

Covid-19 Personal Protective Equipment (PPE) corruption scandals

There should be “no holy cows” in the fight against corruption if South Africa is to win the fight against this beast, says Dr Benni K Lekubu, an anti-corruption specialist and senior lecturer in Unisa’s Department of Police Practice in the College of Law.

The ill-effects of corruption on the society, polity, and economy of a country are far reaching. They have a corrosive effect on the rule of law, on governance and on the welfare of the society. The Constitution of the Republic of South Africa of 1996, which is the supreme law of the country, places as an expectation and obligation on the government accountability of state, and a government free of corruption and the malignancy of economic nepotism.

South Africa’s anti-corruption framework is designed as a control-based approach that is multi-faceted and executed through legislation, supporting regulations, audit trails, anti-corruption structures, law enforcement, and public vigilance and reporting structures, amongst others. Be that as it may, South Africa is battling the scourge of corruption and other self-serving behaviours, often amongst the upper echelons of governing power, as demonstrated by the State capture.

Some of the acts of corruption stems from the very same institutions that are meant to be the upper guardians of law and order. Numerous corrupt practices occur almost daily, including but not limited to fraud, bribery, extortion, nepotism, conflict of interest, cronyism, favouritism, theft, fronting, embezzlement, influence-peddling, insider trading/abuse of privileged information, bid-rigging and kickbacks, and money laundering.

The South African government took a gamble and introduced relaxed emergency public procurement measures in the fight against Covid-19 which is now having a serious and negative impact on the healthcare system and the economy. The very same healthcare sector and environment that should be improved to handle Covid-19 is fraught with corruption and malpractice in the procurement and supply of personal protective equipment (PPE). The new emergency Covid-19 procurement approach is doing more harm than good. This is the harm that Corruption Watch, in April, warned the National Treasury about.

President Cyril Ramaphosa in his address to the nation on 23 July 2020 dealt with two main topics: the closure of schools during the height of the pandemic, and the need to counter the grand corruption raising its ugly head as the state tries to see off Covid-19. He said: “From the outset of our response to the pandemic, we have been quite clear that there should be no scope for corruption in the use of these resources. More so than at any other time, corruption puts lives at risk. We therefore put in place several preventative measures ... [We] have established a collaborative and co-ordinating centre to strengthen the collective efforts among law enforcement agencies so as to prevent, detect, investigate and prosecute Covid-related corruption.”

Ramaphosa said the new “centre” brings together nine state institutions—the Financial Intelligence Centre (FIC), the Independent Police Investigative Directorate (IPID), the National Prosecuting Authority (NPA), the Hawks, Crime Intelligence, the SA Police Service detective service, the South African Revenue Service (SARS), the Special Investigating Unit, and the State Security Agency (SSA).

Lekubu argues that “South Africa has a plethora of laws that requires a single Independent Anti-Corruption Agency, adequately equipped and capacitated to effectively and efficiently fight corruption in this country and this must not only be to safeguard Covid-19 funds but also protect all public funds post Covid-19.” The fight against corruption does not require a “cobbled together hydra-headed monster of dubious skills, capacity, resources and lack of independence” as we have seen with the unconstitutional puny attempts to establish an “anti-corruption task team” during the Zuma era and now the same attempts by President Ramaphosa, submits Lekubu.

As cited by Sibanda (2020) “Given the rampant corruption that has characterised public procurement, procurement under the emergency instructions must be subject to tight scrutiny.” Speeding up the procurement processes created a fertile ground for corrupt opportunists. In dealing with the current scourge of Covid-19 PPE corruption and while the government has declared that combatting corruption is a national priority...[We] still have to see what sort of action the government will take against perpetrators of Covid-19 PPE corruption scandals. There must be “no holy cows” in the fight against corruption. In his weekly News Letter (03 August 2020) President Ramaphosa said “We have to rebuilt the NPA, Hawks and SARS to clamp down on corruption...corruption is a heinous type of crime and perpetrators will be dealt with decisively and harshly”.

Lekubu has recently been prominently featured on national and local radio and television stations discussing and contributing immensely to the fight against corruption in the country. Some of the issues were related to Covid-19 budget, VBS Corruption scandal, Zondo Commission amended regulations, newly established anti-corruption task team/centre, and the Public Procurement Bill:

- Ga-Rankuwa FM 107.0 FM: An analysis of the Covid-19 allocated Budget (22 April 2020).
- Newsroom Afrika (Channel 405): An analysis of the VBS Bank Saga (Fraud, Corruption, Governance and Ethics). 25 June 2020.
- SABC 2’s Morning Live (Channel 192): Amendment of the Zondo Commission Regulations (29 July 2020).
- Motsweding FM 91.0 FM: An overview of the Anti-Corruption Task Team/Centre established by the South African President to prevent, detect, investigate and prosecute Covid-19 related Corruption (31 July 2020).
- Newsroom Afrika (Channel 405): An analysis on the Public Procurement Bill and its shortcoming looking into the current Covid-19 PPE Corruption scandals (05 August 2020).

Lekubu, a seasoned former Forensic Investigator from the Auditor General South Africa and the Department of Internal Audit (Unisa), holds a PhD in Criminal Justice (Unisa), a Master's degree in Forensic Investigations (Unisa), BTech Forensic Investigations (Unisa), a Postgraduate Certificate in Corruption Studies from the University of Hong Kong, and a Curricular Diploma in Criminal Justice and Forensic Investigations from the University of Johannesburg.

The title of his Doctoral studies: [*A critique of South African anti-corruption strategies and structures : A comparative analysis*](#), which focuses on governance, ethics, ethical leadership, corruption and anti-corruption strategies in South Africa (comparative countries: Hong Kong, Singapore, and Botswana) resonates well with the current topical issues surrounding Covid-19 PPE corruption scandals that have engulfed the country.

Ultimately, the success of these efforts to fight corruption in the South African public and private institutions does not only rely on law enforcement agencies alone. It will depend on the actions and assistance of all individuals and formations within society (from public servants to politicians, from businesses to political parties, from Parliament to government departments). It is dependent on the vigilance of citizens, religious bodies, traditional leaders, professional associations, the media and many others. South Africans must “blow the whistle” should they have information about acts of malfeasance in relation to the abuse of public funds or resources without fear, favour or prejudice.

If public servants and political office-bearers truly care about the public whose interests they claim to represent, they must allow ordinary members (through transparent procurement processes) of the public who have interest in doing business with government a fair chance to bid for such business opportunities, instead of passing on inside information about opportunities to their families, friends, and acquaintances.

South Africa has another opportunity to seriously introspect and to consider the unavoidable paradigm shift of integrating ethical leadership and trust in governance and in the appointment of public office bearers. Ethical leadership, a governance and corporate culture that appreciates ethics will go a long way to curbing corrupt practices in South Africa.

Dr Benni K Lekubu

Anti-Corruption Specialist

Senior Lecturer

Department Police Practice

College of Law

082 555 3148