

**CORRUPTION DURING THE COVID-19 CRISIS:
CHALLENGES AND POTENTIAL LESSONS**

**KEYNOTE ADDRESS AT THE THE THIRD VIRTUAL ECONOMIC CRIMES AND
CYBER CRIMES CONFERENCE III ('ECCC') AT LAW FACULTY OF THE UNIVERSITY
OF THE WESTERN CAPE**

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Abstract

This conference opens up discussions on recent trends of corruption during the pandemic and how various jurisdictions have dealt with the vice. In light of the impact of economic crimes in Africa, I hope to cast some enlightenment and inspiration on the minds of the participants. This speech elaborates the impacts of economic crimes in a general perspective and distinguishes traditional from economic crime and the cost of the latter to society. It hints at the statistics of economic crime during the Covid-19 pandemic, the exacerbation of cybercrime in the digital spaces in the Covid-19 era. I then propose that we should question how Africa can rise to the occasion through international, regional, sub-regional and country-specific mechanisms to detect, prevent and prosecute economic crimes and cybercrimes.

KEYNOTE SPEECH

1. INTRODUCTION

Distinguished participants, ladies and gentlemen:

It is a great honour for me to deliver, a keynote speech at this very important forum. I would like to first thank the Department of Criminal Justice and Procedure in the Law Faculty of the University of the Western Cape and the Journal of Anti-Corruption Law for the invitation to this conference. I trust all the participants are well considering the ever-present Covid-19 pandemic.

Today, as requested by the organizers, the purpose of the conference is to open discussions on recent trends of corruption during the pandemic and how various jurisdictions have dealt with the vice. Let me first start with a brief report on the impact of economic crimes in Africa.

Based on the statistics of economic crime, I will elaborate on my experiences as a Director of Public Prosecutions, as a judge and as former head of the Anti-Corruption Department where

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I prosecuted white-collar crimes. I hope that this experience may offer enlightenment and inspiration for the many brilliant young minds attending this conference.

2. THE IMPACT OF ECONOMIC CRIMES IN AFRICA

As Africa continues to strive towards industrialization in the modern era, the benefits are easily matched by the risks attached to this progress. The continent has been experiencing exponential economic growth, which has led to rising middle-class incomes amid a technological boom. Economic crimes, too are, unfortunately, on the rise in Africa and have undermined economic growth by negatively affecting development. It is important to understand the nature of economic crimes. These crimes are different from traditional crimes in terms of their objective and modus operandi. While traditional crime is often characterised by small sums of money, quite often brute force and conventional tools, a criminal committing economic crimes steals large sums of money and employs technology and communications to carry out unlawful commercial transactions, disturbs databases or orchestrate massive frauds. Such crimes are very costly to society. In contrast to conventional crimes, which affect specific individuals, economic crimes affect society as a whole.

The effects of economic crimes such as corruption, cybercrime and money laundering on society, are quite often disregarded or given lesser attention since public fear and concern are more notable in cases that affect personal security more directly. These effects have been accentuated by the emergence of the Covid-19 pandemic. Statistically in terms of corruption, the African Union (AU) estimates that 25% of the gross domestic product (GDP) of African states – some US\$148 billion – is lost to corruption every year. All across Africa scandals in Covid-19 related procurement and allowance irregularities have been prevalent ranging from Nigeria, Kenya, Uganda, Malawi and South Africa.

On the Cyber front, the growth of digitisation over recent years have had an interlocking impact on financial networks, communication systems, modern economic services all leaning towards the adoption of the online and digital means in their operations. It is therefore not surprising that computer technology is involved in the growing numbers of crimes plaguing economic activity in Africa. Cybersecurity is considered to be a luxury, not a necessity in many African economies and no more than in the Covid-19 pandemic has this been more obvious. The lockdowns used by various nations to contain the virus led to an explosion of data usage across the commercial spectrum from banking services, to online shopping and entertainment. Mobile smartphones have dropped substantially in price over the last decade, meaning more Africans are accessing the internet more often. With poorly secured telecommunication infrastructure in many African countries, the footprint of cybercrime is exacerbating the numerous socio-economic problems in the region.

This weakness in the infrastructure has also encouraged the increase in money laundering. Money laundering ranks high up the ladder in damage to the financial sector institutions that

are critical for economic growth, promoting crime and corruption that lead to slow economic growth, reducing efficiency in the real sector of the economy.

These challenges raise questions as to how Africa can rise to the occasion especially for the emerging generations of young minds. Africa must find international, regional, sub-regional and country-specific mechanisms to detect, prevent and prosecute economic crimes and cybercrimes in Africa. The spread of COVID-19 sent a shockwave through the financial sectors of the world and posed substantial cyber risks for strategic sectors of the economy. The discontinuity of work and education amidst lockdowns in several countries has led to an economic slump. This is always a precursor to criminal intent meeting opportunity to crystallize into the above-mentioned crimes. Africa is particularly vulnerable and as I open this conference, it is to you esteemed scholars we reach out for the solutions we desperately need.

I do hope that our conference will provide us with useful insights to contribute to the efforts in combatting economic crime.

Thank you very much for your kind attention and I am confident the conference will be a great success.

Thank you.