An exploratory study of corruption concomitant to Covid-19 in South Africa

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Abstract

Corruption is a growing concern in South Africa. Cases of alleged corruption of government officials are detailed in the news media on a regular basis, and include allegations targeted at the highest levels of government. The article explores the corruption associated with covid-19 and seek to identify the types of corruption committed during covid-19 in South Africa. This qualitative article adopted a non-empirical research design: Systematic review, indirect observation schedules to identify and describe available research literature 'using systematic and explicit accountable methods and pre-specified formalised tools for searching and integrating literature. The data was collected from March-February 2021. The collected data was analysed through inductive textual content analysis.
The findings revealed that government officials from national, provincial and local levels benefited irregular from the personal protective equipment (PPE) tenders, the findings further indicated that billions of rands from the unemployment insurance fund (UIF) were fraudulently paid to peoples accounts linked to government officials, lastly, the food parcels were purposely distributed to incorrect individuals and not the identified needy individuals. Based on the findings, the following recommendations were developed: the South African Police Service, Directorate for priority crime investigation and national prosecuting authority should investigate, prosecute and impose harsher sentences to those found guilty, asset forfeiture unit should freeze the accounts and seize the personal belongings to recuperate stolen money and to instil accountability, lastly, more resources should be directed to reactive and proactive strategies to prevent corruption in the republic.

Keywords: Corruption; Government officials; Covid-19; PPE; Tenders, South Africa.

Introduction

Wielders (2013) explained that corruption is a disease, a cancer that eats into the cultural, political and economic fabric of society, and destroys the functioning of vital organs. Corruption in South Africa includes the private use of public resources, bribery and improper favouritism (Krsteski, 2017). It undermines good government, fundamentally distorts public policy, leads to the misallocation of resources, harms

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the private sector and private sector development and particularly hurts the poor. Motseki and Mofokeng (2020) concurred that the extent and depth of corruption in South Africa is demonstrated and seen in the current Zondo Commission, where government officials are implicated from national, provincial and local level. President Cyril Ramaphosa has labelled corruption as one of the greatest impediments to the country's growth and development, saying the matter needs urgent attention (Njilo, 2021).

According to Krsteski (2017) tenderpreneur is common corruption in South Africa, it is an individual who enriches themselves through corrupting the awarding of government tender contracts, mostly based on personal connections and corrupt relationships - although outright bribery might also take place - and sometimes involving an elected or politically appointed official (or his or her family members) holding simultaneous business interests. According to (Mogoatlhe, 2020) in South Africa, where corruption has always been rife, the spread of covid-19 has turned into a looting spree. The covid-19 pandemic has brought an array of issues to the fore, the rise of corruption being key among those and corruption is rearing its ugly head as the single biggest threat to the future of South Africans (Zungu, 2020).

Corruption is defined as the intentional non-compliance with the arm's-length principle aimed at deriving some advantage for oneself or for related individuals from this behavior (Bogovic, 2015). Corruption is the use of public office for private gain, or in other words, use of official position, rank or status by an office bearer for his own personal benefit (Myint, 2000). The aims of this study was to explore the corruption associated with covid-19, to identify the types of corruption committed during covid-19 and to determine the impediments that prevent law enforcement agencies to combat corruption in South Africa.

Problem statement

The researchers are of the view that in South Africa, the longer-term pandemic is corruption. Corruption robs the South African people billions that could be used for their benefit. Corruption and mismanagement are not incidental in South Africa. They are structural elements of how the country should be managed. It has been calculated that corruption cost South Africa trillions of rands (Fray, 2020). Corruption, is enabled by a dysfunctional public administration accustomed to a lack of consequences for wrongdoing. The researchers are of the view that covid-19 pandemic fuelled corruption in South Africa as the government used five hundred billion rands to procure PPE and now there is no money to buy vaccines.

However, till to date government officials has corruptly enriched themselves by converting government money in their custody to their own use. Section 217 of the Constitution enjoins organs of state in the national, provincial or local sphere of government to contract for goods or services in accordance with a system that is fair, equitable, transparent, competitive and cost effective. This requires the state to take positive steps to ensure transparency of all public procurement processes including through the investigation of allegations of corruption or improper conduct in procurement processes.

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Government initiatives against corruption are coordinated by the Department of Public Service and Administration. The Public Protector also plays a role in fighting corruption. A disbanded independent unit Scorpions (South Africa) was replaced by the Hawks (South Africa) which is subordinate to the police's (The Directorate for Priority Crime Investigation). Corruption has been persistent in South Africa, and many who has been implicated in corruption has yet not been prosecuted irrespective of investigations been conducted and facts proven of their involvements. In January 2018, Ramaphosa appointed a Judicial Commission of Inquiry into "state capture," the label commonly used in South Africa for government corruption.

Theoretical framework: Rational choice theory
It was only during the late 1970s that criminologists realised that none of the theoretical perspectives aimed at explaining criminal behaviour assumed a rational, thinking individual. David Matza's drift theory (1964) got the closest to including such criteria. He referred to his theory as "soft determinism" However, his theory did not convey the fact that the individual has a free will and that he or she can make a calculated, rational decision or choice.
Theorists, who support the rational choice perspective, speak in terms of "opportunity", "benefits" and "costs" when discussing the offender's decision to commit a crime. The viewpoints of Smit (1723–1790), and Bentham (1748–1832) that man exercises economic choices and is motivated to experience pleasure and to avoid pain, featured very strongly in the rational choice perspective. Clark and Felson (1993) indicated that a synthesis of the work of various researchers on criminal decision-making (which fell within four separate disciplines – the sociology of deviance, environmental criminology, economics and cognitive psychology) eventually gave rise to the rational choice perspective of Cornish and Clarke in 1986 (Bezuidenhout, 2011:127).
Instead of emphasising the differences between criminals and non-criminals, the rational choice perspective stresses some of the similarities between them. Cornish and Clark (1986:vi), state that if crimes are the result of rational choices, based on the anticipated cost and benefits, criminal behaviour becomes more crime-specific. They argue that more attention should be paid to the criminal event itself as well as the background or historical and situational factors that influence its commission. This supposes that the decision-making process can be affected by various factors of which situational factors (poverty, unemployment, poor economies and social circumstances) are the most important part of the process in deciding to commit crime.
Therefore, with reference to the above, the rational choice theory states that most opportunistic criminals are rational in their decision making and recognise, evaluate, and respond to a variety of environmental factors (Cozens, 2011:486). These are environmental factors within the built environment which relate to the perceived risk and efforts associated with an offence, and are central to the offender's decision-making process. The same goes for perpetrators of corruption, they are rational in their decision, and they evaluate and respond to a variety of environment factors, laws, and legislations. The perpetrators of corruption assess where they are going to

commit corruption, how they will go about it without raising lot problems. During COVID 19 as it was declared state of emergency in South Africa, the procurement processes were not followed when tenders were awarded. All the processes and the legislations were not followed at all.

Methodology

The methodology utilised in this study was qualitative in nature. The collected data was sourced from relevant sources and also analysed contextually without necessarily involving any quantitative techniques. The researchers read an overview of the literature on this subject from *March 2020 to February 2021* (12 months projection), this was done to examine the following facets; to explore the corruption associated with covid-19, to identify the types of corruption committed during covid-19 and to determine the impediments that prevent law enforcement agencies to combat corruption in South Africa.

Predicated on the nature of data required in this study; the presented discourse relied mainly on secondary data sources in the process of amassing germane information. In this process, documented and archival data were extracted from regime gazettes, texts, periodicals and other pertinent sources. Data generated from these sources were condensed and critically analysed through content and context analysis where germane and concrete information were distilled from the collections. The deductive synthesis was consequently applied in this process. Synthesised outputs from the analysis are presented as different sections in this study in accordance with the set-out objectives of the discourse.

Causes of corruption in South Africa

Van der Merwe (2006: 32) argues that an effective anti-corruption measures should consider both the nature and causes of public sector corruption. The causes of corruption in South Africa are contextual (Kroukamp, 2006), De Graaf (2007) contends that the complexity of the phenomenon makes it impossible to provide a comprehensive account of the causes as manifestation is within a political landscape. While the causes of corruption might differ from one environment to another, the following are considered prevalent in the South African Public Sector: weaker application of the legislation and oversight mechanisms; political deployments, low wages, and an absence of meritocratic systems.

Weaker application of the legislation and oversight mechanisms

The draft Public Sector Integrity Management Framework (2011) noted that a myriad of challenges are apparent in the public service as far as the implementation of ethical and anti-corruption measures is concerned, chief among them is non-compliance with legislation and lack of enforcement (Department of Public Service Administration, 2011). According to the Public Service Anti-Corruption Strategy (2002), the accounting officers, who are the heads of departments, take the responsibility in making sure that their departments have minimum anti-corruption capacity requirements. To this

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end, they are obliged to report to the Department of Public Service Administration (DPSA) all the cases regarding corruption and related offences. These provisions of the strategy are quite progressive except for the fact that there are no punitive measures for non-compliance. As a result, most of the departments do not submit their corruption and related offences cases to the DPSA as required by the strategy. This makes it difficult for the DPSA to monitor the trend of unethical behaviour in the South African Public Service.

Matters are even made worse on the account that Chapter 9 Constitutional institutions which are supposed to play an oversight role have got no powers to impose punitive and rehabilitative measures where they find wrong doing within the practice. The only thing that these institutions can do is to make recommendations to the department when wrong doing has been proven. Often times than not, these recommendations are not implemented. The Parliament created a Standing Committee on Public Accounts (SCOPA) to an oversight watchdog over the way taxpayers' money is spent by the executive. Every year the Auditor-General tables reports on the accounts and financial management of the various government departments, state institutions and municipalities. Accounting officers of these institutions are regularly called by this committee to report and account for the expenditure. The committee can recommend that the National Assembly takes corrective actions if necessary. Flowing from this perspective, it can be argued that this committee (SCOPA) has also suffered the same weaknesses as with the Chapter 9 Constitutional institutions as it also have no powers to institute corrective and disciplinary measures to the offenders.

Political deployments, low wages and an absence of meritocratic systems
Political deployments to the public sector, low wages, and an absence of meritocratic systems exacerbate bureaucratic corruption (De Waal, 2012; Thornhill, 2012). This is to say that public officials may resort to corrupt practices to supplement inadequate public sector wages. This kind of corrupt practice is rife within the traffic officers, police and in some cases custom officials in the form of bribery and some cases, extortion. The rationale for engaging in this practice is often said to be low wages and taking bribery is viewed as a supplement to their salaries. The truth is, though low wages maybe partly responsible for that behaviour, the main reason why bribery is rife is because on one hand of the bribe taker it's difficult to detect and control and on the other side of the bribe giver the motive for getting away with an offence which will cost much than a cheap bribe is too strong.

The African National Congress (ANC) as the ruling party is under strong criticism for their policy of cadre deployment (Areff, 2012; De Waal, 2012; Thornhill, 2012). Municipal and other public service appointments are used to reward political allies, which discourages talented staff and undermines institutional performance. In these situations corruption, maladministration and mismanagement find a fertile ground to breed often leading to service delivery protests. The critical problem that has overwhelmed most government institutions relates to the issue of capacity constraints (Manyaka & Madzivhandila, 2013). The Minister Shiceka acknowledged that the policy of cadre deployment has literally crippled the capacity of local government to deliver services within the country.

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Table 1: Categories of corruption

Categories of corruption	Description
Bribery	The act of dishonestly persuading someone to act in one's favour by a payment or other inducement. Inducements can take the form of gifts, loans, fees, rewards or other advantages (taxes, services, donations, etc.). The use of bribes can lead to collusion (e.g., inspector's under-reporting offences in exchange for bribes) and/or extortion (e.g., bribes extracted against the threat of over-reporting).
Embezzlement	To steal, misdirect or misappropriate funds or assets placed in one's trust or under one's control. From a legal point of view, embezzlement need not necessarily be or involve corruption.
Facilitation payment	A small payment, also called a "speed" or "grease" payment, made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement.
Fraud	The act of intentionally and dishonestly deceiving someone in order to gain an unfair or illegal advantage (financial, political or otherwise).
Collusion	An arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.
Extortion	The act of impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.
Patronage, clientelism and nepotism	Patronage at its core means the support given by a patron. In government, it refers to the practice of appointing people directly.

Sources: (Anderson, 2015; World Bank, 2011a (Department for International Development, 2015; Motseki & Mofokeng, 2020).

Corruption and covid-19 in South Africa

Government responded to the outbreak of the novel coronavirus, commonly known as Covid-19, by redirecting resources to fund a R500 billion package for the health response and the relief of social and economic distress caused by the drastic measures that had to be taken to contain the spread of the virus and unfortunately it created an opportunity for government officials and private sector to benefit unlawfully

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from this pandemic, Auditor General South Africa (2020). In South Africa, where corruption has always been rife, the spread of COVID-19 has turned into a looting spree. According to media reports, almost R450 billions of money earmarked for the country's COVID-19 response has been stolen, Global Citizen (2020). In some instances, companies with links to high-ranking government officials and senior members of the ruling African National Congress (ANC), were awarded multi-million rand contracts to provide services like PPE and other medical supplies Global Citizen (2020) and it was exposed during the awarding of (PPE) tenders, unemployment insurance fund (UIF), food parcels and other related corrupt activities in line with COVID-19.

South African government established solidarity fund to raise money to deal with covid-19 and they implemented lockdown, meaning they wanted to prevent the increase of the virus in the country and by also ensuring that people stay at home while essential workers (health care practitioners, law enforcement officials, security officials, retail stores personnel and other officials) who were rendering essential work to the communities were allowed to work. The money raised in the solidarity fund was intended for the procurement of and provision of contracts for PPE necessary to respond to civid-19 in South Africa, funds intended for construction and/or development of hospitals and quarantine sites, catering services for food parcels, ventilators, disinfecting equipment, as well as other modes of uplifting communities during this difficult times. It was alleged that the procurement did not comply with Section 217(1) of the Constitution, as well as other relevant measures that had been announced by National Treasury as prerequisites for COVID-19 related procurement. Suppliers and/or service providers that had been contracted had been paid in the absence of proof of delivery of goods or services.

The pandemic has created an opportunity for criminals in government and private sector to steal resources from the poor and benefit themselves and those who are associated with them. Today, as governments are ramping up pandemic response spending to unprecedented levels and shovelling it out of the door with understandable urgency and desperation, the risk of corruption and misappropriation has increased exponentially. A recent survey by a German anti-fraud consulting company (Nemexis, 2020) found that a majority of the 58 countries surveyed experienced corruption related to purchasing and/or access to PPE and this was the case in South Africa. Corruption has fierce impacts on economic and societal development and has permeated through entire portions of society and the economy, Dimant and Tosato (2017:1). Corruption is a complex social phenomenon and the motivations to engage in corrupt behaviour are multifaceted and is the result of interactions at the micro-, meso-, and macro level (Bicchieri and Ganegonda, 2016; Dimant and Schulte, 2016). The COVID-19 pandemic gives rise to very significant risks of corruption, massive resources mobilised to respond to the health and economic crises, and in turn, it created opportunities for corruption, while many corruption prevention and enforcement mechanisms are suspended due to the emergency, World Justice Project (2020).

This corruption risk is a rule of law problem in itself and it also compromises the pandemic response, undermining much-needed trust in public institutions, squandering supplies and resources, and impeding their flow to those in need, World

Justice Project (2020). The Eastern Cape provincial government came under fire following several allegations of corruption and the allegations ranged from the use of a guesthouse owned by a politician's daughter as an isolation facility to payments by the OR Tambo district municipality, improper procurement of sanitisers and the scooter project, which cost R10 millions of taxpayers, SABC NEWS (2020). In Gauteng, Presidential spokesperson Khusela Diko, her husband, Gauteng Health MEC Bandile Masuku and his wife, Loyiso have all been fingered in a personal protective equipment (PPE) tender worth R125 million and Some media reports suggested that the company was established in January 2019 and had no track record of supplying PPE and the provincial government of Kwazulu Natal launched investigations into the awarding of two tenders to supply blankets for the homeless and personal protective equipment and the investigations have since uncovered irregularities of nearly R30 million, a total of 48 000 blankets were procured, but only 4 982 had been delivered at the time of the investigations, SABC News (2020).

Limpopo is one of the provinces that has been embroiled in the PPE scandal following allegations of handpicking companies, believed to be linked to politicians, to award tenders and the provincial departments awarded COVID-19 procurements to the value of R728.4 million for the period March 2020 to June 2020, SA news (2020). The Department of Health was awarded the lion's share of the budget, receiving R548 million (80.28%) followed by the Department of Education which obtained R129.4 million (17.76%) while the rest of the departments and public entities pocketed R14. 2million (1.96%), SA news (2020) and while other provinces were also embroiled in covid-19 corruption and more should be done to recover the money which was stolen from taxpayers and arrest those who are found to be guilty of malfeasance and illegal activities during this pandemic.

Civil society group Corruption Watch has published its latest corruption trends report based on accounts it has received from the start of the year until the end of June, Whistle-blower allegations of corruption in the South African Police Service (SAPS), municipal offices, schools, traffic and licensing centres, and the health sector, account for approximately a third of the reports of corruption, BusinessTech (2020).

Table 2: Corruption statistics

AREAS OF CONCERN	2019	2020
South African Police Service	9.2%	13%
Municipalities	6.4%	5%
Traffic and licensing centres	3.4%	5%
Schools	8.4%	5%
Health	3.6%	4%

Source: Business Tech, 2020

In all the reports received, Corruption Watch said that the trending forms of corruption during this six-month period are: **Maladministration** – the mismanagement and deliberate delaying and bundling up of legal and official government processes. This form counts for 19% of the corruption cases; **Misappropriation of resources** – the

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theft, misuse, abuse and wasteful spending of state vehicles, equipment, time and funds. These corruption cases account for 14% of reports received and **Procurement irregularities** – typically relating to the flouting of the awarding of tenders and related processes, these account for 14% of corruption cases.

The COVID-19 pandemic has introduced or exacerbated corruption vulnerabilities in the public sector in several key areas including: Public Procurement: The COVID-19 pandemic necessitates immediate purchase and delivery of medical supplies and personal protective gear that are in high demand and short supply with far more price instability and less competition and oversight. Government Relief Programs: The scope and urgency of relief programs and weakened accountability mechanisms have increased opportunities for abuse by public officials. Political Finance and Use of State Resources: The COVID-19 pandemic creates opportunities for violations of political finance laws and regulations, misuse of public resources, and makes them harder to detect. The Judiciary: Public health measures have profoundly affected the operational capacity of judiciaries, increasing the opportunity for the executive to bypass court oversight and undermine independence. At the same time, public health measures are increasing judicial discretion, creating opportunities for corruption within the judiciary.

Recommended interventions for combating corruption in South Africa

The approach to fight corruption in the South Africa should be guided by a clear understanding of what enables corruption to thrive and equally on the best practices both locally and across the globe. Lessons learnt from successful departments and other countries should offer a rich experience on what should possibly be done going forward. It is evident however that in order to improve governance and reduce corruption, law enforcement agencies should implement anti-corruption strategies to the fullest. Both national, local government and the public service are still struggling to implement their own anti-corruption strategies.

A need for investment into corruption research

According to Ruhiiga (2009: 1090), corruption remains a topical issue in South Africa because of its impact on civil society, governments and institutions. Following this line of argument, it is clear that a subject of interests to criminology scholars, civil society and business. Any subject of interest requires a comprehensive scientific research in order to know the root causes, nature and the dynamics of such a subject. Anti-corruption is one field that should be thoroughly researched more so as it is an emerging subject and has suddenly but reasonably become an important measure of good governance in the public sector. Government needs a reasonable budget to fund scientific research into corruption. Ruhiiga (2009: 1092) further argues that in dealing with corruption, one of the most serious challenges faced, is the lack of reliable information in the form of consolidated statistics on its location, extent and type. The research will be very instrumental in informing the government which areas are more problematic and possibly what should be done to prevent corruption. Law enforcement should be at a better position to develop anti-corruption programmes

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which address problematic areas and afford a better opportunity to tackle the challenges of corruption more effectively and efficiently as desired for improvement. Without a truly comprehensive scientific research, the government and law enforcement agencies will continue working in the dark or under general assumption which will not produce the desired results and will also results in further loss of tax payers' money committed to wrongly targeted programmes.

Anti-corruption strategies must be long term and multifaceted.
Anti-corruption work is fundamentally about changing attitudes and behaviour. This is both difficult and time consuming. The ultimate objective is to achieve improved standards of ethics, accountability and integrity. This may require generational change. An effective anti-corruption strategy requires a multi-pronged approach. It needs to draw on successful strategies that support local reform constituencies, reduce opportunities for corruption, and provide positive and negative incentives or even target school curriculum (Auaid, 2010). This will also require a seamless political change so that the national commissioner which comes to power continues from where the previous one has left off. It will only happen if the outgoing and the incoming national commissioner have some sort of bi-partisanship in relation to key strategies and methods to combat corruption.

Strengthening constituencies in the fight against corruption
Leadership commitment in the government is a pre-requisite for a successful programme or intervention in the fight against corruption. Any attempt to attain leadership commitment will equally require a strong law enforcement interventions campaigning for zero tolerance on corruption and holding government leaders and officials accountable on the fight against corruption. It is not simple to attain leadership commitment across the government but it is a condition without which a successful anti-corruption campaign is almost impossible. Government officials needs to be educated about corruption and its consequences (Van der Merwe, 2006:42) Training public sector employees on the whole concept of corruption and ethics will contribute towards building a strong and informed constituency against corruption. Capacitating law enforcement agencies with resources (human and physical), budget and all the tools needed to fight and combat corruption in South Africa should be made a priority number one as President Cyril Ramaphosa stated in his State of Nation Address 2021.

Reducing opportunities for corruption
Empowering one of the key accountability and oversight institutions like the Auditor's General (AG), Special Investigation Unit (SIU) offices of the Public Service Commission (PSC), the Public Protector and Standing Committee on Public Accounts (SCOPA) with powers to take disciplinary action against wrong doing where it has been proven beyond doubt and increasing the staffing of the Public Protector to be able to carry-out its mandate without staff constraints, could play a crucial and critical role in reducing opportunities for corruption. Prevention and detection efforts should be increased and strengthened to be deterrent enough without losing focus

on ensuring speedy investigative and resolution capacity for both reported and detected cases. People tend to engage in corruption because they know they can beat the system. However, if the system is strong people are less likely to engage in corruption because chances of being caught and punished are more likely. The public sector should consider a mass public anti-corruption campaign to empower the general public on how to identify and report corruption because public servants alone cannot win the war against corruption. After all, it is the ordinary citizens who bear the brunt of corruption. The members of the public should be educated on the concept of corruption and its consequences as well as how to report it. They should also be made aware of the relevant legislation that could help them in the fight against corruption such as the Protected Disclosures Act, Act No. 26 of 2000; Promotion of Administrative Justice Act, Act No. 3 of 2000; and Promotion of Access to Information Act, Act No.2 of 2000. If the members of the public are empowered, it will make it difficult for corruption to thrive in South Africa.

Conclusion

The article has sought out to provide an analysis of the phenomenon of corruption in the South African public sector with a view of challenges and opportunities that could be exploited to effectively reduce the extent and level of corruption. To this end, article recognises undoubtedly that the South African public sector has a sound legislative framework and strategies for combating corruption. It is rather the failure to comply with those processes and procedures due to incapacity and insufficient leadership commitment that provides opportunities for unethical, fraudulent and/or corrupt activities.

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