



FOR CIRCULATION

## The COVID-19 Pandemic: Procurement Accountability and Democratic Practice

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In March 2020, Botswana as with the rest of the world was hit by the Covid-19 pandemic. The crisis demanded both financial and legislative and constitutional provisions to serve as socio economic impact mitigation efforts against the pandemic. The aim of this brief is to explore the governance issues caused by the pandemic and gaps thereof especially in terms of looking to the future and being better prepared for pandemics and national emergencies. These were informed by conversations hosted by BCPI with academics and journalists, probing their views on the government's response to the pandemic.

As at 2022, the fight against Covid-19 had pushed

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The private sector did well in helping where they could, especially with donations. It was expected that there would be some players who would be unscrupulous even in light of the situation.

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Botswana's budget deficit from 3.7% to 5.1% (P10.1bn), indicative of the financial strain that the pandemic had placed on government. From 2020 when the government had to institute measures to fight the pandemic, there came up issues of ethics and accountability specifically as they relate to procurement (financial) and the temporary suspension of democratic practice in the form of a state of public emergency<sup>1</sup> (legislative);

On the procurement front, the government of Botswana procured medical equipment, increased healthcare workers, renovated some healthcare facilities and eventually also procured vaccines

among others <sup>2</sup>. There were also social interventions in the form of food parcels that were distributed to vulnerable households, some of which were already beneficiaries of the government's social welfare programme. This was done using public funds which as per democratic requirement, need to be spent in the most transparent manner achievable, even in a state of

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In Africa, the social and political consequences of corruption rob nations of resources and potential, and drive inequality, resentment and radicalisation. Corruption cheats the continent's (Africa) governments of some US\$50bn annually, and stymies successful cities, sustainable economies and safe societies (Institute for Security Studies, 2016)<sup>8</sup>

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emergency. Transparency in the budgeting and government spending process reduces the risk of corruption and increase policy effectiveness<sup>3</sup>.

The ethical issues arising from the public procurement process owed to the fact that at the time of spending these public funds, democratic governance had given way for a state of public emergency which allows for restrictions on certain freedoms and liberties and processes. The SoPE led to the creation of the Corona Virus (COVID-19) Emergency Procurement Procedures for Essential Services which outlined the process of public procurement during covid and the state of public emergency. The amendment to the procurement act declared that *all* procurement relating to the Corona virus be classified as emergency procurement, "in order to ensure that there is adequate flexibility in the procurement process that allows Procuring Entities to be responsive to procurement requests in a timely manner to adequately respond to COVID-19<sup>4</sup>." The act defines Emergency procurement as procurement activity carried out under circumstances that are urgent, unforeseeable, where life, environment,



property or equipment is immediately at risk or standards of public health, welfare or safety need to be reestablished without delay not caused by any dilatory conduct, or bad management, of the Procuring Entity. This manner of procurement is susceptible to corruption and malefeasance, specifically because of the fact that removing the "dilatory conduct" in the procurement process means removing most of the checks and balances. Even when announcing this method of procurement for handling of the pandemic, the Public Procurement and Asset Disposal Board warned accounting officers that "emergency procurement presents higher risks of fraud, inflated prices, conflict of interest, unfairness, corruption or any other matters that are not in line with good governance practice and therefore ought to be managed appropriately<sup>4</sup>."

## PERSPECTIVE IS EVERYTHING

As the government tackled the Covid-19 pandemic, the country depended on the media to play a watchdog role over how public funds and resources were being used especially considering the regulations of the SoPE and the emergency procurement measures described above, that were used in the public procurement process. Indeed, local newspapers and media outlets shared findings on the government's efforts. Unfortunately, these mostly pointed to a seeming mismanagement of funds and the use of the pandemic and state of public emergency for personal enrichment by politicians, public servants and other politically exposed persons<sup>5</sup>

For democracy to thrive, there needs to be established trust between the elected and the electorate because effective governments generally rely on public trust<sup>6</sup>. When the public perception is that government does not care about the wellbeing of citizens, as media reports of corruption with COVID funds suggested, compliance with policies and measures is harder to obtain. Indeed, the research that has been done regarding national emergencies suggests that trust in government has a direct influence on

compliance towards precautionary and mitigation measures<sup>7</sup>.

## KEY TAKEAWAYS

- Africa generally has a problem of being behind in terms of the direction the rest of the world is facing in respect to different fields and priority areas. The continent is more susceptible to being worse affected by disasters and pandemics than the rest of the world because of its unpreparedness due to lacking research and development
- Botswana does not have a Freedom of Information Act, and this has overtime been a contentious issue where certain information is requested from government pertaining to how certain decisions were made or what informed decision making. The issue being that there is lack of transparency in the manner in which some services and goods were procured for example, and the transaction is deemed by those concerned to be undertaken in secrecy benefitting the prominent few over others. During the Covid19 SoPE, lack of transparency was a serious concern moreso that there was no competitive bidding for most of the goods and services amounting to millions of Pula.
- Conversations need to be had regarding the robustness of Botswana's democracy and possible future threats to it, as well as precautionary measures that need to be taken in light of those.

## POLICY RECOMMENDATIONS

- Botswana's Public Health Act needs to be reviewed and possibly amended to ensure its readiness for the next pandemic or national health crisis. While the declaration of a state of public emergency is a necessary constitutional provision and should be left untouched, the SoPE cannot be relied on to facilitate government's



efforts against a health crisis as was done with COVID-19; the Public Health Act should on its own enable government and the public service to manage health crisis without the President having to declare a SoPE which severely curtails democratic practice and processes.

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