

## **‘Pandemic in a Pandemic’: Covid-19, Public Procurement Corruption and Illicit Financial Flows in Sub-Saharan Africa**

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**Abstract:** Public procurement in Sub-Saharan Africa has become synonymous with corruption, and the region faces difficulty separating the two. The United Nations Office on Drugs and Crime found that for most Sub-Saharan countries, public procurement spending constitutes 15% to 30% of the national Gross Domestic Product. With the COVID-19 pandemic sharply escalating public spending, most Sub-Saharan African countries are experiencing unprecedented losses due to corruption in public procurement and the illicit financial flows that result. Corruption in public procurement in most Sub-Saharan African countries can be explained using a ‘3-Gear Corruption Model.’ This model depicts the foundational structures of corruption, namely private individuals, private institutions, public officials and state linked institutions. The model explains how the corruption dynamics play out and eventually feed into the public procurement ecosystem. Solutions to corruption and illicit financial flows must therefore acknowledge the relationship of these gears. The larger gear (1) is more influential than the smaller gears (2 and 3); therefore, more energy should be expended on addressing the bigger gear. Informed by this model, this essay proposes a number of actionable policies and measures to deal with corruption in public procurement, such as E-procurement systems, protection of civil liberties, and strengthening institutions. The government holds a central role in solving these problems, so success is highly dependent on the government’s commitment to dealing with the scourge of corruption.

**Keywords:**

1. Covid-19
2. Corruption
3. Public Procurement
4. Sub-Saharan Africa

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### **“Theft doesn’t even stop during a pandemic”<sup>1</sup>**

<sup>1</sup> Statement by Kenyan activist Wanjeri Nderu, quoted in Andres Schipani, Joseph Cotterill & Neil Munshi (2020, September 1). “Africa’s Covid-19 Corruption: ‘Theft doesn’t even stop during a pandemic.’” *Financial Times*. <https://www.ft.com/content/617187c2-ab0b-4cf9-bdca-0aa246548745>

## 1. Introduction

According to the United Nations, Sub-Saharan Africa (SSA) is essentially made up of Central Africa, East Africa and Southern Africa. SSA has a combined population of approximately 1.2 billion as at 2023, comprising 14% of world population (World Population Review, 2023). The World Bank estimates that 400 million people from this region live in extreme poverty, with this figure expected to increase. Hosting some of the world's poorest countries, the combined Gross Domestic Product (GDP) of SSA countries was estimated to be USD2.05 trillion (World Bank, 2022). Oxford professor Paul Collier suggests that the *bottom billion*, the poorest billion people, are mostly in SSA (2007). In fact, World Bank (2019) shows that 60% of the extremely poor were reportedly living in SSA. These countries have suffered phases of development which have largely been incomplete, what Mahuni et al. (2020) call "incomplete cycles of development". In essence, SSA countries are bedeviled by political and economic strife.

The COVID-19 pandemic came at a time when corruption had already taken root in the continent. Just as the coronavirus epidemic spread across the region, so had corruption. It is therefore fitting to label the state of corruption in SSA as a 'pandemic.' Today, SSA continues to score poorly on corruption. For example, on a 100-point scale, the SSA region had a low score of 33 out of 100 (Transparency International, 2022). According to the same source, this score points to no progress on the 2021 Corruption Perceptions Index.

Public procurement for COVID-19 materials has been a recent example of rubbing salt in the wound of long-standing government malpractice and corruption in SSA. Public procurement is becoming a conduit for illicit financial flows (IFFs), allowing grand corruption by public and private sector actors in SSA through various corruption means. COVID-19 has, via public procurement processes, seen the escalation of corruption, an endemic cancer in SSA which has in turn accelerated IFFs.

### 1.1 What are Illicit Financial Flows?

According to the International Monetary Fund (IMF), IFFs involves the movement of money across borders that is illegal in its source (e.g. corruption, smuggling), its transfer (e.g. tax evasion), or its use (e.g. terrorist financing). While differing definitions exist, it is clear that IFFs are an obstacle to development, especially in SSA countries. SSA is an Emerging Market and Developing Economy (EMDE). This designation makes the region important. It is the next frontier for growth and development in having a youthful population and abundant natural resources. Figure 1 below shows broad categories of IFFs. This essay will focus on corruption via public procurement as a conduit for IFFs in SSA.

Corruption has strong links with IFFs. It is a cross-cutting issue that fuels IFFs at various stages. A significant proportion of IFFs come directly from the scourge of corruption, which is more likely to thrive in developing countries with weak institutions. Furthermore, corruption related to IFFs often involves key actors such as judges, police, politicians, prosecutors, and lawyers. In most cases, these stakeholders are closely associated with key institutions which are supposed to be the eyes and ears of the public.<sup>2</sup> In general, Africa is estimated to be losing approximately USD88.6 billion annually through IFFs (UNCTAD, 2020). This is disturbing for a continent in which a third of the population lives in extreme poverty.

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<sup>2</sup> Khalil Goga (2015, July 8). "Addressing corruption may act as a significant step to limit illicit financial flows from Africa." Institute for Security Studies. <https://issafrica.org/iss-today/how-corruption-drives-illicit-financial-flows>

Fig. 1. Categories of Illicit Financial Flows



Source: Economic Development in Africa Report 2020 (adapted from African Renewal)<sup>3</sup>

The brief profile of SSA above is essential for three main purposes. Firstly, it helps us appreciate the dynamics of SSA. Secondly, we do this so as to unpack some of the pre-existing vulnerabilities of the region, which remain an obstacle to the region’s sustainable progress. Thirdly, we want to show how the perennially vulnerable nature of SSA begets more vulnerability. For example, the advent of COVID-19 exposed the structural flaws of the region, adding pressure to pre-existing fragilities.

As highlighted earlier, IFFs occur at various levels. The way they interplay in SSA against innumerable challenges makes this treatise on IFFs pertinent. Escalation in corruption manifesting through public procurement due to the need to manage the COVID-19 health emergency has created a ‘pandemic within a pandemic’ by exacerbating IFFs.

### 1.2 What is Public Procurement?

Asare et al. (n.d., Slide 2) define public procurement as a way of ‘organizing and spending public resources for delivering goods and services.’ The authors go on to show five main thematic areas which should function properly for efficient public procurement: (1) demand assessment; (2) budgeting; (3) awarding and managing contracts; (4) regulating quality of goods; and (5) contract enforcement.

On the other hand, the Tanzania Procurement Policy (2012) defines public procurement as:

... an acquisition, whether under formal contract or otherwise, of works, supplies and services by public bodies using publicly sourced finances. It involves the purchasing, hiring or obtaining by any contractual means of publicly needed goods, construction works and services by the public sector. It also includes situations in which public funds are mobilized to procure works, goods and services even if the government does not get directly involved. (Uromi, 2014, p. 54)

The nature of public procurement in SSA is such that it has become synonymous with corruption. In particular a process such as awarding of tenders has become a fertile ground for massive corruption. Public procurement scandals have always been a long standing challenge for SSA. Table 1 lists some of the scandals from a few selected countries.

<sup>3</sup> Adapted from Matilda Moyo (2021, June 15). “Tackling illicit financial flows, a matter of survival for Africa’s development.” Africa Renewal. <https://www.un.org/africarenewal/magazine/july-2021/tackling-illicit-financial-flows-matter-survival-africas-development>

Tab. 1. Examples of Public Procurement Scandals for Selected SSA countries

Country	Brief explanation of the Public Procurement Scandal	Sector /Purpose
Mauritius	<ul style="list-style-type: none"> <li>▪ Tender irregularities for supply of turbines (1994).</li> <li>▪ Supply and installation of 60 MW for Port Louis Power Station (2014).</li> </ul>	Energy
Burundi	<ul style="list-style-type: none"> <li>▪ Mis-spending of Global Fund resources amounting to USD184,000 (2014).</li> </ul>	Health
Kenya	<ul style="list-style-type: none"> <li>▪ 30 million Euros paid to Anglo Leasing Finance for supply of high technology passports (2015).</li> <li>▪ 21 billion shillings lost through 'Dam scandal' (2019).</li> </ul>	Printing of passports Infrastructure
South Africa	<ul style="list-style-type: none"> <li>▪ 30 billion Rands lost in procurement of defense equipment (1999).</li> <li>▪ In 2017, 50% of R800 billion annual procurement budget was reportedly lost through irregularities in procurement (2017).</li> </ul>	Defense Procurement budget
Tanzania	<ul style="list-style-type: none"> <li>▪ Resignation of Minister of Energy in 2008 over supply of generators meant to help ease out power crises(2008).<sup>4</sup></li> <li>▪ USD 122 million siphoned off under the guise of energy contracts which did not exist (2015).<sup>5</sup></li> </ul>	Energy Energy

Source: Author compilation<sup>6</sup>

### 1.3 Objectives of the essay

Against the brief background above, this paper aims to:

- Explore how corruption linked to public procurement from COVID-19 affects SSA countries.
- Examine enabling conditions exacerbating corruption in public procurement due to COVID-19.
- Examine practicable solutions to curtail corruption linked to public procurement in SSA beyond the COVID-19 health emergency.

<sup>4</sup> Kizito Makoye (2015, March 9). "Rotten fish and energy scandals stink up Tanzania." Reuters. <https://www.reuters.com/article/energy-corruption-tanzania-idINL1NOW827G20150309>

<sup>5</sup> Kizito Makoye (2015, June 25). "Fire and water don't mix for Tanzania whistleblower." Reuters. <https://www.reuters.com/article/us-tanzania-whistleblower-idUSKBN0P52EW20150625>

<sup>6</sup> Sources consulted for the countries respectively include: Wikipedia; Global Fund Reports; BBC News Full details are in the References section. Only data on Tanzania was obtained from Reuters.

## 2. Corruption Related to COVID-19 Procurement in Sub-Saharan Africa: Evidence from Selected Countries

Table 2 presents a number of corruption cases which have been witnessed across selected countries in SSA during the Covid-19 period.

Tab. 2. Countries and Covid-19 public procurement corruption related scandals

Country	Description of case
Cameroon	An estimated amount of USD 335 million meant for Covid 19 is said to have been misused in 2020.
South Africa	The Minister of Health resigned after personally benefitting from a 10 million Covid-19 communications contract fund. <sup>7</sup>
Malawi	USD 1.3 million was lost through procurement and allowances irregularities during Covid-19.
Kenya	Kenya Medical Supplies Authority is accused of having siphoned off approximately USD400 million meant for medical supplies.
Uganda	Price inflation of food relief items meant for those affected by Covid 19 are believed to have cost the country USD528 000.
Zimbabwe	Health Minister is alleged to have awarded a USD60 million Covid 19 materials supply tender to a Dubai based company without following laid- down tender procedures. The minister was later relieved of his duties. <sup>8</sup>
Nigeria	Price inflation of Covid 19 materials. 1808 face masks were allegedly procured for USD96,000 by the Federal Ministry of Health.
Ghana	Overpricing of vaccines. Minister of Health oversaw procurement of Sputnik Vaccine at USD19 instead of USD10 per unit.

Source: Author compilation<sup>9</sup>

### *Summary of the countries examined*

The table above shows some of the different financial losses suffered by selected countries in SSA with respect to COVID-19-related procurement activities. The different forms of the leakage

<sup>7</sup> Hassan Isilow ( 2021, September 30). “Report implicates former South African health minister, others in coronavirus contract scandal.” Aandolu Agency. <http://www.aa.com.tr/en/africa/report-implicates-former-south-african-health-minister-others-in-coronavirus-contract-scandal/2378559#>

<sup>8</sup> Reuters Staff (2020, June 21). “Zimbabwe’s health minister granted bail over \$60 mln graft claims.” Reuters. <https://www.reuters.com/article/health-coronavirus-zimbabwe-corruption-idUSL8N2DX0B3>

<sup>9</sup> Articles on Uganda, Malawi, Nigeria, Kenya and Malawi are from Michael Oduor (2021, May 25). “Africa’s Covid 19 corruption that outweighs pandemic.” Africanews. <https://www.africanews.com/2021/05/25/africa-s-Covid-19-corruption-that-outweighs-pandemic/>. Data for Cameroon were obtained from VOA News; Ghana from the BBC; Zimbabwe from Reuters. Full details are in the Reference section.

of resources range from price inflation of materials, equipment, irregular allowances, misappropriation, and other illegal malpractices. The compound effect of widespread financial leakage and corruption created fertile grounds for IFFs. A lot of procurement frequently flows through various ministries or departments besides Health. They include crucial social and economic ministries such as Education, Transport, and Energy. The United Nations Office on Drugs and Crime (UNODC, n.d.) shows that public procurement averages from 15% to 30% of GDP for most countries. Moreover, the report highlights that the health sector's procurement of pharmaceuticals and medical devices normally accounts for large proportions of procurement budgets. For most SSA countries, this further worsens corruption and IFFs as public procurement becomes a playing field for institutions and public and private officials to enrich themselves.

### **3. Effects of COVID-19 Public Procurement-Induced Corruption in Sub-Saharan Africa**

The COVID-19 emergency came at a time when public procurement systems in SSA were already weak and working inefficiently. Endemic corruption already entrenched in the legal system was further worsened by IFFs. The limited resources available to the health sector to actually respond to medical crises as a whole severely affected their capability to address the pandemic. Human Capital Development (HCD) was severely impacted, and the shock of the COVID-19 emergency had a ripple effect on other sectors. The education sector, challenged by the physical and medical obstacles surrounding the pandemic, was substantially disrupted. Against this backdrop, SSA will continue to face challenges in attaining targets in the health sector with respect to SDGs.

#### **3.1 Underprovision of Health Care, a Key Merit Good**

Large-scale corruption via public procurement has acted as a barrier to the provision and access to health care, a critical merit good, by millions in SSA.<sup>10</sup> A survey by Reuters shows that Nigeria, Ethiopia, and Egypt had a combined total of 1,920 intensive care unit (ICU) beds for their combined populations of 400 million people – less than one ICU bed per 200,000 people. For Africa as a whole, the survey found about one ICU bed per 100,000 people.<sup>11</sup>

#### **3.2 Increase of Corruption as an 'Economic Bad'**

An 'economic bad' is simply understood as something that is undesirable to society. We can understand the increase in corruption as an economic bad because it is undesirable in rational economic societies due to its attendant effects. Increased corruption simply begets more corruption. Ongoing public procurement corruption in SSA only creates more room for corruption, in the process exacerbating IFFs. COVID-19 has given a lifeline to looters in the region to loot even more. COVID-19 has acted like a *booster shot* to rejuvenate and embolden corruption networks of looting officials and institutions, and this has been possible under the guise of public procurement.

#### **3.3 Increases in inequalities and poverty**

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<sup>10</sup> A merit good is a good that has positive externalities (i.e. positive effects beyond those directly involved in its production or consumption) and which is therefore not provided by a free market to the degree that maximizes public welfare. Education and health care are prominent examples.

<sup>11</sup> Katharine Houreld, David Lewis, Ryan McNeill & Samuel Granados (2020, May 7). "Virus exposes gaping holes in Africa's health systems." Reuters Graphics. <https://www.reuters.com/graphics/HEALTH-CORONAVIRUS/AFRICA/yzdpxoqbvx/>

The World Bank conducted a survey that examined 100 countries to examine how livelihoods have deteriorated due to COVID-19 and changes in access to health facilities (World Bank Blogs, 2021). 41 of these countries were from SSA. In Uganda, households largely experienced limited access to medical facilities due to financial constraints.

Mahler et al. (2020) highlight that COVID-19 was expected to drive 22.6 million people in SSA into extreme poverty. At the same time the authors show that global poverty was projected to increase by 49 million people due to the Coronavirus. Furthermore, in their analysis they predicted that SSA was going to be the most affected region.

For much of SSA, the poor were left to contend with crumbling public facilities. Better facilities are often inaccessible to the poor since they are expensive. COVID-19 has disproportionately affected the poor in several ways. These include lack of access to adequate health facilities; dwindling incomes due to inability to work; and shouldering the burden of crumbling economies. All this has aggravated inequality. More often than not, the poor tend to bear the effects of severe adverse events, such as COVID-19, whereas the middle to upper classes of society tend to be cushioned from the worst effects.

Because of corruption in public procurement, societal inequalities are increased due to the misallocation of resources within sectors of the economy. Many public health departments and facilities in SSA are poorly resourced and often depend on donor support.

Covid-19 had a number of effects which in turn increased inequality in terms of accessibility to health care. Some of the effects included misappropriation of public resources (for example the hefty allowances to public officials in countries such as Uganda at the expense of service delivery that we explored earlier), under-provision of critical equipment and materials for health staff as well as the morale-sapping physical and emotional strain of the pandemic on health staff, especially in public health facilities. In most instances, the poor were not able to access expensive private health institutions due to exorbitant fees charged. All this worsened inequalities in health care.

### **3.4 Failing to achieve Sustainable Development Goal #3**

United Nations Sustainable Development (SDG) goal number three is to ‘Ensure healthy lives and promote well-being for all at all ages.’<sup>12</sup> COVID-19 has had disruptive effects on economies throughout the world and has made this vision increasingly difficult to realize. A recent UN report on SDG3 describes the disruptive effects the pandemic has had on the health and well-being of economies globally. It shows that the pandemic has reversed or even stopped progress in health and shortened life expectancy. Furthermore, the report shows that 90% of countries around the globe are still reporting disruptions of health services due to the pandemic.<sup>13</sup>

How does corruption-induced public procurement prevent the possibility of achieving SDG Goal # 3 in SSA? Given the circumstances in which a majority of health systems across the globe are buckling under the sheer weight of the burden of the pandemic, resources are not distributed evenly. As the impacts of COVID-19 worsened, the strain on health sectors for most SSA countries increased. A number of countries were forced to neglect other diseases such as HIV/AIDS, tuberculosis, and malaria so as to focus on managing COVID-19. This had a negative disruptive effect, reversing gains made earlier. This happened since major donors had reduced support to most developing countries to focus on the development of vaccines and other health essentials aimed at managing the spread of COVID-19.

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<sup>12</sup> SDG 3. “Ensure healthy lives and promote well-being for all at all ages.” [UN Department of Economic and Social Affairs. https://sdgs.un.org/goals/goal3](https://sdgs.un.org/goals/goal3)

<sup>13</sup> Ibid.

To substantiate the above mentioned point, a study in SSA by HIV Modelling Consortium (2020) shows that in 2018 there were an estimated 18 million people living with HIV/AIDS in this region. The study used multiple mathematical models to analyze the potential impacts of disruptions to HIV-related programs due to COVID-19. Among its findings was that the disruption in antiretroviral therapy increased mother-to-child transmission of HIV by 60%, while other findings illustrated that the interruption in the supply of condoms as well as peer education programs increased the risk of HIV transmissions.

### **3.5 High Labour Turnover in the Health Sector**

The COVID-19 emergency opened a flood gate of corruption in procurement of medical materials. As we saw in the case studies covered earlier, some of the materials were purchased at inflated prices. In some instances, officials would simply misuse the funds for unnecessary travel and subsistence allowances. On top of this, tendering of essential materials was flawed and corruptly done, which compounded the structural weaknesses we examined earlier. The net effect was that frontline workers were left with inadequate supplies of protective clothing, masks, and drugs among other essential equipment. This led to healthcare workers feeling demoralized, unsafe, and under-appreciated. One of the grievances that led to a strike by health professionals in Kenya in 2020 was related to COVID-19.<sup>14</sup> The strikers wanted the government to clear salary arrears as well as to provide PPEs for hospitals.

COVID-19 has created fresh challenges for some economies in SSA, further escalating the problem of a 'medical brain drain' which many countries were already battling with. Scores of skilled health professionals are being lured by better offers in better economies as they also grapple with the pandemic. Recently the Zimbabwe Health Services Board indicated that the country lost 2,200 nurses since 2021.<sup>15</sup> Zimbabwe's medical sector has seen large numbers of resignations, with a number of those leaving going to the United Kingdom for a better life. Zimbabwe's Health Ministry has of late been contemplating engaging the United Nations to help the country to at least get some compensation for the skills training costs incurred. In a struggling economy like Zimbabwe's, with low motivation of staff caused in part by poor working conditions, COVID-19 has actually opened opportunities for staff to leave the country in search of greener pastures.

### **3.6 Further Underinvestment in the Health Sector Due to Misallocation of Critical Resources**

Most countries in SSA are struggling to meet the Abuja Declaration on Health of 2001 that requires that states commit 15% of their budgets towards health financing (WHO, 2010). Health financing is crucial for any economy. It helps to keep the population healthy, which is crucial for well-being and functioning of a robust economy. Flawed public procurement processes and the ensuing corruption lead to IFFs and divert resources which would otherwise assist health financing. Under-investment in this sector only makes the delivery of health services increasingly difficult as well as more inaccessible. The longer COVID-19 continues to play a significant role in the region, the more will IFFs be siphoned off from corruption-induced public procurement processes. This increases the misallocation of resources, reducing investment in the health sector which has seen repeated failures to meet multiple health targets at the regional level.

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<sup>14</sup> Andrew Wasike (2020, August 21). "Kenya: Crackdown on demo over 'theft' of COVID-19 funds." AA News. <https://www.aa.com.tr/en/africa/kenya-crackdown-on-demo-over-theft-of-covid-19-funds/1949336>

<sup>15</sup> Africa News (2021, December 16). "Zimbabwe hit by exodus of health professionals." <https://www.africanews.com/2021/12/16/zimbabwe-hit-by-exodus-of-health-professionals/>



### 3.7 Creation and Perpetuation of Extractive Institutions

COVID-19 created fertile ground for collusion, allowing criminality to take place. Often with the knowledge of influential public figures, this has allowed the emergence of fly-by-night companies who position themselves as state-linked tenderers. In some instances, companies without experience in the health sector have procured health-related items and equipment, while many other companies were suddenly created. Quite a number have benefitted from flawed procurement systems. The result has been the procurement of COVID-19 materials at inflated prices. At some point, committees supposed to adjudicate on various bidders have simply been weakened or made powerless to raise concerns, despite knowing the situation and understanding it as a symptom of corruption.

To conclude, if hemorrhaging of resources continues in SSA through well-orchestrated corruption schemes, the region will continuously fail to meet SDGs and health care in particular will remain inadequate. Given the centrality of health to the well-being of people, problems created in the health sector mentioned earlier have a knock-on effect to other sectors in the national economy.

## 4. Conditions That Enable Public Procurement-Induced Corruption in Sub-Saharan Africa

The words quoted above from Kenyan activist Wanjeri Nderu - ‘Theft doesn’t even stop during a pandemic’) - speak volumes about not only the situation in Kenya but in most countries in SSA.

Protests such as those of Wanjeri Nderu and others have erupted across many parts of SSA. Protestors largely voiced their concerns about corruption which marred COVID-19 programs, resulting in many health facilities failing to have basic essentials necessary to deal with the pandemic. In general, COVID-19 has laid bare the disparities in health systems across regions. The health emergency has led to shortcuts in public procurement increasing corruption risks, adding fuel to the fire of the protests. In most cases, protests were or are still being met with heavy-handedness by governments. For example, about a dozen protestors were arrested in Kenya for protesting against allegations of the misuse of PPEs, hospital equipment, and donated funds.<sup>16</sup>

In the following section we give a detailed account of the various enablers of this persistent problem in SSA. We will demonstrate that most of these enablers have a strong link to the conditions created by COVID-19.

### 4.1 Weak Parliamentary Oversight

Parliament is a critical institution in modern economies. Agora, a platform for parliamentary development, indicates that parliament is a key institution in any country and performs three main roles: (i) representing citizens; (ii) making laws; and (iii) overseeing the government.<sup>17</sup> The third role is fundamental in ensuring that the government is held accountable by the people. Examples of a parliament undertaking appropriate oversight include inquiries and hearings into the operations of government. Parliaments in SSA are often weak in establishing oversight and fail to hold governments accountable. This has resulted in public procurement being a convenient playing field for grand corruption schemes.

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<sup>16</sup> Andrew Wasike (2020, August 21). “Kenya: Crackdown on demo over 'theft' of COVID-19 funds.” AA News. <https://www.aa.com.tr/en/africa/kenya-crackdown-on-demo-over-theft-of-covid-19-funds/1949336>

<sup>17</sup> Agora (n.d.). “Parliamentary Function of Lawmaking.” Portal for Parliamentary Development. <https://www.agora-parl.org/resources/aoe/parliamentary-function-lawmaking>

Parliaments ideally should have the power to query certain procedures, processes, and deals that governments can embark on. This is possible since legislators can move motions to query. However, the tendency has been for parliamentarians to be polarized along partisan lines with each party standing for its ideologies and at times overlooking productive debate on critical issues. In a recent workshop organized by Africa Parliaments' Network Against Corruption (APNAC) in Zimbabwe, one parliamentarian raised concern about parliamentarians' lack of oversight and "...remaining mum and failing to query tenders and questionable characters coming in as investors." Furthermore, the legislator expressed concern about how legislators are letting the nation down.<sup>18</sup>

#### **4.2 Stifling of Civil Liberties**

Civil liberties are important for any democracy. Through them, the public is able to take the government to task on various issues, requiring it to show that its actions are consistent with the liberties of its citizens. Strong and robust civil liberties are a powerful cornerstone of a democratic state.

In large parts of SSA, civil liberties are costly to exercise. For instance, genuine and peaceful protests are often met with heavy-handed government repression. As a response, instead of taking protests to the streets, activists, as well as investigative journalists and people in general, have made use of various digital platforms to raise concerns about corruption. Digital platforms have proven to be safer spaces to seek refuge from the oppressive state apparatus which is often unleashed on defenseless protestors. At times, however, digital spaces are muzzled in the form of countrywide internet blackouts, weakening citizen activism.

COVID-19 made it easier for governments in most SSA to account properly for public funds. In most countries, citizens always find it difficult to demand accountability in any form. So protests, no matter how well-supported and well-organised they might be, are mostly met with heavy handedness. In some instances, protestors may be labeled as opponents of the state and once they are labeled as such, they are persecuted and can even face incarceration, sending a clear signal to other would-be protestors. COVID-19 response measures such as hard lockdowns have been the order of the day in SSA. The response measures have been used to consolidate authoritarian rules in which incumbents get away with ills such as corruption in public procurement with no fear of being held accountable. The stringent measures simply meant that even if people wanted to protest against clear cases of abuse of public funds, government would respond with brutality, thereby avoiding accountability and creating a conducive atmosphere for IFFs to go undetected.

#### **4.3 Incessant Conflicts in Sub-Saharan Africa**

SSA is riddled with conflicts of one form or another. During the 1970s, SSA was known to have experienced a decade of coups. Since then, a modicum of peace and stability has been enjoyed with a few pockets of instability here and there still witnessed in the region. Sadly, however, conflict is slowly resurfacing in the region. For example, Mali has been through three coups since 2012 and Ethiopia is currently at war with rebels in the Tigray. This is a direct result of what is known as hybrid threats, where different types of coercive and subversive activities are used by state or non-state actors to achieve specific objectives below the threshold of a formally declared war (Faleg and Kovalčiková, 2021).

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<sup>18</sup> Quoted from Leopold Munhende (2022, June 20). "'Shame on you,' Mliswa says in scathing attack on fellow legislators' poor record in fighting corruption." New Zimbabwe. <https://www.newzimbabwe.com/shame-on-you-mliswa-says-in-scathing-attack-on-fellow-legislators-poor-record-in-fighting-corruption/>

This is tantamount to subverting the will of the people, and it has become a growing phenomenon in SSA. The net effect is to create powerful undemocratic regimes that usually prey on their people. So how can conflict be an enabler in SSA? In general, conflict is used to undermine key institutions. This has the twin effect of perpetuating existing predatory institutions or creating new institutions which only help to prop up undemocratic regimes.

Besides accountability challenges, the resulting institutions also have a tendency to apply justice selectively. An Afro Barometer (2023) survey in Angola found 62% of Angolans feared reporting corruption in 2022. In 2019, the figure was 54%. Thus Angolans were of the view that the ostensible fight against corruption was in reality a tool to settle scores against opponents, using the compromised and weak institutions.<sup>19</sup>

The enablers we covered above have been in existence for a long time. The emergence of COVID-19 has strengthened these factors, thereby facilitating corruption.

## **5. Combating Illicit Financial Flows caused by Rampant Corruption in Public Procurement in Sub-Saharan Africa**

How best then can SSA curtail IFFs caused by corruption in public procurement? We briefly discuss the main ways of dealing with this problem.

### **5.1 Government Commitment**

Government is key to decisively dealing with corruption linked to public procurement. In an earlier section of the paper, we showed the role government can play in exacerbating this problem. Once corruption linked to public procurement takes shape and its ecosystem grows, a lethal network is created among the following stakeholders:

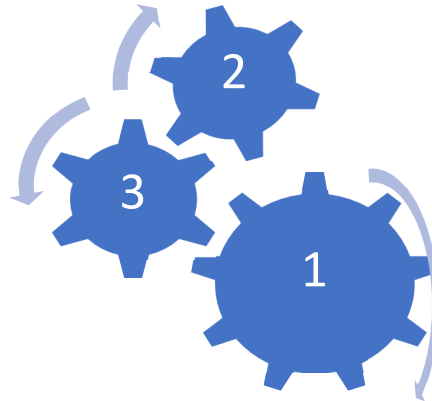
1. Influential public officials.
2. Influential state institutions.
3. Individuals linked to influential public officials.
4. Private institutions linked to influential state institutions.

The above prominent actors in corruption-related public procurement can be depicted together as a simple 3-Gear Corruption Model shown below.

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<sup>19</sup>Carlos Pacatolo and David Boio.( 2023, April 17). “AD631: Angolans see growing corruption, government failure to contain it.” Afrobarometer. <https://www.afrobarometer.org/publication/ad631-angolans-see-growing-corruption-government-failure-to-contain-it/>

Fig. 2. 3-Gear Corruption Model



Source: Author

The model depicts the relationships which are created between the main corruption actors. The two smaller gears (2 & 3), showing individuals and private institutions, are equal in size to signify that they exert similar external influences. On the other hand, the bigger gear (1) consists of two closely-interrelated actors, i.e. public officials and state-linked institutions. We present them on a single gear to show that work on decisively dealing with the scourge of corruption in public procurement rests largely on these actors. For the bigger gear to move, it requires the support of the small gears as shown. Also, the small gears cannot have any effect alone; they need the support of the bigger gear. If the bigger gear stalls, the machine will likely fail to move forward.

The model shows how public institutions and officials (actors 1 and 2) are centerpieces in the fight against corruption linked to public procurement. The size of the bigger gear shows the immense responsibility lying on these actors in curtailing corruption. The smaller gears are not difficult to align once the bigger gear is properly aligned. Currently, for most of SSA, the gears are tightly interlocked, building a special corruption relationship that propels corruption through public procurement that it is very difficult to unlock. These relationships have been further cemented in a number of countries during the peak of the COVID-19 pandemic as proper procedures were often bypassed in the name of dealing with the health emergency.

Government should show commitment through a range of initiatives including awareness campaigns, imposing harsher sentences on offenders, and walking the talk on corruption. In countries such as Zimbabwe, the phrase 'Catch and Release' has become common parlance in different media platforms and also among the general populace. In most cases, it is used to refer to the government's lackluster stance towards corruption among influential people. It is quite common to see certain influential people who may be accused of corruption apprehended and all of a sudden set free, with their cases never heard of again even when evidence is overwhelming. In most cases, for most SSA, the public has little trust in government's commitment to decisively deal with the scourge of corruption.

## 5.2 Protection and Strengthening of Civil Liberties

Civil liberties as we have explored earlier are crucial markers of any democracy. SSA states need to ensure that civil liberties are strongly promoted and protected. In part due to worsening COVID-19 conditions, civil liberties have been greatly diminished in most SSA states. Democracy and human rights have suffered as the pandemic has often been used as an excuse to limit or abolish rights, hidden behind a smokescreen of concerns over procedures such as public procurement. Transparency International (2022) observes that COVID-19 has made it easier for

countries in SSA to silence freedoms. Besides this, it has allowed these countries to be in a position to actually by-pass important checks and balances, fueling IFFs in the process. For SSA, COVID-19 has allowed consolidation of powers by authoritarian regimes further coupling Gears 1, 2, and 3 to propel corruption forward. Experience with most SSA countries is that these types of regimes are most closely related to the gears (Figure 2) we highlighted in the previous section.

Table 4 shows selected countries from SSA and their Corruption Perception Index (CPI) rankings for 2021 (the higher the number the more the country is perceived as corrupt).

Tab. 4. CPI rankings of Selected SSA Countries

Country	Nigeria	Kenya	DRC	Angola	Cameroon	Zimbabwe	Burundi
Score /180	154	128	169	136	144	157	169

Source: Own Compilation from Transparency International (2022)

This table displays the prevalence of perceived corruption in a number of countries in SSA. These states demonstrably scored poorly on civil liberties. Transparency International presents CPI rankings as a viable measure of corruption by states. In addition, Transparency International (2022) further shows that countries which normally score well in CPI rankings are those that respect human rights; those that fail to respect human rights generally have low CPI rankings.

### 5.3 Public Procurement Reforms- The Need to Embrace Technologies

Public procurement systems of most SSA countries remain vulnerable. Quite a significant number of countries in the region continue to rely on systems prone to high-risk human interference. Adoption of electronic procurement systems is a holy grail to move these countries away from the porous systems which fuel corruption and IFFs. The electronic systems’ ability to modernize procedures would be the start of a clean system that could go a long way towards uncoupling the gears in Figure 2.

In a feature story for the World Bank, Dinka and Mugambi (2018) present a clear example about the use of technology in procurement so as to enhance transparency that a number of SSA countries can learn from. Rwanda is one country in Africa which is gradually changing its approach. It is making a lot of strides towards economic progress which has made it an envy of other states. Transparency International (2022) shows that Rwanda’s CPI score in 2022 was 51/100, up from 49/100 in 2014.<sup>20</sup> By becoming the first African country to embrace electronic procurement, the country’s statement of intent on corruption is loud and clear. Whilst the e-system itself is difficult and costly to put in place, the long-run benefits heavily outweigh the costs. Advantages include reduction in fraud, corruption, and reduction of personal contact among bidders.

### 5.4 Protection of Whistleblowers

Whistle blowing in SSA countries is not for the faint-hearted. Often, even if platforms to report corruption exist, the challenge is that there is normally a price to pay for reporting it. There are a number of risks involved including violence and death. It is even more difficult in situations where there is a strong criminal relationship among the three gears 1, 2, 3 which may be difficult to disengage. For example, powerful private institutions and individuals (found in Gears 2 and 3) are actually able to exert strong influence on the functioning of Gear 1. This makes most

<sup>20</sup> A score of 100 is considered cleanest by Transparency International, whereas a score of 0 indicates that a country is highly corrupt.

individuals avoid reporting corruption for fear of retaliation from public and/or private power. Even journalists are not spared punishment for reporting and exposing corruption in public procurement. At times, journalists are arrested for exposing corruption issues and accused of abusing 'press freedom'. The role of the government to ensure the protection of whistleblowers is therefore crucial to making progress on reducing corruption. As the main gear, the government has a leading role to ensure this protection.

The majority of countries in SSA have weak frameworks for protection of whistleblowers. This leaves whistleblowers exposed. Even countries in the region such as Mauritius which have done fairly well in dealing with corruption still have no comprehensive legislation to protect whistleblowers (Chelin, 2022).

An October 2020 Mauritian case of Soopromanien Kistnen is well known in the island country. Kistnen was about to present evidence about fake bidding in procurement for COVID-19 materials among other related cases when his burnt body was found in a cane field in Moka.<sup>21</sup> In December 2020 Pravin Kanakiah, who had been a procurement officer in the Ministry of Finance, was found dead under unclear circumstances. He was about to make revelations regarding malpractices in the Ministry.<sup>22</sup>

Whistleblowers have an important role in curtailing public procurement corruption where it exists, and they must be ensured protection. This will reduce the collusion of actors in Gear 1, 2 and 3. Once protection is guaranteed upon whistleblowing, people are generally encouraged to come forward and report cases of corruption.

### **5.5 Institutional Capacity Building and Development**

The role of strong institutions in fighting corruption linked to public procurement and corruption in general is important. Much work rests on building efficient institutions as well as astute public office bearers (gear 1) whom the public trusts when it comes to dealing with issues like corruption. Government can help in designing and sustaining these institutions so that they operate efficiently. We have seen earlier the positive and bold steps taken by Rwanda in engaging the World Bank for its electronic procurement system. In the first phase of its inception, the program cost Rwanda USD7 million. This is a significant expense for a SSA country, but in the long-run the benefits justified the expenditure.

## **6. Conclusion**

The above essay has shown the importance of rampant corruption in public procurement in SSA which feeds into IFFs. We explored how the advent of COVID-19, which resulted in emergency interventions by governments throughout the world, has actually exacerbated corruption in most of SSA. The acceleration of corruption in public procurement has taken various forms from price inflation of medical materials to violation of tender procedures. Thus, the COVID-19 health emergency has created a 'pandemic in a pandemic' situation for SSA. Factors such as weak oversight and conflict among others in this region have acted as enablers for corruption-induced public procurement, either directly and/or indirectly.

There is plenty of scope for curtailing corruption in SSA. It is most important that the solutions to this problem be grounded on an appreciation of the real problem, what it has done/is doing to the region, and what continuously perpetuates it. This essay has shown that

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<sup>21</sup>Lexpress.mu. (2023, June 11). "Kistnen case: the investigation into oblivion?" <https://lexpress.mu/article/423481/affaire-kistnen-lenquete-aux-oublies>

<sup>22</sup> Carole Grimaud. (2020, December 20). "Death of Pravin Kanakiah: Too many grey areas to conclude suicide." Lexpress.mu. <https://lexpress.mu/article/386660/mort-pravin-kanakiah-trop-zones-dombre-pour-deja-conclure-au-suicide>

the solution to the problem of corruption linked to public procurement lies mainly in the three gears shown in Figure 2. The main problem is that the gears are interlocked and must be disengaged. The paper looked at some of the critical measures to help address this problem. Public procurement reforms, asset recovery, and the protection of whistleblowers are some essential immediate interventions required. Finally, above all, government commitment is an integral component of the intervention matrix.

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