

**corruption
watch**



Corruption Across Africa

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1. Who is Corruption Watch?



- Corruption Watch is a **non-profit, civil society, organisation** launched in 2012.
- We encourage the public to report incidents of corruption to us and we use this information as the basis to fight corruption in South Africa and hold our leaders accountable.
- Our vision is to **build a corruption-free society**. We do this through:
Research / policy advocacy / strategic litigation / public mobilisation campaigns / mass communications and public education / select investigations
- Networked and working in collaboration with government, civil society and the private sector (multi-stakeholder forums) nationally, regionally and internationally
- Funded by philanthropy
- Transparency International Chapter

2. Corruption in Africa



- Africa is vast:
 - Over 1.2 billion people
 - Over 50 countries
 - Thousands of distinct languages and cultures
 - Different political systems; different colonial and post-colonial narratives
 - ∴ Difficult to discuss without being reductive
- Even so, there is ample evidence that corruption across Africa is both **pervasive** and **catastrophic for the continent's future**
 - Hinders economic growth and development
 - Violates various human rights (e.g. health, education, water) and disproportionately impacts the poor, who rely most on the state
 - Undermines state legitimacy

Corruption in Africa (2)



- For decades, colonialism plundered Africa, stifling political and economic development
- From the late 1950s onwards, most African states gained independence
- In many of these states, corruption—already present in the colonial era—became further entrenched as new leaders succumbed to greed
 - **Nigeria:** became independent in 1960—Yakubu **Gowon** rules 1966-1975—1975—corruption scandal related to import of cement (“**cement armada**” affair) implicates many officials in the defence ministry and central bank, as 20x the amount of cement Nigerian ports can accept is delivered, jams ports
 - **Zimbabwe:** Mugabe’s decades-long rule was marked by widespread corruption and human-rights abuses
 - **South Africa:** Arms Deal in the late 90’s, soon after the dawn of democracy—the first of many large procurement scandals

Corruption in Africa (3)



- The history of corruption in Africa is intertwined with conflict—ongoing battles between military and political elites, conflict over control of resources—and with state fragility.
 - **Congo:** became independent in 1960—leadership crisis, Belgian interference, secession movements—**Mobutu** gains power by military coup—decades of **kleptocratic** rule
- The role of foreign states and corporations is also notable:
 - **Mozambique: “hidden debt” scandal**, where successive Presidents conspired with foreign banks and ship-building companies to set up suspect projects in exchange for large bribes
 - **Namibia: “fish rot” scandal**, where various high-level officials were bribed by Icelandic fishing company *Samherji* to unfairly award trawling rights and quotas. Proceeds were laundered, taxes evaded, with assistance of foreign banks (e.g. Norway’s Den norske bank)

Corruption in Africa (4)



- **Arab Spring (2010-2011):** Series of revolutionary protests against national governments, driven in large part by intolerance of corruption
 - Started in Tunisia, spread to other countries in the region (Libya, Egypt, Yemen)
 - Triggered waves of violence and instability (“Arab winter”)
 - Successful outcome for Tunisia (existing regime ousted and replaced by free election); although in most other countries, corruption and oppression continued
- Former President Thabo Mbeki made a recent comment that: dire socio-economic conditions and unabating corruption might ***“spark our own version of the Arab Spring”***
 - Moments in history where civic discontent with corruption created social change, but often with unpredictable consequences
- A decade on from the Arab Spring – have we seen real systemic gains and progress on issues of governance and counter corruption?

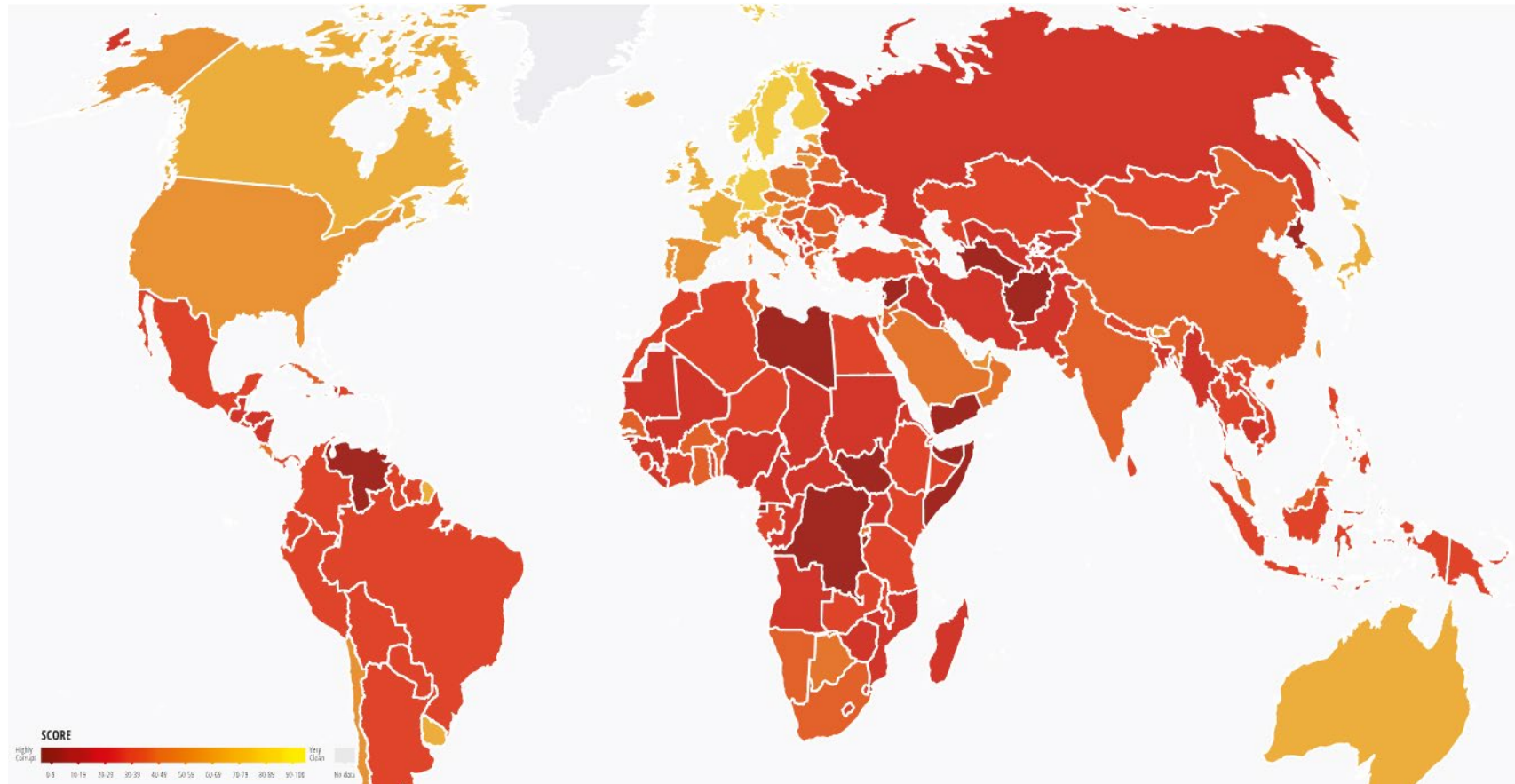
3. Perceptions of corruption



- Data from Transparency International Afrobarometer's *"Global Corruption Barometer Africa 2019"*
 - Representative continental survey, drawing on 47 000 people from over 35 countries
 - *"more than **1 in 4 people** who accessed public services, such as health care and education, **paid a bribe** in the preceding year"*
 - *"more than **half of all citizens think corruption is getting worse** in their country and that their government is doing a bad job at tackling corruption"*
 - Across the continent, the police are the least trusted institution

Perceptions of corruption (2)

- Data from Transparency International's "Corruption Perceptions Index", 2021:



Perceptions of corruption (3)



- Data from Transparency International’s “**Corruption Perceptions Index**”, 2021:
 - Sub-Saharan Africa: average score of **33/100**, and has shown no significant improvement in the last decade.
 - The **gains made** by a handful of countries are **overshadowed** by **backsliding or stagnation** in others and the region’s overall poor performance—44 out of 49 countries assessed on the index still score below 50.
- The UN Conference on Trade and Development estimates that Africa loses about **\$88.6 billion dollars** (3.7% of its GDP) annually to **illicit financial flows**
 - This is stolen money that is laundered and legitimised by the international financial system

Perceptions of corruption (4)



- Report from anti-corruption research centre U4:
 - *“Global governance indices suggest that the **public sector in sub-Saharan Africa is the most corrupt of any region in the world.**”*
 - Indices include the CPI (above); Worldwide Governance Indicators (World Bank); Ibrahim Index of African Governance; and the TRACE Bribery Risk Matrix
 - Methodological challenges: difficult to directly measure corruption; so indices often draw on surveys of experts
 - Role of private sector: foreign entities that assist in laundering funds from this region are not captured by metrics like this; but they are equally complicit
 - Corruption in Africa is not perpetrated solely by Africans but is facilitated by a global system which allows for money laundering and off shoring of illicit finance.

4. Counter corruption instruments



- Most states having signed numerous agreements to curb corruption:
 - *United Nations Convention Against Corruption* (in force: 2005)
 - All states except Somalia and Eritrea have ratified
 - UNODC is the treaty's custodian, has three regional offices on the continent, all involved in anti-corruption work
 - *African Union Convention in Preventing and Combating Corruption* (in force: 2006)
 - 43 states have ratified
 - Established the AU Advisory Board on Corruption
 - The AU has also adopted the African Peer Review Mechanism, which encourages domestic compliance and makes country-specific recommendations
 - *African Charter on Democracy, Elections and Governance* (in force: 2012)
 - Contains various specific anti-corruption provisions
 - *Southern Africa Development Community (SADC) Protocol against Corruption* (in force: 2003)
 - First anti-corruption treaty in Africa

Counter corruption instruments (2)



- Thus, a progressive body of laws and standards have emerged; as has some consensus on how to respond to corruption (through a mix of preventative and reactive measures)
- But, for the most part, these laws and standards have not taken root in national institutions—implementation has not been adequately monitored or enforced
- Corruption continues largely unabated on the continent despite law, standards and international and regional instruments (as earlier data show)

5. Corruption modalities



- In thinking about the diversity of actions that facilitate corruption, it may be useful to distinguish political and bureaucratic corruption
- **Political corruption:**
 - Takes place when political decision-makers (politicians, ministers, senior civil servants) abuse their power for private benefit
 - **Extractive** corruption: for wealth and status
 - E.g., Embezzlement, economic crime, abuse of procurement processes
 - **Power-preserving** corruption: to consolidate political control
 - E.g., strategic appointments and dismissals to key institutions, in order to hamper a state's capacity to hold itself accountable and to make it easier to extract the state's resources

Corruption modalities (2)



- **Bureaucratic corruption:**

- Corruption involves low-mid level bureaucrats, typically involving access to services
 - The more than 1 in 4 Africans who paid bribes mentioned earlier were engaged in bureaucratic corruption
 - This type of corruption can in theory be caught and controlled by senior civil servants and politicians, but in countries rife with political corruption, there is limited political will to do so
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- While these categories overlap, they illustrate that different corrupt acts are undertaken for different ends.
 - One can find innumerable examples of both kinds of corruption across the continent

6. The African predicament



- Why is Africa so afflicted by corruption? What patterns can we detect?
- Historical context:
 - Corruption took root early in the independence era of many African states, as discussed earlier
 - Loyalty networks which existed before states become independent became patronage networks in the wake of independence
 - Across Africa, transitions from the colonial era to the post-colonial era were characterized by **opportunistic reforms**, designed to benefit elites rather than the general population
 - Trends of significant military spending and associated procurement corruption; comparatively low spending on socio-economic rights like education and health
 - Changes to institutional arrangements, which gave states discretion over access to valuable resources, and weakened accountability bodies—enabling corruption in valuable state-controlled industries
 - Consider: corruption = monopoly + discretion – accountability
 - These policies typically made it easier for corrupt officials to both extract resources and consolidate their power

The African predicament (2)



- Role of governmental models:
 - While corruption is generally less pervasive in democracies, with their norms of transparency and public involvement, democracy alone is not enough
 - Nominally, Africa is home to many democracies, but many countries **struggle to deepen and institutionalize their democratic systems**
 - E.g. **separation of powers**: often provided for in principle, but in practice the Executive branch of government is able to effectively dominate weak legislatures.
 - Thus there is an **absence of effective checks and balances**
 - This is **not the case everywhere**: e.g. South Africa, Kenya have strong independent judiciaries
 - 2017: Kenyan Supreme Court declared Uhuru Kenyatta's victory in the presidential election invalid, and ordered a new vote to be held
- Africa's corruption is directly related to the nature of the institutional environment in each country
 - There is a need to strike a balance between protective regulation and market forces, to lessen the incentives to act corruptly

7. Lessons from South Africa



- Fighting corruption requires an understanding of where the key vulnerabilities in a country's institutions are; and viable plans to fix them
- In the South African context, the recently-released Zondo Report provides a perfect dissection of institutional weakness – particularly re:
 - Public procurement
 - Whistleblower protection
 - Political party funding
 - Beneficial ownership
- Moreover, the Zondo Report provides various plans for implementation:
 - Independent agency against corruption in public procurement
 - Standing appointment and oversight committees for SOEs
 - Reforms to parliamentary procedures/rules to improve oversight

Lessons from South Africa (2)



- It is not enough to know, in theory, what institutional changes are necessary to deepen democracy.
- Concrete action must be taken to implement institutional reforms.
- To this end, the approach of South Africa's NACS is instructive:
 - **All-society approach** is necessary to combat corruption
 - Government willing to be transparent with information and open to scrutiny
 - National anti-corruption institutions adequately resourced and protected from capture
 - Robust civil society capable of monitoring
 - Involvement and role of all social partners including the private sector
 - Free and independent media, able to investigate and call for accountability

8. Against Afro-pessimism



- Resist a singular framing of ‘Africa as corrupt’
- The shared context between states suggests there are many lessons to be learned from individual anti-corruption successes across the continent
 - TI: interest in sharing lessons from Zondo with other chapters
 - **Kenya:** set up Public Procurement Regulatory Authority, which does various things, including monitoring, investigation, and administrative review
 - **Ghana:** Ghana Anti-corruption Coalition—a cross-sectoral grouping of public, private, and civil society organization—conducts a range of research and advocacy activities, including monitoring government activity, championing progressive legislation (e.g. Ghanaian Whistleblower Act 2006 and Witness Protection Act 2018), and more
 - More research still to be done into what has and hasn’t worked on the continent
- **Core challenge: what steps can we take to continue breathing new life into democratic ideals?**



Thank You

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