process which could not be overlooked in Ghana's quest to promote consistent free and fair elections. Consequently, the Electoral Commission (EC) requested for proposals from about thirty eight (38) key stakeholders which included political parties, civil society organizations, professional bodies and faith-based organizations for electoral reforms. On November 20, 2013 these stakeholders submitted as many as twenty five (25) important proposals to the Electoral Commission for the electoral reforms to commence. The EC accepted a significant number of the proposals, though with slight modifications, and others too were scheduled for further deliberation with political parties for their acceptance and implementation (Gyampoh, 2017:100). While the proposals on continuous voter registration, the usage of biometric verification devices for voter registration and exhibition, the extension of the period of notice for voter registration, the reduction of the number of voters per polling station – as well as the move to shift elections from December to November, which was turned down by parliament were sufficiently made public, scanty or no information was provided regarding the implementation of the other electoral reform proposals for the 2016 general elections. Ayee (2017) has argued that the peaceful conduct of the 2016 general elections could not be credited to the implementation of serious electoral reform proposals (Ayee, 2017). It is important to stress that prior to the 2016 general elections only few reform proposals were truly implemented. To this end Gyampo et al. (2017: 16), have succinctly described the 2016 elections as "miraculously successful," since in their view "no concrete and detailed proposals for electoral reform were implemented" They concluded that even though the general elections appeared to be free, fair, credible, and transparent, the entire electoral processes were virtually on "auto-piloting".

On presidential election petition and democratic consolidation, Asante and Asare (2016), espoused that Ghana made a great leap towards democratic consolidation through the 2012 presidential election petition. They applauded how the conflicting parties subjected themselves to the full rigour of the laws of the country to resolve their differences. In their view, they could have chosen to battle it out on the streets, as happened in other places across the world over election result disputes. Though the study of Asante and Asare

(2016) was situated within the framework of Linz and Stepan (1996), it was limited to the 2012 presidential election petition. This study therefore expands the existing knowledge on presidential election petitions and democratic consolidation in Ghana by examining the 2012 and 2020 petitions within the three dimensions of Linz and Stepan (1996).

## METHODOLOGY

The paper is mainly a desk study and it applied Linz and Stepan's three dimensions of democratic consolidation framework to examine how the two presidential election petitions, 2012 and 2020, have catapulted the democratic drive of Ghana. It is also a case study type of qualitative research methodology. Ghana's 2012 and 2020 presidential elections petitions were both test cases for establishing the nexus between presidential election petitions and democratic maturity in the country. The study predominantly made use of secondary source of data such as the Supreme Court rulings on the two presidential election petitions, journal articles, chapters in text books and recorded behaviour and responses of the key actors before and after the petitions as the basis of analysis within Linz and Stepan (1996)'s three dimensions of democratic consolidation (behavioural, attitudinal and constitutional). The study also capitalized on the growing popularity of online websites and the traditional media in Ghana, and gathered additional information on the two presidential election petitions and the data were analyzed qualitatively.

## COMPARATIVE ANALYSIS OF THE 2012 AND 2020 PRESIDENTIAL ELECTION PETITIONS

This section of the article examines the two presidential election petitions in Ghana's Fourth Republic. Ghana's 1992 Constitution, provides for the contestation of election results. Specifically, article 64(1) provides that "the validity of the election of the President may be challenged only by a citizen of Ghana who may present a petition for the purpose to the Supreme Court within twenty-one days after the declaration of the results of the election in respect of which the petition is presented". The clause 2 of Article 64 further opined that "A declaration by the Supreme Court that the election of the President is not valid shall be without prejudice to anything done by the President before the declaration" (Republic of Ghana, 1992:55).

On 29<sup>th</sup> December, 2012, Nana-Addo Dankwa Akufo Addo, Dr. Mohamadu Bawumia and Jake Obetsebi Lamptey, the presidential and vice presidential candidates and the national chairman respectively of the New Patriotic Party exercised this right by filing the maiden election petition in Ghana. This petition was considered a novelty in Ghana's democratic journey and a test case for democratic consolidation in Ghana. The parties to the petition were John Dramani Mahama who was the President-elect and the Electoral Commission as the 1<sup>st</sup> and 2<sup>nd</sup> Respondents respectively. The NDC filed

a joinder motion to be a party to the case as a 3<sup>rd</sup> respondent. The premise for the motion was that it sponsored John Dramani Mahama as its presidential candidate and must be part of the judicial process to provide evidence that the two respondents may not be privy to at the time (Owusu-Mensah and Frempong, 2015:24). The claims of the petitioners were based on six constitutional violations, electoral malpractices and commissions. These were:

1. Over-voting
2. Absence of signatures of presiding officers contrary to Article 49(3) of the Constitution and Regulation 36 (2) of C.I.75.
3. Voting without biometric verification in breach of Regulation 30(2) of C.I.75.
4. Duplicate serial numbers on statement of poll with different poll results
5. Duplicate polling station codes contrary to the Electoral Commission assigning each polling station with a unique serial number to prevent conflicting results and
6. 23 locations that were not part of the 26, 002 designated polling stations of the Electoral Commission.

The Court by a unanimous decision dismissed three constitutional violations, that is: items 4 to 6 above.

Issues such as over-voting, voting without biometric verification and unsigned statements of poll (pink sheets) by the presiding officers emerged as the three key contesting issues, which the court decided on. The panel of jurists in a majority decision also dismissed the three issues set aside for trial namely; voting without biometric verification, over voting and absence of signatories of presiding officers.

On the flip side, John Dramani Mahama filed a petition on 30<sup>th</sup> December, 2020 at the Supreme Court of Ghana to challenge the outcome of the December 7, 2020 presidential election. He specifically went to the court to challenge the results declared by the Chairperson of the Election Commission of Ghana on 9<sup>th</sup> December, 2020. The Electoral Commission was the first respondent and the incumbent Nana Addo Dankwa Akufo-Addo, the Presidential candidate of the New Patriotic Party (NPP) was the second respondent.

The petitioner just as in the 2012 petition also sought six reliefs against the Electoral Commission and the Presidential Candidate of the NPP. The reliefs were in the nature of three declarations and three orders. They were:

- a. A declaration that "Mrs. Jean Adukwei Mensa, Chairperson of the 1<sup>st</sup> Respondent and the Returning Officer for the Presidential Elections held on December 7, 2020 was in breach of Article 63(3) of the 1992 in the declaration she made on 9<sup>th</sup> December, 2020 in respect of the Presidential Election that was held on 7<sup>th</sup>

December, 2020”;

b. A declaration that “based on the data contained in the declaration made by Mrs. Jean Adukwei Mensa, Chairperson of the 1<sup>st</sup> respondent and the Returning Officer for the Presidential Election held on 7<sup>th</sup> December, 2020, no candidate satisfied the requirement of article 63(3) of the 1992 Constitution to be declared President-elect”;

c. A declaration that, “the purported declaration made on 9<sup>th</sup> December, 2020 of the results of the Presidential Election by Mrs. Jean Adukwei Mensa, Chairperson of the 1<sup>st</sup> respondent and the Returning Officer for the Presidential Election held on 7<sup>th</sup> December, 2020 is unconstitutional, null and void and of no effect whatsoever”

d. “An order annulling the declaration of President-Elect Instrument, 2020 (C.I. 135) dated 9<sup>th</sup> December, 2020, issued under the hand of Mrs. Jean Adukwei Mensa, Chairperson of the 1<sup>st</sup> respondent and the Returning Officer for the Presidential Election held on 7<sup>th</sup> December, 2020 and gazetted on 10<sup>th</sup> December, 2020”.

e. “An order of injunction restraining the 2<sup>nd</sup> respondent from holding himself out as President-elect” and

f. “An order of mandatory injunction directing the 1<sup>st</sup> respondent to proceed to conduct a second election with Petitioner and 2<sup>nd</sup> respondent as the candidate as required under article 63(4) and (5) of the 1992 Constitution”.

In the wisdom of the panel of jurists, relief (b) was the major relief on which the other 5 reliefs were buttressed. The other five reliefs were dependent on the success or failure of relief (b). The Court intimated that relief (b) raises an arithmetical question and cannot be resolved without resorting to some calculations.

Consequently, the Court set down five issues for determination. These were:

1. “Whether or not the petition discloses any reasonable cause of action”
2. “Whether or not based on the data contained in the declaration of the 1<sup>st</sup> respondent of the 2<sup>nd</sup> respondent as President-elect, no candidate obtained more than 50% of the valid votes cast as required by Article 63(3) of the 1992 Constitution”
3. “Whether or not the 2<sup>nd</sup> respondent still met the Article 63(3) of the 1992 Constitution threshold by the exclusion or inclusion of the Techiman South Constituency presidential election results”
4. “Whether or not the declaration by the 1<sup>st</sup> respondent dated 9<sup>th</sup> December, 2020 of the results of the presidential election conducted on the 7<sup>th</sup> December, 2020 was in violation of Article 63(3) of the 1992 Constitution”; and
5. “Whether or not the alleged vote padding and other errors complained of by the petitioner, affected the outcome of the presidential election results of 2020”.

Comparatively, the two petitions sought six reliefs from the Supreme Court. However, in 2012 three of the six reliefs were unanimously dismissed by the apex court whilst in 2020, the Supreme Court singled out relief (b) as the substantive issue from which the other five reliefs derived their merit. As a result, the court set out five issues for hearing as indicated above.

### The verdicts of the two petitions

After eight months of legal battle, the apex court set August 29, 2013 for the ruling. By a majority 5-4 decision, the results of the 2012 presidential elections were upheld as announced by the EC (Table 1).

The 2012 election petition brought to the fore several weaknesses in the electoral process that could have negative consequences for democratic maturity in Ghana. Consequently, the President of the panel of jurists, Justice William Atuguba in reading the ruling averred, “This petition, however, has exposed the need for certain electoral reforms. I mention some of them” (Supreme Court Verdict, 2012; Presidential Election Petition, 2013). The Supreme Court therefore made seven recommendations for electoral reforms in Ghana (Supreme Court Verdict, 2012 Presidential Election Petition, 2013). These were;

1. “The voters’ register must be compiled and made available to the parties as early as possible”,
2. “A supplementary register may cater for late exigencies”,
3. “The calibre of presiding officers must be greatly raised up”,
4. “The pink sheet is too elaborate, a much simpler one to meet the pressures of the public, weariness and lateness of the day at the close of a poll etc”,
5. “The carbon copying system has to be improved upon”,
6. “The Biometric Device System (BDS) must be streamlined to avoid breakdowns and the stress on the electorate involved in an adjournment of the poll”,
7. “Invalidating wholesale votes for insignificant excess numbers is not the best application of the administrative principle of the proportionality test”.

Just as the 2012 presidential election outcomes were upheld as declared by the EC, so was the 2020 (Table 2).

Besides, the 2020 election petition panel of judges led by the Chief Justice who doubled as the president of the panel unanimously ruled that the petition was without merit and consequently dismissed it. However, whereas in the 2012 election petition, the panel of eminent judges made recommendations for electoral reforms based on the evidence before them to improve future elections, the panel of judges in the 2020 election petition surprisingly did not make any recommendation for electoral reforms

**Table 1.** Election 2012: Presidential results in percentages.

Political Party	NDC	NPP	PPP	GCPP	PNC	CPP	IND. CAND.	UFP
Percentage of Votes	50.7	47.7	0.6	0.4	0.2	0.2	0.1	0.1

Source: Electoral Commission, 2012.

**Table 2.** Election 2020: Presidential results in percentages.

Political Party	NPP	NDC	UGM	CPP	PNC	IND. CAND.	LPG	APC	PPP	NDP
Percentage of Votes	51.30	47.36	0.80	0.09	0.08	0.07	0.06	0.05	0.05	0.05

Source: Electoral Commission, 2020.

though substantial flaws were pointed out during the hearing.

### **Discussion of the Presidential Election Petitions within the ambit of Linz and Stepan's (1996) three dimensions of democratic consolidation**

In the view of Linz and Stepan (1996:5-6), any true consolidated democracy possesses three essential characteristics which can be tested through the people's behaviour, attitude, and adherence to the constitution. Behaviourally, they argued that a democracy becomes consolidated when political groups in the country do not make any effort to overthrow a democratic rule. With the attitudinal dimension, they intimated that it is where the vast majority of the citizens believe that any political change must happen within the framework of the existing democracy. Constitutionally, they held the view that in such political space any political conflict must be settled within the ambit of specific laws, procedures and institutions of the new political system.

Taking clue from the behavioural proposition to assess Ghana's democracy, shortly after the declaration of both the 2012 and 2020 presidential election results, the presidential candidates of the NPP and NDC respectively made their intentions known that the elections were flawed due to electoral irregularities. The two presidential candidates that is Nana Addo Dankwa Akufo Addo petitioned the Supreme Court in December 2012 whilst his counterpart John Dramani Mahama replicated same in December 2020. As indicated by Asante and Asare (2016:5) that there were options such as the use of force and violence as happened in other African countries but the two petitioners in the two presidential elections decided to use the democratic structures. On the part of the victors in both elections, the NDC in 2012 was magnanimous in celebrating its victory same as the NPP in 2020. In the same vein, the two victors willingly subjected themselves and their political parties to the

judicial and legal processes at the Supreme Court for eight months in the case of the 2012 petition and three months for the 2020 petition instead of deciding to boycott the processes. It can be deduced from the behaviour of the political parties in the two presidential elections that, they were eager to create room for democratic growth in Ghana hence putting their political interest and joy after a fierce political contest at the back burner.

Attitudinally, the authors (Linz and Stepan, 1996) explained that in a consolidated democracy, majority of the citizens holds the view that political changes must happen in accordance with the tenets of the existing democracy. Since 1992, Ghanaians have accepted elections as the modus operandi for ascending to political power. As such are prepared to protect its sanctity and purity. This is demonstrated by the high degree of zeal and zest with which the populace monitored the two presidential election petitions. The media, which is considered as the fourth estate of the realm both public and private monumentally contributed to this through the live broadcasting of court proceedings, providing platforms for the parties to express their views after each court hearing among others. This provided the grassroots the latitude to be abreast with happenings. These interests point to the fact that "the power to make and unmake governments no longer resides in the barrel of the gun" but with the thump of individual voters (Boafo-Arthur, 2008). Similarly, Armah-Attoh and Robertson (2014:3-5) in Afrobarometer Briefing indicated that majority of Ghanaians prefer democratic governance to any other form of government and have high disapproval for autocratic/non-democratic forms of government such as one-man rule, one party rule and military rule.

The third dimension is constitutional. According to Linz and Stepan (1996), democracy becomes consolidated in a country when all the key players in the polity, "become subjected and habituated to the resolution of conflict within the specific laws, procedures and institutions sanctioned by the new democratic processes". At the

center of the two presidential elections was the disagreement on the declared election results. In the 2012 election petition, the bone of contention was between the NPP and the John Mahama, EC and NDC on one hand and in the 2020 petition, the dispute was between John Dramani Mahama and Nana Addo Dankwa Akuffo Addo and the EC on the other hand. Though in the two petitions, there was initial violence, however, the violence subsided to pave way for the conflicting parties to settle their differences using the constitutional provisions in Article 64(1) and Constitutional Instruments (CI) 72, 74 and 75. After the petitioners and respondents in each petition subjected themselves to a period of eight and three months legal tussle in the 2012 and 2020 cases respectively, the verdicts were delivered which saw the petitioners losing their cases as the usual norm on the continent of Africa (Murison, 2013; Kaaba, 2015; Nyane, 2018; Adams and Asante, 2020). Though the petitioners were not impressed with the outcome, they both in each case accepted the ruling of the apex court. For instance, Nana Addo Dankwa Akuffo Addo in his concession speech having called the victor John Dramani Mahama to congratulate him remarked, “while author disagrees with the court’s decision, author accepts it. Author accepts that what the court says brings finality to the election dispute. We shall not be asking for a review of the verdict, so we can all move on in the interest of our nation” (Akuffo Addo, 29<sup>th</sup> August, 2013). The incumbent President whose electoral victory was challenged on his part made a very balanced statement after that of the Petitioner, with both parties agreeing that Ghana was the winner in the judgement of the landmarked presidential election petition (Asante and Asare, 2016:5). Similarly, John Mahama, though disagreed with the ruling, he also nonetheless accepted it: “Much as I am aware that we are legally bound by the decision of the Supreme Court, I disagree with the process of trial and ruling of the court” (Mahama, 4<sup>th</sup> March, 2021). The willingness of the petitioners and respondents to abide by the judgement in the two presidential elections point to the fact that political demagogues in Ghana are prepared to “play by the rules of the game” in resolving their worries by using the existing legal structures. Another point of keen interest is the general populace and civil society organisations’ demands on the aggrieved political actors to seek their redress in court also signifies the high confidence and trust that Ghanaians have in the judiciary contrary to the position of Owusu-Mensah and Frempong (2015).

Finally, the two verdicts also have a role in the democratic match of Ghana. The seven recommendations made in the judgement of the jurists will have far-reaching effects on the transformation of Ghana’s electoral politics. However, the role of the judiciary in promoting democratic development in Ghana was dampened during the 2020 presidential election petition because of the actions and inactions of the jurists as

they stuck to the legal interpretation of the laws at the expense of the sociological interpretation. In addition, their inability to grant the request of the petitioner to cross-examine the chairperson of the EC may be legally tenable, such action could equally be considered as an affront to democracy and accountability since the EC Chairperson is a public officer whose operations are financed from the public purse. Notwithstanding, the accusation of obvious biases raised against the 2020 election petition panel of judges by the petitioner and his supporters, it is safe to state that the two presidential election petitions have not only contributed to the affirmation of the country’s long-celebrated democratic stability but have also significantly elevated democratic consolidation in Ghana.

## CONCLUSION AND RECOMMENDATIONS

The study sought to examine the 2012 and 2020 presidential election petitions, *visa-vis* the catalytic move towards democratic maturity in Ghana within the context of the three dimensions of democratic consolidation espoused by Linz and Stepan (1996). The paper found that the behaviour and attitude of the key political actors in the two presidential election petitions situated within the ambit of Linz and Stepan’s postulation give credence to the fact that democracy is maturing in Ghana. However, there is the need for the judiciary to be consistent and apply the laws taking into consideration both the sociological and legal perspectives to win the full trust and confidence of Ghanaians in a consistent manner. The entire management of the two presidential election petitions have without a doubt put Ghana in the limelight as a trailblazer in electoral politics and democracy in sub-Saharan Africa. This is because of the acceptance and internalization of the fact that the only way to ascend to political power is through elections and whenever there are disputes, the aggrieved party(ies) are prepared to subject themselves to the laid down democratic and legal structures in addressing their grievances.

## CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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*Full Length Research Paper*

# Russia and China strategies in the Central African Republic

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**In more than six years, Russia expanded its presence in Africa sevenfold, starting with four (4) countries in 2015 and reaching 25 by 2021, including the Central African Republic (CAR). In the CAR, Russia became a major actor alongside the fourteen (14) armed groups, the United Nations Blue Helmets, and the Central African Army forces. While Moscow is involved in security issues and military diplomacy with lucrative reward, China is engaged in several development activities. This study examines Russia's and China's motivations, interests, and strategies in the CAR. The authors use the New Scramble for Africa literature as their theoretical lens. The overall objective of this paper is to foster a greater understanding of Russia's and China's role in the CAR where armed groups control 60% of the resource-rich areas. The armed groups' predatory activities and Moscow's realist policy in the CAR derailed the peace process via direct confrontations between the great power and armed groups. These confrontations escalated the geopolitical rift between France and Russia over CAR. Our findings indicate that Russia and China will increasingly become engaged in strategic competition for the resources of CAR, with detrimental consequences for peace and prosperity in the CAR.**

**Key words:** Russia, China, armed groups, minerals, Central African Republic, United Nations, New Scramble for Africa.

## INTRODUCTION

The Central African Republic (CAR) experienced its fifth military coup in 2013, perpetrated by the Seleka armed group. The coup escalated into a protracted and pervasive civil war with serious crimes perpetrated by insurgents. About 190,000 people fled to neighboring countries, and 850,000–930,000 became internally displaced persons. In the early stages of the conflict, the international community (African Union, France and the United Nations) deployed troops to halt the conflict and sustain peace. In 2016, France disengaged and withdrew

its troops from the CAR. One year later, Russia stepped in with authorization from the UN Security Council, which approved an exemption to the arms embargo imposed on the CAR in response to conflict. Moscow then provided arms and instructors to the EU training battalion.

In 2019, Russia sponsored the Khartoum peace deal between the government of the CAR and fourteen (14) armed groups. Some analysts contend that the Russian leader Vladimir Putin's foreign policy was aimed to preserve state sovereignty and self-determination.

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However, critics assume that Moscow was promoting its own economic interests under the guise of promoting state sovereignty and protecting legitimate authorities. Kimberly (2019) stated that Moscow's true ambition was to access the CAR's natural resources, including oil, diamonds, uranium, gas and other raw materials. Other scholars argue that Russia's realist engagement in fragile states will not stand in light of its fragile economic situation. Paris and Washington's military disengagement in 2016 paved the way for Russia and China to expand and reinforce their influence in the CAR.<sup>1</sup> This paper discusses Moscow's and Pekin's strategies in the conflict affected-country (Kimberly, 2019).

The paper will address the following questions: What are Russia and China's policies in the CAR? Why is Russia and China interested in poor and conflict affected countries in Central Africa? Do Russia and China cooperate or compete in the CAR? What impact does China's and Russia's presence in CAR have on peace and development prospects?

### **Theoretical framework: The new scramble for Africa and great power competition**

The first 'scramble for Africa' was carried out by European powers competing for resources in the region in the late 19th century (Eberechi, 2009). This resulted in the 1884-1885 Berlin conference that partitioned the continent. Needless to say, this was not in the interest of Africans. In this first scramble for Africa, colonialism caused significant and enduring damage to African societies. The activity of great powers in the African continent today has been termed a 'new scramble for Africa'. Great powers competing in this scramble today include China, Russia, the U.S., Turkey, India, and the European powers. These powers are not competing for territory, but instead for influence, access to natural resources, and trade opportunities (Harms, 2019).

Of these powers, China has invested the most in Africa since the turn of the century (Poplak, 2016). China's investments in African countries range in billions of dollars (Poplak, 2016). For Pekin and other emerging economies, Africa holds vast amounts of natural resources that are of huge potential to them. China's strategy in Africa to date has included the use of soft power to promote language and culture for political and economic gain (Salomone, 2022), alongside foreign direct investments in Africa to ensure a steady supply of resources in favorable economic terms (Carpintero et al., 2016). This strategy has been termed one of 'smart power', using moderated hard power through economic investment, in conjunction with soft power to promote its culture and improve the image of China in Africa

(Salomone, 2022). China is not the only great power taking part in the new scramble for Africa. Over recent years, Russia has been stepping up its activities on the continent. This was shown through the 2019 Russia-Africa Economic Forum, which brought together some 43 African leaders with the aim 'to foster political, economic, and cultural cooperation' (Harding and Burke, 2019). During the Cold War, The Soviet Union's objectives in Africa were tied to maintaining its image as a global superpower and competing for influence with other superpowers of the time (Gathara, 2019) by supporting African leaders' fight for independence from colonial rule. Today this goal of maintaining influence at the expense of other great powers remains largely unchanged (Gathara, 2019). Russia sees Africa as a major trade opportunity and its strategy revolves around establishing military and security projects in African countries as well as facilitating the extraction of natural resources (Adam, 2018).

Much has been written about China's investments and influence campaigns in Africa over recent decades (Rotberg, 2009; Zhang et al., 2016; Tan-Mullins et al., 2010). China has been termed the 'new dominant foreign power in Africa' (Adam, 2018). China appears to be leading the new scramble for Africa, yet it is decidedly less clear how Russia fits into this picture. Competition between China and Western powers in Africa can be seen as a 'resource-hungry China' up against the West which views China's growing influence in the region as part of emerging great power competition for global hegemony (Gathara, 2019). Russia too has its own well-documented conflicts with the West, so its competition for influence with the US-Europe alliance in Africa is unsurprising.

What is of interest is how Russia and China see each other's activities on the African continent. The increasingly close relationship between the two great powers, one described by both powers as a 'no limits' partnership (Munroe et al., 2022), should imply cooperation and coordination in influence activities on the African continent. However, the dynamics of the new scramble for Africa does not point toward cooperation and partnership, rather they would seem to push in the direction of competition between great powers vying for influence on the continent. Spivak (2019) questions whether Moscow's increased actions in Africa, in particular the arms sales, will destabilize the region and cause problems for achieving China's own strategic goals. We see the geo-political implications of the new scramble for Africa on Russia – China relations as a question left to be examined in the literature.

Moreover, it is unclear how similar the strategies of Russia and China are. Broadly speaking, most scholars agree that these great powers seek greater influence on the African continent. But how their strategies differ and what effect this has on African countries remains unclear. Adebajo has questioned whether Russia's participation in the new scramble for Africa is a bid to promote stability and good intra-continental relations on the continent, or

<sup>1</sup> UNHCR country operations profile: Central African Republic, at, 29 January 2016; Doctors Without Borders, CAR: No Hope of Returning Home, 27 January 2016, at, 31 January 2016.

whether Russia's actions on the continent are to the detriment of African countries (Adebajo, 2020). Though China's role on the continent has been well documented, Russia's actions have been less so, leaving a gap in the literature. What are Russia's strategy and aims in the new scramble for Africa and how do these differ from those of other great powers? To what extent do they mirror China's strategy?

Finally, the overriding question of the new scramble for Africa literature is what effect this has on African countries. Africa should be wary of such intense interest by great powers: 'Historically, when external powers have eyed Africa and seen it as a source for raw materials or markets, Africans themselves often pay the price' (Harms, 2019). In this new scramble for Africa, it remains unclear whether this is the birth of a new form of colonialism, one that will leave the continent in tatters (Poplak, 2016), or instead whether Africa will be able to shake off colonialism and take advantage of this renewed interest in Africa to bring critical investment for development (Snr, 2021).

The theoretical lens places the actions of Russia and China in the context of the new scramble for Africa taking place between great powers in the 21st century. It also includes realism to analyze the geopolitical dynamics of this competition and what it tells us about the relationship between China and Russia today, as well as how this relationship might change in the future. George Mchedlishvili finds "pure realism in [Moscow's] policy as it gives primacy to the interests of the state."<sup>2</sup> He stressed that Russia's current confrontation with the West under "the New Cold War (or Cold War 2.0) will be suicidal for Russia's long-term development." Thornike, on his side, believes that "Russia is undertaking a hybrid war to create a precondition for war, to conquer territory and to obtain benefits."<sup>3</sup> He further contends that "the hybrid war allows Russia to minimize the need to use military force while achieving its foreign policy goals." Thornike explains that "a hybrid war removes the traditional edge between war and peace and is constantly going on and occupying the territory without open military good example. Russian Special Forces (...) occupied Crimea without shedding blood. The scholar stresses that "Hybrid war means permanent war all over the world, where there are no red lines and no bans." In that respect, he refers to "the Chief of Staff of the Russian Army in 2013, who stated that in the 'New Generation War', military force will be used covertly, without official declaration."<sup>4</sup>

## METHODOLOGY

The methodology is a comparative case study analysis of Russia

<sup>2</sup> Mchedlishvili G. Why Russia Acts Against Its Own Long-term Strategic Interests? P.41.

<sup>3</sup> Zedelashvili T. Reflection of Cyber Warfare Phenomenon in National Security Strategies - Myth and Reality on the Example of the United States P.74.

<sup>4</sup> Zedelashvili T. P.78.

and China's strategies in CAR. When undertaking comparative case studies, the aim is to draw causal inferences by looking for two modes of case comparison: 'the researcher looks for causal conditions that are the same between two cases that have the same outcome' or 'the researcher looks for antecedent conditions that differ in two cases that have different outcomes' (Ahn, 2018). This methodology will allow us to analyze the similarities and differences in these two great powers' strategies.

Process tracing will be used within case studies to determine causality. This is an analytical technique often used in comparative case studies (Goodrick, 2019). Process tracing is 'an analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence – often understood as part of a temporal sequence of events or phenomena' (Collier, 2011). 'The goal is to document whether the sequence of events or processes within the case fits those predicted by alternative explanations of the case' (Bennett, 2008).

Techniques of document analysis are used when analyzing source material. 'Document analysis involves skimming (superficial examination), reading (thorough examination), and interpretation. This iterative process combines elements of content analysis and thematic analysis' (Bowen, 2009). The source material is a combination of literature, media reports and investigations, and government sources.

Qualitative methodology is best suited to the study conducted and allowed to incorporate a wide range of material and an extended time frame needed to deal with the complex topic at hand.

## Russia strategy in the CAR

The active cooperation process with the CAR started On October 7, 2017, when Firmin Ngrebada, President Touadera's chief of staff, met with the Russian Minister of Foreign Affairs Sergey Lavrov in Sochi, Russia (Dukhan, 2020). Following that meeting, Russia appealed to the UN "to make an exemption to arms embargo on the Central African Republic so that Moscow could provide weapons to two EU-trained battalions of its [CAR] military forces" (Korybko, 2017). Russia convinced the UN Security Council of its commitment to comply with the council requirements regarding "arms imports and vowed to store them in new containers under tight security" with serial numbers "for each unit so that they can be traced if they end up in the wrong hands" (Korybko, 2017). Samuel Ramani views Russia's military diplomacy as a mean to weaken the UN sanction regime particularly arm embargo and diamond export imposed to the country through 2127(2013) United Nations Security council resolution. He recalls that Moscow lobby resulted in the lift of restrictions on the CAR diamond exports (Ramani, 2021).

In 2018, Touadera met Putin in Russia to formalize their relationship. Analysts indicate that the president of the CAR negotiated for protection and pacification of the country in exchange for access to natural resources. Thus Putin sponsored the Wagner Group, a (Russian shadow army), (Dukhan, 2020) and created an ideal environment in which to access the CAR's vast stores of natural resources. Goodison stressed that Moscow establish[ed] its presence in Africa's geostrategic heartland" for its own gain (Korybko, 2017). In parallel with military diplomacy, Moscow also appeared to be involved in the UN peace Agenda in the CAR. Further, the Russian Foreign Ministry admits claimed that Russia wishes to 'strengthen the national security units of CAR' and secure mutually beneficial mining contracts (Ramani, 2021).

In the CAR peace process, Moscow wanted to be viewed as a peacemaker, who succeeded where western powers failed to foster a peace deal between the government and armed groups. In fact, the failure of the Sant' Egidio Peace Accord, signed in Italy in 2017, fostered Moscow's political will to play a leading role in peacemaking in the CAR. Prior to the negotiation process in Khartoum (Sudan), Russia liaised with armed group leadership and

informed them of their intentions. Russia engaged with the main stakeholders at domestic and regional levels to obtain political support from the main actors, including the armed groups of the CAR government and Omar al-Bashir, the former president of Sudan, Russia's regional ally.<sup>5</sup> As a result, a Peace Agreement was concluded in Khartoum and signed in Bangui in February 2019. Through an active cooperation with the African Union and the UN on national reconciliation in CAR, Russia burnished its reputation as a diplomatic arbiter in the CAR (Ramani, 2021).

At early stages of the peace process, Moscow concluded a deal with the major armed groups, guided by its non-ideological policy. Russia had ambitions to support both armed groups and the government of the CAR in the security sector. This hedging strategy mirrors Russia's behaviour in Libya, as Moscow militarily supports the Libyan National Army chief, Khalifa Haftar, while engaging with other rival factions (Ramani, 2021). In fact, in July 2018, Russia proceeded with military training for the armed groups with "Approximately two hundred (200) FPRC elements headed to Amd-Dafock (65 km to Sudan)." Trainees were selected "across areas under the FPRC's influence." During a five-month period, extensive training was provided in advanced weaponry, vehicle operation, and paramedic instruction to 600 ex-Seleka rebels in Sudan (Dabanga, 2018). A tight collaboration was observed between Moscow and the armed groups when 19 Russian trucks were spotted in Birao (85 km from Sudan) on May 12, 2018. These trucks were escorted by 30 armed the FPRC elements under the command of FPRC General Ibrahim. That day the Russian delegation donated assorted drugs and medical materials to Birao Hospital.<sup>6</sup> The close collaboration between the Russian Paramilitary organization (Wagner) and the CAR major armed groups explains Russia's nonideological approach consisted of maintaining good relationships both with government and nonstate actors (Sadden et al., 2017).

In parallel, Russia provided arms, training, and protection to Touadéra, Government amidst "mistrustful sentiment of Western military presence in the country" (Plichta, 2018). The initial agreement between Russia and the CAR included "five military officers and 170 civilian instructors, along with more than 5,000 AK-47s, sniper rifles and grenade launchers" (Calzoni, 2018). Putin's provision of arms to the government of the CAR frustrated rebel factions, who started building their own weapon stockpiles. Russia's nonideological engagement in the CAR was challenged by armed groups that suspected Russia had self-serving intentions.

After the Khartoum negotiations that resulted in the peace accord in Bangui, armed groups protested the new government's reshuffling, which left them underrepresented. Even after they were granted lucrative government jobs, they persisted in making these claims. Given this state of unrest, pro-French actors and several armed groups planned to overthrow President Touadéra and weaken Russia's presence. To counter these threats, Touadéra and Russia supported three armed group leaders, Hamza Toumou Deya from Mouvement des libérateurs centrafricains pour la justice (MLCJ), Herbert Djono Gontran Ahaba and Moustapha Maloum (alias Zakaria Damane) Rassemblement pour la paix en republic centrafricaine (RPRC), believing these allies would help to weaken the FPRC presence in the northern and western regions and could regain control of strategic resource-rich areas important for Russian expansionism (Dukhan, 2017). In August 2019, opposition to the MLCJ and FPRC in the Vakaga region led to violent clashes, resulting in the killing of dozens of civilians (Dukhan, 2018). The 2020 presidential election heightened tensions, and former President Francois Bozize created a new rebel group, named CPC, which sought to remove incumbent President Faustin Archange

Touadéra from power. Supporting President Touadéra for reelection, Moscow's strategy aimed at consolidating its investments and contracts in the CAR by ensuring Touadéra's reelection.

In December 2020, armed groups launched a military offensive against the CAR capital city. The situation alarmed Russia, and to counter the offensive, Moscow increased its security forces. During the armed struggle against armed group Russia ambassador warned the former president: "[François Bozizé] should renounce the armed struggle; otherwise, he would be neutralized by the armed forces," (Bushuev and Topona, (2021)) warned Russian Ambassador to the CAR, Vladimir Titorenko. Officially, Moscow stated that it deployed 535 military experts; in fact, the number was much higher, as the Russian private security firm, the Wagner group, employed more than 1,000 people in the region. According to local sources, Russian paramilitaries, troops from Rwanda, and CAR security forces were seen on the front-line fighting rebels. Because of robust military operations, the government recovered most of former rebel strongholds. Amidst criticism of its unilateral intervention in the CAR, Russia's Foreign Minister indicated to the media DW that "Military specialists from Russia are sent to the country as per UN Security Council guidelines" (Bushuev and Topona, (2021)). In a report published on March 30, the UN human rights office expressed alarm to the international community over human rights violations by Russian mercenaries, citing "... the interconnected roles of Sewa Security Services, Russian-owned Lobaye Invest SARLU, and the Wagner Group... [and, most importantly,] their connections to a series of violent attacks that have occurred since the presidential elections on December 27, 2020..."<sup>7</sup>

### **Economic interests**

In 2016, CAR authorities were allowed to export diamonds from five conflict-free 'green zones'. Russia served as 2020 chair of the Kimberley Process, which monitors ethics of exporting diamonds. As Russian state-aligned companies, such as diamond giant Alrosa and Prigozhin-aligned M-Invest, seek to expand their commercial deals in CAR<sup>1</sup>.

Nathalia Dukhan stressed that the CAR gave "prospecting-mining exploration concessions" to Russia (Schreck, 2018), and Putin positioned himself to profit from CAR's uranium alone. Furthermore, Goodison recalled that in 2006, 39,603 tons of uranium were mined worldwide, but demand was 66,500 tons and will continue to increase in the coming years" (WISE, 2018). Russia to conquer armed groups strongholds including Vakaga, Bamingui-Bangoran, Ouham-Ouham Pende, Nana-Gribizi, Haute-Kotto, Nana-Mambere and Mambere Kadei, Ouaka which rich areas in oil, gold, and diamonds and are controlled by the FPRC, anti-balaka, MPC, RPRC and UPC armed groups. Moscow's military strategy in the CAR aims to withdraw armed groups from resource-rich areas to allow the exploitation of minerals. According to Goodison, Bakouma mine ownership reveals Russia's competition for uranium in the region. He stresses that only 10% of the Bakouma mine is owned by the government of the CAR, while the other 90% is held by Uramin Incorporated (WISE, 2018). Forty-nine percent of the Uramin is held by the China Guangdong Nuclear Power Company (WISE, 2010), while Areva, the French multinational corporation, owns the remaining 51%; its investors include Japan and the Kazakh government owned KazAtomProm (WISE, 2010). In 2017,

<sup>5</sup> Nathalie P.3.

<sup>6</sup> MINUSCA Birao field office daily situational report "Heavily armed FRPC elements escort a convoy of 19 Russian truck form Am-Dafock to Ndele via Birao. 7 April 2018.

<sup>7</sup> United Nations Human Rights Office of the High Commissioner. CAR: Experts alarmed by government's use of "Russian trainers", close contacts with UN 31 March 2021, peacekeepers <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26961&LangID=E>

**Table 1.** Armed groups' stronghold resource rich areas.

Prefecture	Capital city	Mineral resource	Armed group
Bamingui-Bangoran	Ndélé	Diamond, Gold, Iron, Quartz, Sand	FPRC – created in August 2014 in Birao Nouredine Adam (Runga)
Nana-Gribizi	Kaga-Bandoro	Gold, Granite, Quartz, Chromium	MPC – created in July 2015 -Mahamat Al-Katim (Chadian Arab – Salamat)
Ouaka	Bambari	Diamond, Gold, Quartz, Copper, Nickel, Etain, Granite, Thorium, Titanium, Chromium	UPC – created in October 2014 - Ali Darassa (Fulani/Peul)
Vakaga	Birao	Oil, Thermal Water, Granite, Copper, Gold	Mouvement des liberateurs centrafricains pour la justice (MLCJ) – created in 2008 – Birao Toumou D. Gilbert (Kara)
Haute-Kotto	Bria	Diamond, Gold, Manganese, Colbat, Titanium	RPRC – Djono Alba (Gula)

Source: Ministry of Mine. Overview on mine potential in the central African Republic P.12 \*CAR-Mineral-Resources.pdf.

just as Russia was intervening in the CAR, a second Chinese company sought to buy Bakouma shares from Areva but failed (WISE, 2010). In fact, Uranium was discovered in Bakouma in the 1960s, and its reserves are estimated at 16,765 tons of metal uranium with a rate of 0.255% uranium<sup>8</sup>. Uranium has also been found along the CAR's southern border between Mobaye and Bangassou (IPIS, 2017). The CAR was an opportunity for Russia to expand its influence in Africa and pursue its economic goals. Table 1 shows the armed groups stronghold resource rich areas.

### China's strategy in the CAR

China's role in the CAR is growing, but it is not nearly as significant as Russia's (Minney et al., 2019). China has had relations with the CAR stretching back decades. It was the first country to assist the CAR with a \$2.5 million grant in April 2003 after Francois Bozize seized power from President Ange-Felix (IRIN News, 2004). This was followed by a \$2.5 million interest free loan in June 2003 and a further \$2 million in November, along with \$83,000 in aid (IRIN News, 2004). Loans and aid of this kind have long been a feature of China's strategy in Africa. Over the next decade, China financed multiple development projects in the CAR. In 2005, Chinese state-owned Import-Export Bank agreed to provide funding for the supply and installation of mobile and fixed networks covering the CAR at a cost of \$67 million, to be built through Chinese state-owned ZTE (Foster et al., 2009). In 2003, China also financed a 20,000-seat stadium in Bangui (AIDDATA, n.d.). Yet Chinese banks stopped providing major loans to the CAR in 2011 (Minney et al., 2019), as the country descended into civil war.

This was not before Bozize awarded China National Petroleum Corporation the rights to explore for oil at Boromata, in the country's northeast near the border with Chad (Aboa and Ngoupana, 2013). Oil exploration is key to the story of China's involvement in the CAR and its involvement with armed groups post the 2011 coup. A 2016 UN Report alleged that Chinese oil company PITAL International Petroleum was financing armed groups in the CAR. The Chinese oil company acted through a private security company FIT Protection to pay \$US40,000 to an ex-Séléka faction known as the Front Populaire pour la renaissance pour la centrafricaine (FPRC) to respect an 80km security permit and not carry out attacks on its facilities at Gaskai in the north of the country (Republic, 2016). This was in violation of a UN sanctions regime (Republic, 2016). An anti-corruption group, Global Witness, reported that European and Chinese timber companies together paid 3.4 million Euros to mostly

Seleka rebel groups in 2013 for security and checkpoints (Witness, 2015).

To achieve its ambitious goal of becoming carbon neutral by 2060, China is investing in its nuclear energy territories (DeBoom, 2021). Countries in Africa, such as Namibia, have seen large investments by China to mine their uranium deposits (DeBoom, 2021). As previously mentioned, China's Guangdong Nuclear Power Company owns 49% of the uranium portion at an established mine in Bakouma. In 2017, just as Russia was intervening in the CAR, another Chinese Company sought to buy shares in the mine and failed to do so (Goodison, 2019). Many of the resource rich regions in the north of the country where mineral and oil deposits lie are controlled by rebel groups that Russia is engaged with (Goodison, 2019). The increasing potential for Beijing and Moscow to view each as rivals rather than partners in the scramble for the CAR's mineral wealth is clear.

Wikileaks released documents in 2016 that allege to show corruption by both Western and Chinese companies in a rivalry over claims to the CAR's uranium and other mineral wealth. Allegations of corrupt mining rights and mining contracts, and damage caused to the environment, again point to China's involvement in the exploitation of the CAR. Documents revealed by Wikileaks allege to show China's state owned defence company Poly Technologies (PTI) tried to invest in the CAR, 'probably within the framework of a hidden weapons agreement thought to feed the Central African Republic Civil War in spite of global sanctions' (WikiLeaks, 2016). Documents show contracts between PTI and CAR's government in 2007 and 2011 for oil exploration permits and bonuses. Further 2015 documents show the contractual situation between the CAR and PTI and further business dealings (WikiLeaks, 2016).

Several Chinese companies are involved in mining activities across the CAR. Multiple reports and investigations have raised human rights and environmental concerns related to the practice of these companies. A 2019 report released following a parliamentary commission of inquiry in the CAR recommended that four Chinese companies Tian Roun, Tian Xiang, SMC Mao, and Meng, stop mining for gold in Bozoum in the north of the country (Ngounou, 2019). These companies had caused extensive pollution and degradation of the environment, with the report entitled "Ecological Disaster" (Ngounou, 2019). Such activities highlight the concern among many that China's actions in Africa, seen through state owned and affiliated companies are exploitative and damaging for local populations. In this instance, Chinese mining companies caused great damage to the local environment and communities.

An Amnesty International report revealed that following the departure of these companies in April 2020, seven people died at the abandoned mining sites and there was a failure to restore the

<sup>8</sup> Ministère des Mines. Aperçu Sur Le Potentiel Minier de la République Centrafricaine P.12 \*CAR-Mineral-Resources.pdf

Ouham river (Amnesty International, 2020). In all 'Three government reports and other testimony – corroborated by satellite imagery, photographs and videos – attest to profound changes to the Ouham River' (Amnesty International, 2020). China's exploitative activities in the CAR indicate that commercial activities of foreign companies taking part in the New Scramble for Africa should be viewed with skepticism and require oversight to ensure compliance with international environmental and human rights regulations.

### **Energy**

In August 2021, authorities inaugurated a new thermal power plant in Bangui (Africanews, 2021). For the first time since 1967, CAR saw a significant increase in its power grid thanks to funding from the African Development Bank along with Sino-Centrafrican cooperation (Africanews, 2021). In a country where only 10% of the population has access to electricity (Africanews, 2021), projects to develop the national power supply are desperately needed. China's state-owned Shanxi Construction Investment Group Co Ltd signed an engineering, procurement and construction contract in December 2021 to build a 25MWp solar PV plant in Bagui (Energy, 2021). The project is being funded by the World Bank Group's International Development Association at a cost of \$65m, with construction expected to begin in June 2022 (Energy, 2021).

Chinese companies have been filling the need of the CAR to develop its energy grid. This could be seen most plainly during the visit by Faustin-Archange Touadéra to China for the China Africa Forum Summit in September 2018 (Takouleu, 2018). On the sidelines of this summit, the CAR signed an agreement with state owned China Gezhouba Group Company for the reconstruction of the Boali II hydroelectric power plant (Takouleu, 2018). Located 105km from Bangui, the project will aim to increase generating capacity by 50% and will be supported by the African Development Bank (Takouleu, 2018).

This investment in the CAR's energy infrastructure shows the potential economic investments China can make in the CAR, above those offered by Russia. If China flexes its economic muscles it is unlikely Russia will be able to compete.

### **China's Outlook in the CAR**

Over recent years, there are indications that China is looking to develop its relationship and influence with the CAR. In 2021, the CAR became one of the latest African countries to sign a Belt and Road Cooperation Agreement with China. At the signing ceremony, China presented medical aid to combat COVID 19 (Opali, 2021), this not being the first time China had donated such supplies to the CAR during the pandemic (CIDCA, 2020). The significance of the Belt and Road Initiative reaching the CAR can be seen through this lens of aid and development. The agreement signals a willingness and desire from both Bangui and Peking to strengthen the economic relationship between the two countries.

China has been building its cultural influence in the CAR. In 2019, China unveiled a China-CAR Friendship village, 30km away from the capital (Republic E. o., 2019). In May 2021, a Confucius Institute was established at the University of Bangui (Opali, 2021). These soft power tactics of cultural influence and aid appear part of a strategy on the part of Beijing to cultivate a stronger relationship with the Touadera government.

The track record of China's involvement in the CAR shows an ongoing interest from Chinese companies in the mineral wealth of the country. There are no indications this will change. The effort by Peking to bring the CAR into its broader foreign policy vision in Africa, seen through the Belt and Road Initiative, is an indication that China is not prepared to leave the mineral wealth of the CAR for Moscow to exploit. Increasing soft-power tactics, seen through cultural initiatives, and hard power tactics, through economic

investment in developing the CAR (particularly in its energy sector) could be part of a coordinated strategy on the part of China to foster a stronger relationship with the Touadera government and achieve for itself lucrative mining contracts. Chinese companies have a history of oil exploration in neighboring Chad, as well as Sudan. The story of China – Sudan relations is relevant for several reasons, not least because China's interest in Sudan was directly correlated to its mineral wealth. When South Sudan split from the country in 2011 and took 80% of the united country's mineral wealth, China's investment in Sudan over the next decade dropped dramatically, indicating much less interest in Sudan on the part of China's policymakers (Patey and Olander, 2021). Peking sees opportunities in the CAR and there are no indications it is prepared to walk away and leave these to Moscow.

### **FINDINGS**

The findings of this study show that Russia and China employ contrasting strategies in the CAR. Russia is engaged in providing security assistance to the CAR in exchange for lucrative resource opportunities. China is focused on development investment in energy, water, and infrastructure and using some soft power methods to attain influence. It also appears interested in attaining its part of the rich mineral wealth of the CAR. China does not compete with Russia in providing security assistance, and so too Russia leaves development of the CAR's infrastructure largely to China. However, the goals of each country are very similar: they both aim to gain influence in the CAR and position themselves and their state owned or associated companies in the best position to take advantage of the extensive resources in the CAR.

Behind each strategy is a hard-headed realism. The motivation behind each countries interest in the CAR is power, not just economic power gained from the resource wealth of the CAR, but also wider geo-political power that comes with establishing influence on the African continent. China's influence campaign extends across the continent as a part of its Belt and Road Initiative. In this respect, China's actions in the CAR are part of a broader strategy to gain influence and power across the continent of Africa. Russia has too shown a willingness to expand its influence across Africa and perhaps the CAR is a model for further influence activities they may have planned, such as those taking place in Mali. Realism fits well with the new scramble for Africa literature because it gives insight into what aims foreign countries are likely to have when interfering on the African continent, as well as what means they are likely to employ.

The findings do not show that Russia and China have been competing with each other in the CAR in any official capacity. To this date, Russia and China appear content to leave each other to their own separate influence campaigns in the CAR, focused on security and development respectively. However, indications are that this could change in the years ahead. The goals of each country in the CAR are inherently competitive, particularly as it relates to resource exploitation. As a result, this may become seen as a zero-sum game. A 2021 investigative

report found that Russian and Chinese miners had been clashing at various mining sites in the CAR (Etahoben, 2021). Chinese miners were chased away from mining sites by a convoy of Russian vehicles accompanied by Wagner mercenaries, and later informed by these mercenaries that the mine now belonged to the Russians (Etahoben, 2021). Such instances do not bode well for future cooperation between Russia and China in the CAR. The more the Wagner constructed security apparatus destabilizes China's commercial activities in the CAR, either through facilitating the disruptive activities of armed groups or by actively seizing resources themselves, the more strained the relationship will become. Predictions of increased Sino-Russian cooperation at a global level may be warranted (RADIN et al., 2021). However, in Africa, and particularly in the CAR, the reverse appears a real possibility.

The CAR shows that there is an unstable foundation to the Russia-China relationship in Africa. Each country is engaged in a scramble for resources and influence on the continent that put it in direct competition with the other. Whether they can find a way to maintain separate spheres of influence remains to be seen, but, at least as it relates to the CAR, they show few signs of cooperation. We are pessimistic about the likelihood of these powers avoiding more direct forms of competition in the future, given that both countries have shown an interest in increasing their involvement in the CAR.

Finally, the findings confirm the argument within the new scramble for Africa literature that Africans themselves should be concerned about the renewed interest of great powers on their continent. Russia's actions, particularly through the Wagner group, betray little respect for the human rights of the people of the CAR and it is questionable what benefit they have brought to the security infrastructure there. The benefit of China's development projects may be sizeable given the desperate need of the CAR to develop its infrastructure. Whether China maintains its efforts as a stabilizing partner for sustainable economic development in the CAR once the resource opportunities in the CAR begin to disappear, is questionable. The impact of Chinese mining companies has been shown to have detrimental effects on the people and environment of the CAR, indicating a tendency on the part of China to view and treat the people of the CAR as a resource to exploit. If competition between Russia and China develops in the CAR there is a likelihood of increased exploitation on the horizon for the people of the CAR. Despite their official statements, Russia and China display little regard for anything other than gaining power and influence in the CAR, at whatever cost this might come to the people of the CAR.

## Conclusion

Russia has become a key player in the CAR crisis through its diplomatic actions at the UN Security Council. Moscow provided political support and helped the CAR

government and armed groups reach a peace agreement in 2019. With its non-ideological approach at the beginning, Russia entered smoothly into CAR's stronghold areas. Major armed groups' leaders, FPRC Nouredine Adam, UPC Ali Darassa and MPC Mahamat Al-Katim have opened their doors to Russian representatives in their strongholds. Hundreds of armed group elements were trained by Russian instructors in Sudan, but the relationship between these actors eroded when the nonstate armed groups realized that Russia was providing the same services to the government of the CAR. Moscow with its shadow army Wagner is making profit in the CAR with lucrative business in the country. Security provisions in exchange of natural resources and cash policy will be in the long run to undermine the CAR economy and development ambitions.

Compared to its activities in other countries in the region, China's involvement in the CAR has been limited. There are signs that this is changing. As Chinese state-owned companies increase investments in the CAR and the Chinese government builds its soft power initiatives, the role and presence of China in the CAR will develop. Just as Russia does, China sees opportunities in the CAR. The extensive resources of the CAR are a lucrative prospect for any developing economy. So for the potential to gain a foothold in Central Africa and expand its influence further across the continent may be part of a larger geo-political plan China has. The question that arises is; will China see Russia as standing in the way? Both powers have gone to great lengths to emphasize the strength of their relationship at a macro level, but their activities in the CAR could betray the reality that rather than cooperation, the future of this relationship will be one of competition and at least in relation to activities on the African continent.

Such an eventuality would further confirm the new scramble for Africa literature. The activities of Russia and China in the CAR show the utility of using this theory to understand great power activities on the African continent in the 21st century. Exploitation of the CAR is highly likely to increase when great powers come to see it as a resource to exploit or a prize as a part of a larger geopolitical game. The competition between powers in this scramble for Africa only increases the likelihood of exploitation, as is taking place in the CAR. As long as these powers see opportunities in the CAR, they will maintain their influence campaigns, to the detriment of the people of the CAR.

## CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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