

# BIDPA Working Paper 79

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## **Whistleblowing in Botswana's Construction Industry: A Public and Private Sector Perspective**

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**BOTSWANA INSTITUTE FOR DEVELOPMENT POLICY ANALYSIS**





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**Marumo Omotoye**



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## **BIDPA**

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## ABSTRACT

The construction industry (CI) is considered one of the most corrupt both internationally and regionally. Therefore, this study examined the views and attitudes of professionals in Botswana's CI towards the role whistleblowing (or protected disclosure) can play in curbing corruption in the sector. A convergent mixed methods approach was adopted. Semi-structured interviews were conducted with key stakeholders from the construction industry. Furthermore, a self-administered survey was utilised to collect quantitative data from 117 construction firms. Data revealed that there was little awareness of whistleblowing legislation. Fear of retaliation or punishment and job loss, and a lack of education on whistleblowing were identified as some of the most substantial barriers to effective whistleblowing in the industry. From a public policy perspective, it is recommended that an emphasis be placed on improving levels of education and awareness on whistleblowing in the construction sector. In addition, there should be consideration to amend the Whistleblowing Act 2016 to include construction industry regulators, the Public Procurement and Asset Disposal Board, and private media amongst the list of institutions authorised to receive reports of impropriety in order to extend the scope of legal protection to whistleblowers in the sector. Recommendations for further research are provided.

# 1. INTRODUCTION

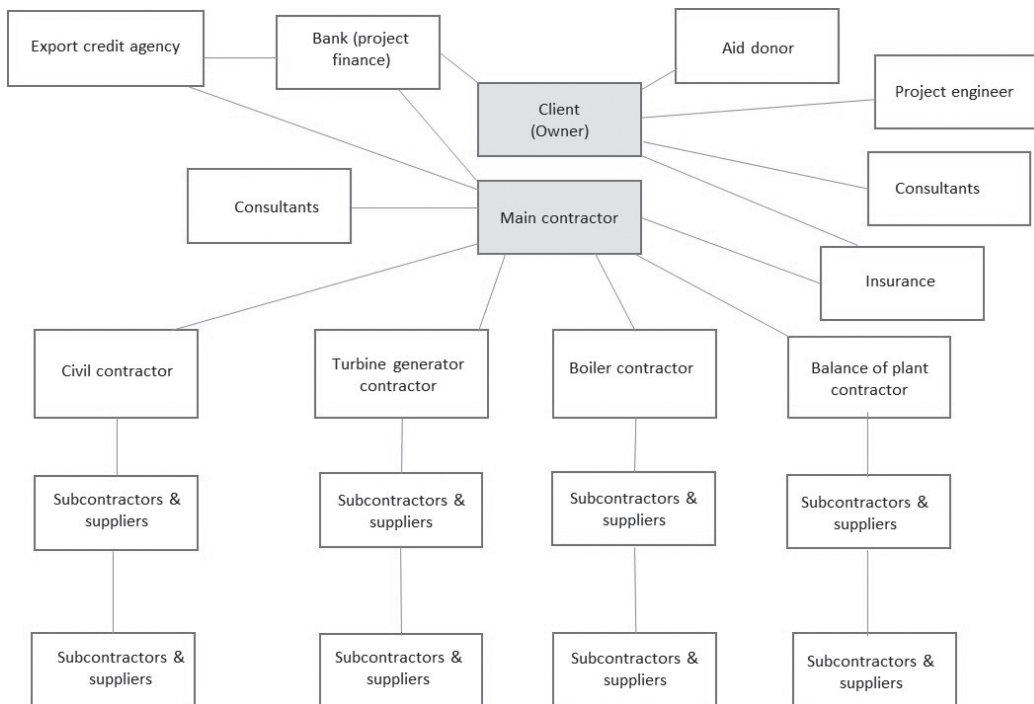
The primary objective of the paper was to examine perceptions and attitudes of professionals in Botswana's construction industry towards corruption and the role whistleblowing can play in combatting corruption in the sector. The paper adopts Pearce's (2003) definition of the construction industry, which states that the sector consists solely of on-site assembly including repair work, site preparation, constructions of buildings and infrastructure, building installation and completion. According to Sengwaketse (2013: 63), the "construction sector is one of the main engines of economic growth. In developing countries, the sector is even more important because of its link to the development of basic infrastructure for all other sectors, training of local personnel, technology transfer and improved access to information." The growth and performance of the sector is largely attributable to the coordinated efforts of a range of professionals in both the public and private sectors: engineers, architects, quantity surveyors and contractors. The construction industry has played and continues to play a pivotal role in Botswana's development since independence in 1966.

During the implementation of National Development Plan (NDP) 10, the construction industry was the fastest growing sector at an average annual rate of 8.4%, with an average value added growth rate of 9.1% (Government of Botswana, 2017). Therefore, it is unsurprising that Government seeks to enhance the growth of the sector during the implementation of NDP 11, 2017/18-2022/23. For instance, during the 2019/2020 fiscal year, approximately P17.03 billion (approximately US\$1,386,387,400.00) was allocated towards the development budget, which amongst others, provides funds for the maintenance and construction of various infrastructure. Fernandes (2014) adds that government is the industry's biggest client, financier, regulator and operator, and that public expenditure drives the construction industry.

While increased public expenditure might be necessary for economic growth and development, it presents opportunities for maleficent conduct to occur during all stages of the public procurement cycle (Zou, 2006; De Jong et al. 2009; Legae and Adeyemi, 2017). Tanzi (1998: 563) expands that the "growth of international trade and business has created many situations in which the payment of bribes (often euphemistically called 'commissions') may be beneficial to the companies that pay them by giving them access to profitable contracts over competitors." Transparency International (2019) shares the view that foreign businesses operating in Africa continue to bribe public officials throughout the continent to get an unfair advantage during bidding processes and secure deals that are overpriced or do not yield real benefits.

Transparency International (2011) explains that the construction industry is vulnerable to bribery due to particular characteristics of this sector. Contracts are usually large and construction projects are often unique and, therefore, difficult to benchmark for costs and time, which makes it easier to hide and inflate additional expenditure. It is also a fragmented industry, often involving contractors and sub-contractors (see Figure 1), which makes the tracing of payments and the diffusion of standards of practice more complex.

**Figure 1: A simplified contractual structure for the construction of a power station**



**Source:** Stansbury (2005)

According to Stansbury (2005), the client or owner will normally be a government or a public corporation. At the project planning stage, the client contracts consultants and engineers to carry out feasibility studies, environmental impact assessments and other planning exercises. The client will also raise project funds by negotiating agreements with commercial banks, development banks and international financial institutions. The client then awards the main construction contract to a single company (the 'main contractor') after carrying out a public tender according to the relevant regulations on public contracting. The 'main contractor' is likely to be a private sector construction or engineering company, which may then subcontract key parts of the project according to its own guidelines for awarding contracts. Subcontractors may in turn sub-subcontract



parts of their work, and sub-subcontractors may purchase equipment and materials from suppliers, or award further subcontracts.

Globally, public works contracts and construction sector have been perceived as the most likely to experience higher rates of bribery, not only between the private and public sectors, but between private companies. “Companies may engage in private-to-private bribery in order to secure business and facilitate the functioning of hidden business cartels” (Transparency International, 2011: 19). The Public Procurement and Asset Disposal Board (2017) has emphasised the importance of transparency by acknowledging that perceptions and allegations of corruption in public procurement often arise as a result of conflicting interests and the disgruntlement of bidders who fail to win tenders who may be quick to attribute that to corruption. Nevertheless, there is a realisation amongst Botswana’s business community that corruption affects market mechanisms and results in economic loss through inefficiency and misallocation of resources (Nawa, 2018).

The central proposition of this study is that whistleblowing can play a critical role in curbing corruption in Botswana’s construction industry. Whistleblowing is one of the fundamental conditions upon which disclosure of abuses of power rests. Literature suggests that staff are in a good position to identify workplace wrongdoing, and as vital sources of information, should be encouraged to report acts of impropriety (Lewis and Vandekerckhove, 2018). However, despite substantial legal improvements in whistleblower protection laws, the level of implementation of these laws can vary (Bauhr and Grimes, 2012). Whistleblowing has received little policy and research attention in Botswana’s discourse on anti-corruption reforms. While some studies have focused on the prevalent forms of corruption in Botswana’s construction industry, our knowledge about the role whistleblowing can play in curbing corruption in this sector remains limited. Therefore, this paper addresses this gap by examining the attitudes and perceptions of construction industry professionals towards whistleblowing.

The paper proceeds as follows. Section 2 reviews literature on corruption and whistleblowing as it pertains to the construction industry. Section 3 outlines key features of Botswana’s whistleblowing legal framework. Section 4 discusses the methodological approach employed to carry out the study, followed by a discussion of the findings in section 5. Conclusions and recommendations are provided in section 6.

## **2. LITERATURE REVIEW**

### **2.1. CORRUPTION IN THE CONSTRUCTION INDUSTRY**

A general definition of corruption is the misuse of public office for personal gain. Klitgaard (1988) cited in Sohail and Cavill (2006), is of the view that corruption occurs when an agent betrays the principal’s interest in pursuit of one’s own. In the context of the construction industry, some authors (e.g. Kenny, 2007) argue that the sector is

prone to corruption because the industry involves complex, non-standard production processes that foster asymmetric information stocks between clients and providers, and because of its close ties to government. Wells (2015) estimates that the percentage of construction costs lost to bribe payments vary globally from 5% to 20% or even higher. Matthews (2016) predicts that by 2030 close to US\$6 trillion could be lost annually through corruption, mismanagement and inefficiency in the CI.

Studies focusing on the nature and impact of corruption in the construction industry have underscored the distinctively damaging economic and non-economic consequences that it has on developing economies. For instance, Kenny (2007) emphasizes that corruption in the construction sector that leads to poor quality construction or which supports an environment of poor project selection and insufficient maintenance can significantly reduce the economic return of investments, and carry high human costs in terms of injury and death. Transparency International (2011) adds that bribery and corruption can also affect the quality of the projects in question, resulting in the cutting of corners and failure to meet safety standards.

A study by the Chartered Institute of Building (2013), which examined perceptions of construction industry professionals in the United Kingdom on the state of corruption in the industry, found that 43% of the sample felt that corruption could occur at all stages of the construction process, while 35% suggested that the pre-qualification and tendering phase was the most susceptible to corruption. The study found that quality and access to anti-corruption training varies across the industry with just over half of the respondents indicating that their company has measures in place.

Zou (2006) reported that in China, corruption in the CI occurs in different forms during any stage of construction projects and that anti-corruption measures were reactive, rather than proactive. Studying corruption in the South African construction industry, Bowen et al. (2013) argued that corruption was widespread. Conflicts of interest, tender rigging (collusion), fronting and kickbacks are the forms of corruption most encountered. Facilitating factors included a lack of transparency in the awarding of contracts and the operating environment of the industry, while barriers to reporting include a lack of confidence in the criminal justice system, a belief that no action will be taken, and a perception that whistle-blowers are not adequately protected. Similar findings were reported in an earlier study on corruption in Australia's construction industry by Hartley (2009), which indicated that common deviant practices included: collusive tendering, lack of honesty and fairness in business relationships between the client and the contractor and between the contractor and subcontractors, and bad poor or non-existent occupational health and safety practices, which in many instances have cost lives or livelihoods.

## 2.2. CORRUPTION IN BOTSWANA'S CONSTRUCTION INDUSTRY

Botswana's transition as a model of good governance, particularly in its control and management of corruption, has been well documented (e.g. Good, 1994; Sebudubudu, 2003; Gbadamosi, 2006; Kaunda, 2008; Theobald and Williams, 2008; Sebudubudu, 2010; Badham-Jones, 2014; Omotoye, 2016; Jones, 2017). Indices such as the Corruption Perception Index (CPI), World Governance Indicators (WGI) and Ibrahim Index of African Governance (IIAG) further demonstrate the degree to which Botswana has performed in tackling governance challenges. Prior to the release of Transparency International's 2018 Corruption Perception Index, Botswana was ranked as the least corrupt country in Africa. Nevertheless, both the 2018 and 2019 CPI have placed the Seychelles higher than Botswana. While Botswana's scores have remained stagnant between 2017 and 2019, the Seychelles has recorded an increase in both score and ranking during this period. This phenomenon raises questions about the efficacy of anti-corruption reforms in both countries, specifically in sectors that are vulnerable to corruption such as the construction industry.

According to the DCEC, during the year 2018, sixteen construction cases were classified for investigations. Of these sixteen cases, thirteen have an estimated value of P1,437,096,050.00 (approximately US\$117,359,500.00), while one infrastructure project worth about P152 million was put on hold pending an investigation. In 2017, "the value of all construction tenders under investigation in 2017 stood at approximately P285,684,000.00 (approximately US\$23,330,195.00), with most common corruption trends involving procurement practices at the evaluation and adjudication stages; awarding undeserving contractors, bribery and payment of rewards to government officials, poor supervision of projects, bid rigging and poor workmanship" (DCEC, 2017: 17).

Similar concerns were raised in 2015 and 2016 by the DCEC, with the emerging trend seeing government officials conniving with contractors to defraud the state through measures such as approval of inflated claims and sub-standard work. In 2013, a senior official of the Department of Building and Engineering Services (DBES) was arraigned before a magistrate court on a count of corruption. Investigations by the DCEC revealed that the individual chaired a board meeting for a tender opening for government house renovations, and participated in the evaluation and awarding of a tender to a company that was jointly owned with several family members, without declaring the nature of such interest to the tender committee (DCEC, 2013).

The DCEC (2009) notes that in construction contracts, it is common for professionals (e.g., architects, engineers, quantity surveyors, etc.) employed by public procuring entities to frustrate contractors or consultants who do not offer them valuable considerations (bribes). This is often achieved by professionals refusing to issue contractors or consultants with critical information or any other resources required to commence or complete the project on time. The PPADB (2017) buttresses this point by noting that

an increasing number of ministerial projects have continued to attract cost overruns and completion delays. Some of the key causes include inadequate preparation at the initial stages of the project, such as procuring entities improperly defining the project scope and specification, resulting in changes to the design during project implementation. Government of Botswana (2017) outlines that a significant portion of the development budget is allocated to construction projects but that this budget is often underspent, which is indicative of low implementation capacity, resulting in problems of delayed project completion by contractors.

Corruption in Botswana's construction industry is not a new phenomenon. Ssegawa (1999), Palalani (2000), and Sebudubudu (2003) cite the Botswana Housing Corporation (BHC) scandal in the early 1990s as one of the earliest and widely known cases of corruption in the sector. They further note that this had a negative impact on the industry as it resulted in the disruption or cancellation of several construction projects. Failed multibillion Pula mega projects such as the construction of the Morupule B Power Station and Palapye Glass project attracted public scrutiny and distrust in public procurement processes. Perhaps, as the PPADB (2018) notes, one of the key challenges in the CI sector relates to the fact that nonperforming contractors continue to bid for and win government contracts, and often continue to produce unacceptable performance and misconduct.

There is an acknowledgement that corruption and fraud impede effective performance in the industry as it results in a waste of government resources and tarnishes the reputation of institutions like the Ministry of Infrastructure and Housing Development (MIH, 2017). In his report on the construction industry in SADC countries, Fernandes (2014) highlights the concern amongst citizen-owned construction sector operators as to the existing and future loss of opportunity to foreign construction companies. He notes that in Botswana, though the PPADB has procurement reservation policies for Botswana nationals, gaps in implementation may exist. For instance, the apprehension relating to construction sector liberalisation is that foreign construction firms could secure key contracts, without including local firms or employees (sub-contracting), non-use of local material and equipment, and repatriation of profits by foreign firms.

### 2.3. WHISTLEBLOWING IN THE CONSTRUCTION INDUSTRY

Whistleblowing is commonly defined as “the disclosure by organisation members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organisations that may be able to effect action” (Near and Miceli, 1985: 4). On the other hand, Banisar (2011: 3) suggests that whistleblowing is a “means to promote accountability by allowing for the disclosure by any person of information about misconduct while at the same time protecting the person against sanctions of all forms.” According to Świątek-Barylska and Opara (2016), whistleblowing allows for the early detection of abuse and corruption, which decreases negative consequences and minimises the possibility of future recurrence.

Although whistleblowing is considered one of the most effective means to combat corruption, Al-Haidar (2018: 1020) opines that due to the “unpredictable consequences of whistleblowing, it is probable that many employees who witness wrongdoing do not consider blowing the whistle because they fear the impact of such action on their relationship with their employers.” Stology et al. (2018) extend this view by suggesting that, despite legal protections offered in some jurisdictions, societies do not consider whistleblowers as wholly legitimate. The literature on whistleblowing has gradually shifted from identifying individual, situational and organisational factors that influence whistleblowing to examining the legislative mechanisms that protect whistleblowers from victimisation and reprisal. Banisar (2011), for example, augments this point by highlighting the fact that countries around the world are developing legal regimes to encourage disclosures and protect whistleblowers from retribution. He adds that it is difficult to determine if these laws are working. Most are too narrow, only applying to the public sector or to certain types of wrongdoing.

Several studies (e.g. Agapiou, 2005; Oliver, 2009; Oladinrin et al. 2016; Kang et al. 2017; Kamaruzaman and Alauddin, 2018) have focused on whistleblowing in the construction industry across a number of countries. These studies acknowledge corruption as one of the construction industry's biggest threats, and thus, emphasize the need to encourage whistleblowing and protect employees who report wrongdoing in the construction industry. Agapiou (2005) underscores the need to have legislation in place that protects and encourages whistleblowing in the industry as a basis for good ethical practice.

Analysing whistleblowing in construction organisations in Hong Kong, Oladinrin et al. (2016), found that whistleblowers can choose either external or internal procedures to disclose observed misconduct, yet they tend to keep silent or report internally, mostly to their direct supervisors within their organisations. Obstacles that could hinder effective whistleblowing include cultural barriers, negative management attitudes, fear of retaliation and inaccurate estimations of severity of misbehaviours.

In Malaysia, Kamaruzaman and Alauddin (2018) contend that whistleblowing in the construction industry has been a controversial issue. As such, employees in the construction industry are hesitant to report wrongdoing, which further exacerbates corruption in the sector. The authors find that employees within the CI lack knowledge about Malaysia's Whistleblower Protection Act 2010 and appropriate reporting channels. The United Kingdom's ability to combat corruption in the CI has also been questioned by the Chartered Institute of Building (2013: 24), which documents that “measures aimed at tackling corruption, such as the Bribery Act, appear to have had a limited effect, with no prosecutions against businesses taking place.”

Kang et al. (2017) conducted a comparative study on the ethical perceptions of contractors and designers in China's construction industry. Their study found that failure to practice whistleblowing was identified as one of the top three ethical issues in the industry, along



with bribery and improper bidding practices. Similarly, Oke et al. (2017) highlighted the need for employees in South Africa's construction industry to be encouraged to report any suspicious acts and transactions including collusion practices. The authors argue that collusion has adverse effects not only on the integrity of the parties or people, but also on the overall performance of construction projects. In Nigeria's construction industry, Aminuddeen (2018) found that a code of ethics for professionals was necessary to curb unethical behaviour in the sector. There is a general consensus that corruption poses a significant threat to the performance and credibility of the construction industry in both developed and developing economies.

Overall, the existing body of literature on whistleblowing in the construction industry emphasises the need to review and strengthen whistleblowing measures. Such measures include enabling anonymous reporting, conducting training programmes, and blacklisting and deregistering professionals and companies that are caught in acts of corruption in the construction industry. Efforts have been made to document corruption in Botswana's CI but no study has previously investigated the attitudes and perceptions of construction industry professionals towards whistleblowing in the sector. Thus, this study aims to contribute to the discourse on whistleblowing in the construction industry.

### **3. BOTSWANA'S WHISTLEBLOWING LEGAL FRAMEWORK**

Prior to the enactment of the Whistleblowing Act 2016, Section 45A of the Corruption and Economic Crime Act criminalised threats against or intimidation of persons reporting corruption allegations. Additionally, the section provides for the protection of the identity of informers during criminal proceedings. According to UNDOC (2019), a review of the Corruption and Economic Crime Act of 1994 highlighted the need for whistleblowing legislation, and therefore the Whistleblowing Act No. 9 of 2016 was promulgated in August 2016.

The Act aims to provide for the manner in which a person may disclose conduct adverse to the public interest, as well as provide for the manner of reporting and investigations of disclosures of impropriety, and the protection against victimisation of persons who make the disclosures. Efforts to publicise the Act were carried out on both national television and radio in 2017 by the Directorate on Corruption and Economic Crime (DCEC). The Act defines a whistleblower as a person who makes a disclosure of impropriety that is made in good faith, is substantially true, and the disclosure is made to an authorised person. Similar to Article 33 (Protection of reporting persons) of the UNCAC, this definition places an emphasis on the protection of individuals making disclosures in good faith to an authorised body.

Section 8 of the Act provides a list of institutions to which disclosures of impropriety may be made. This includes the DCEC, Auditor General, Directorate of Intelligence and Security, Botswana Police Service, Ombudsman, Botswana Unified Revenue Service,

Financial Intelligence Agency, Competition Authority, Botswana Defence Force, and Botswana Prison Services. The Act empowers an authorised person to decline to investigate or discontinue an investigation if they are of the opinion that a disclosure was made maliciously or for an illegal purpose. However, the Act does not make provisions for anonymous reporting or establish feedback mechanisms for individuals that make disclosures of impropriety. Furthermore, the Act does not stipulate remedial actions (including claim or compensation in respect of any loss or injury suffered) in favour of the whistleblower. Nevertheless, the Act protects whistleblowers from victimisation by their employer, a colleague or any other person arising from making a protected disclosure. Victimisation of a whistleblower is an offence that attracts a fine not exceeding P50,000 (approximately US\$4,077) or to a term of imprisonment not exceeding ten years, or both.

The conditions under which a whistleblower's disclosure is protected are contained in section 4 of the Whistleblowing Act 2016, but this statutory framework does not discuss the role construction industry regulators such as Engineers Registration Board (ERB), Quantity Surveyors' Registration Council (QSRC) and Architects' Registration Council (ARC), and oversight bodies like the PPADB can play as potential recipients of corrupt and maleficent behaviour in the sector. Instead, regulators and oversight bodies are tasked with developing codes of conduct for practitioners to abide by. Arguably, this does not offer potential whistleblowers the same level of protection as the Whistleblowing Act, which might deter witnesses from reporting wrongdoing. Although the regulatory framework of Botswana's construction industry is generally robust and provides for the growth and development of the sector, as well as the promotion of transparent and ethical conduct amongst professionals, there is a need to examine how the current whistleblowing framework encourages and/or hinders the reporting of fraudulent and corrupt behaviour.

## **4. RESEARCH METHODOLOGY**

### **4.1. APPROACH AND DATA COLLECTION**

The study adopts a convergent mixed methods approach. "In this approach, a researcher collects both quantitative and qualitative data, analyses them separately, and then compares the results to see if the findings confirm or disconfirm each other" (Creswell, 2014: 269). According to Creswell (2014), the value of mixed methods research resides in the idea that all methods have a bias and weaknesses, and that the collection of both quantitative and qualitative data neutralised the weakness of each form of data. The first data collection method entailed a document analysis of issues related to corruption, whistleblowing and Botswana's construction industry in general. The literature included organisational reports, government publications (e.g., newsletters, guidelines and reports), scholarly books and journal articles. In the second data collection method,

semi-structured interviews were conducted with representatives of ERB, QSRC, ARC, DCEC, PPADB and MIH.

The last data collection method entailed distributing a self-administered questionnaire (adapted from Chamunorwa, 2015) to firms within the construction industry. The PPADB Integrated Procurement Management System (IPMS) was used to identify registered contractors. There are approximately 1685 construction firms registered in the Building Construction Works and Maintenance Code located in Gaborone, Lobatse, Bobonong, Francistown, Ghanzi, Palapye, Orapa, and Tlokweng. These localities represent a mix of cities, towns, and villages. Furthermore, higher proportions of registered firms are found in these selected areas. Yamane's formula (1967) was applied to determine the appropriate sample size.

$$n = \frac{N}{1 + Ne^2}$$

Where,  $n$  = the sample size

$N$  = the size of population

$e$  = the margin of error

Using the above formula, the sample size is computed as:

$$n = \frac{1685}{1 + 1685 * 0.05^2} = 323$$

Based on the above, two-stage cluster sampling was employed to identify 323 registered construction firms in the aforementioned geographic points or localities (clusters). The sample distribution of the targeted localities is presented in Table 1. In line with common statistical practice, all samples below 30 were adjusted to 30 to allow for statistical inference and this resulted in adjustments of other samples.



**Table 1: Sample Distribution**

Locality	Number of registered construction firms	Proportion	Sample	Adjusted Sample	Number of Respondents	Response Rate (%)
Bobonong	51	0.030	10	30	2	6.6
Francistown	270	0.160	52	50	26	52
Gaborone	452	0.268	87	70	48	69
Ghanzi	267	0.158	51	35	0	0
Lobatse	147	0.087	28	33	14	42
Orapa	60	0.035	11	30	2	6.6
Palapye	257	0.152	49	40	12	30
Tlokweng	181	0.107	35	35	13	37
<b>Total</b>	<b>1685</b>	<b>0.997</b>	<b>323</b>	<b>323</b>	<b>117</b>	<b>36.2</b>

The selection of users was made using the probability proportional to size (PPS) method. The second stage of the cluster sample entailed the random selection of the actual number of firms in each locality. From Table 1, it can be deduced that the overall response rate was 36.2%. The majority of respondents were located in Gaborone (69%), Francistown (52%) and Lobatse (42%). Construction firms in Ghanzi were invited to participate in the study, however, no responses were received.

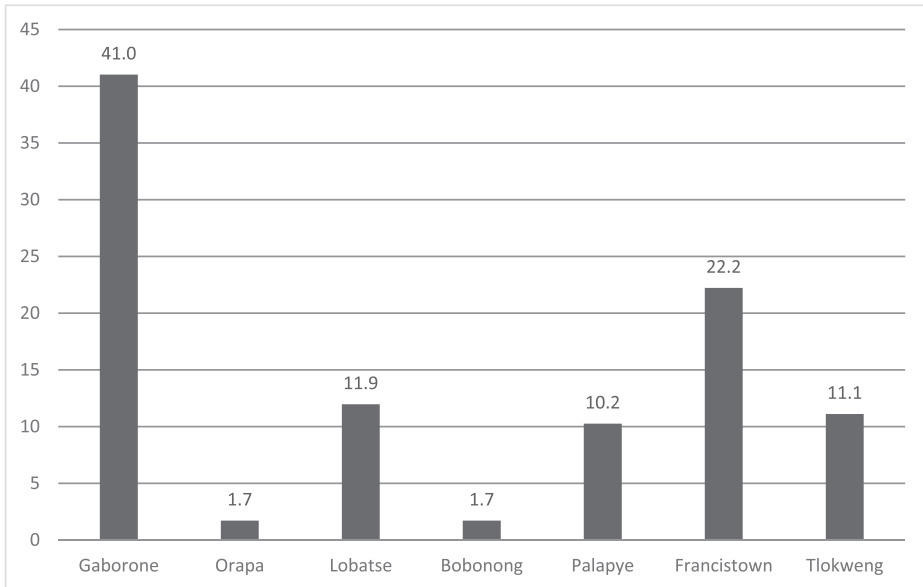
#### 4.2. DATA ANALYSIS

Qualitative data was analysed through thematic analysis. This method is useful for examining the perspectives of different research participants, highlighting similarities and differences, and generating unanticipated insights (Braun and Clarke, 2006). Emerging themes for this study were identified as: 'state of transparency in the construction industry', 'barriers to effective whistleblowing', and 'observations on whistleblowing framework'. Quantitative data was analysed using SPSS.

#### Profile of Questionnaire Respondents

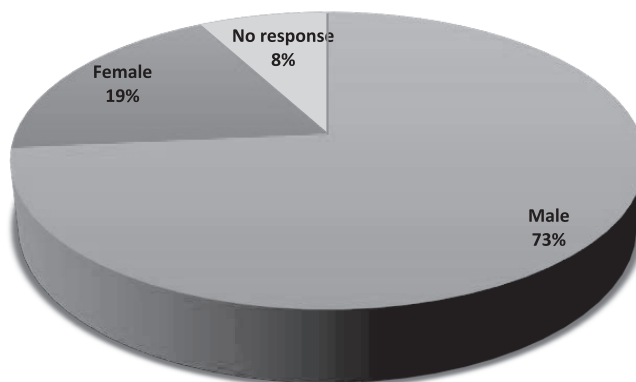
This section provides an overview of the 117 questionnaire respondents. The assessment includes location, gender, construction sub-sector/industry and organisational size.

**Figure 2: Respondents by Location**



Gaborone (41%) and Francistown (22%) had the largest share of registered construction firms by locality, while Bobonong and Orapa had the lowest share at 1.7% each. There are more registered construction firms in cities, towns (e.g., Gaborone, Lobatse) and urban villages (e.g., Palapye) as compared to rural settlements (e.g., Bobonong) on the PPADB IPMS. This can be attributed to the fact that more economic activities take place in cities and towns. In light of the country's high unemployment rates, particularly in rural areas and villages, the proportion of the population living in urban areas has grown from about 45.7% in 1991 to 64.1% in 2011 as individuals search for better living and employment opportunities (Government of Botswana, 2017).

**Figure 3: Respondents by sex**



Statistics Botswana (2019) reports that the construction industry is male dominated, with approximately 57,436 males compared to 3,457 females. Therefore, it is unsurprising that the majority of the study's respondents were men (73%).

**Table 2: Respondents by Sector and Organisational Size**

	<b>1-5 Employees</b>	<b>6-15 Employees</b>	<b>16-30 Employees</b>	<b>31-50 Employees</b>	<b>More than 50 Employees</b>	<b>Total</b>
Building construction	23	12	2	2	1	40
Road and transportation	3	1	0	0	0	4
Power (electrical engineering)	5	2	1	1	0	9
Water	7	5	1	1	0	14
Mining	0	0	0	0	1	1
Architectural	1	5	0	2	0	8
Maintenance	21	10	1	2	0	34
Quantity Surveying	3	0	1	0	1	5
Other	1	0	1	0	0	2
<b>Total</b>	<b>64</b>	<b>35</b>	<b>7</b>	<b>8</b>	<b>3</b>	<b>117</b>

A higher proportion (54.7%) of respondents were small construction firms (1 to 5 employees) with a greater degree of focus on building construction and maintenance. The Government of Botswana has introduced various initiatives (e.g., Youth Development Fund) aimed at promoting entrepreneurship, particularly amongst the youth. Small-owned enterprises are encouraged to compete for government tenders through local procurement reservation and preference schemes. A cross tabulation of analysis by age and organisational size revealed that those aged between 35-44 (41%) and 25-34 (27%) either owned or worked for small construction firms (i.e., below 15 employees).

## **5. PERSPECTIVES ON WHISTLEBLOWING IN BOTSWANA'S CONSTRUCTION INDUSTRY**

### **5.1. STATE OF TRANSPARENCY IN THE CONSTRUCTION SECTOR**

Transparency can be defined as a public value embraced by society to counter corruption (Ball, 2009). The literature on anti-corruption reforms has stressed that transparency is one of the most effective ways to combat corruption. There was an overriding consensus amongst respondents that there is a lack of transparency in the construction sector.

For instance, a respondent stated that “laws are not working well because corruption is becoming a norm. Some government departments and agencies have so much power and information to make decisions arbitrarily, such as awarding tenders without providing justification” (Interview Respondent-3).

Another respondent commented that “it is common for council employees to sell tender documents in exchange for money. Insider trading occurs in government at all levels. Supplies officers are known to trade information related to procurement. This information is then passed on to friends” (Interview Respondent-5). This assessment was shared by a survey respondent who suggested that corruption in the sector has become common because of the conflict of interest that arises in the public sector. For instance, there was a view that government employees and politicians who own private companies have a tendency of competing with private firms for government tenders, which undermines the efforts of empowering smaller businesses economically.

As part of its core mandate, the PPADB has made increasing levels of transparency in public procurement a priority. The introduction of the Integrated Procurement Management System, development and enforcement of codes of ethics for contractors (leading to the suspension and delisting of contractors), anonymous tip-off service, and the publication of procurement plans and the Board's decisions on the PPADB's website and daily newspapers are examples of efforts carried out to strengthen levels of transparency in the sector. Furthermore, PPADB Circular No. 1 of 2016 sought to promote fairness and transparency by stipulating that pre-tender estimates for works tenders should be disclosed at tendering stage to ensure that all bidders have the same information on a tender at any point in time, given that there were allegations of pre-tender estimates being leaked to some bidders.

Despite these endeavours, some respondents were of the opinion that big foreign-owned construction companies were regularly awarded tenders in an undeserving manner, particularly as they were known to produce sub-standard work that was potentially dangerous to the public. As a result, perceptions of corruption and dissatisfaction remain prevalent amongst other players in the industry, often leading to legal disputes. By way of example, the PPADB received more complaints (246) relating to the adjudication and award of tenders during the 2017/2018 financial year compared to the 153 it received in the previous financial year.

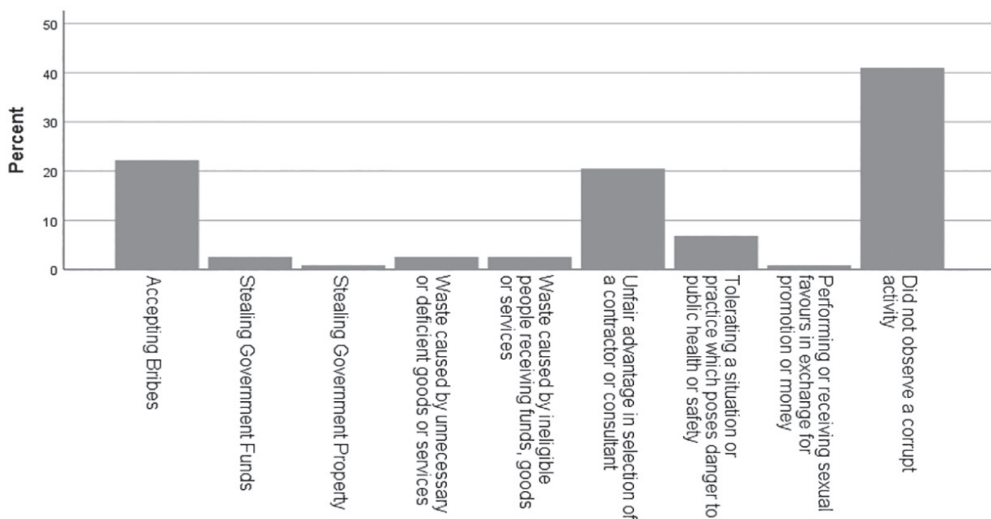
There was a view amongst respondents that procurement methods (e.g., direct or selective tendering) employed by government were questionable because in some instances they deny local contractors an opportunity to participate in tendering processes, while minimising chances of identifying contractors that would deliver projects that are good value for money. Discussions with interviewees also revealed that it is common for contractors to engage in fraudulent practices by buying and selling professional and educational certificates, as well as using personal documents of other professionals in

order to meet tender requirements or specifications without a genuine intention of engaging these individuals once the tender is awarded. It was highlighted that 'fronting' (the practice of misrepresentation) between citizen and foreign-owned companies is a common phenomenon, but this often disadvantaged citizen-owned firms because it limits their participation. This corresponds with Bowen et al. (2013), who identified fronting as a deviance in South Africa's CI.

The PPADB (2018) reports that one of the major challenges it faces includes the non-submission of End of Activity Reports by procuring entities, which constrains the monitoring of performance of contractors and tracking the delivery of awarded contracts, as well as the effectiveness of the Suspension and Delisting Committee to discipline defaulting contractors. Palalani (2000) also conveys that contractors produce poor quality work on site for various reasons. It could be to maximise profits or through a lack of understanding of the requirements in instances where the documentation is inadequate, or where resources are insufficient for the project. Interviewees reported that poor and/or inadequate supervision contributed to incidents of bribery in the sector. A respondent remarked that; "procuring entities and regulators like ERB have to conduct site visits to ensure that the proposed personnel of a project are on-site. These institutions have to monitor project managers and take necessary action against individuals who engage in corrupt activities. Failure to do this results in the development of substandard products and work" (Interview Respondent-8).

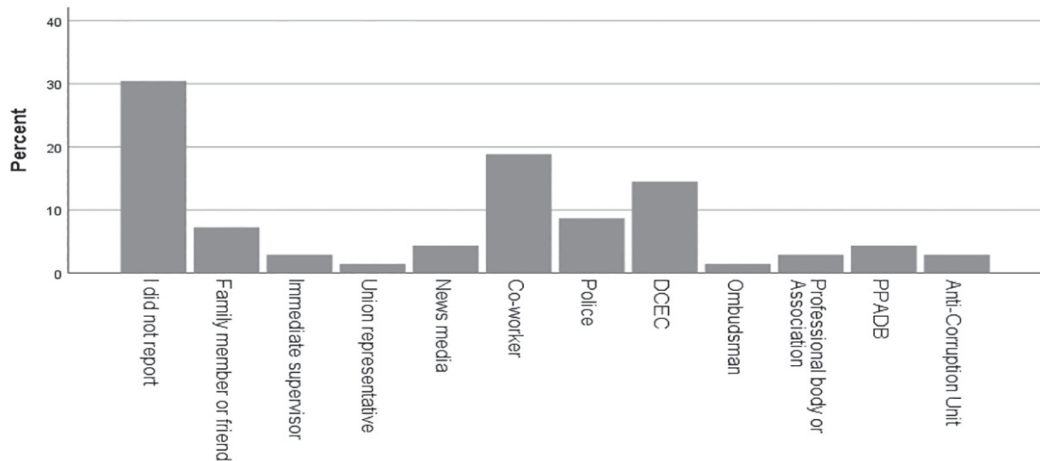
Approximately 59% of the survey respondents indicated having personally experienced or witnessed an act of corruption, whereas 41% had not observed a wrongdoing (Figure 4).

**Figure 4: Corrupt Activities Observed**



The main corruption activities related to an employee of the procuring entity accepting a bribe (22%), unfair advantage in the selection of a contractor or consultant (21%) and tolerating a situation or practice which posed a substantial danger to public health or safety (7%). Similarly, Legae and Adeyemi (2017) found that bribery in the form of cash inducement, gift, favour and kickback was the most prevalent form of corruption in Botswana's construction industry. Further analysis revealed that most corruption activities were witnessed by those aged between 35-44 (41%), 25-34 (27%) and 45-54 (23%). It is important to reiterate that respondents were asked if they had personally observed a wrongdoing, as opposed to hearing about it from other sources. While most studies aim to measure perceptions of corruption, it is becoming equally important to capture actual experiences with the phenomenon.

**Figure 5: Whistleblowing Reporting Actions**



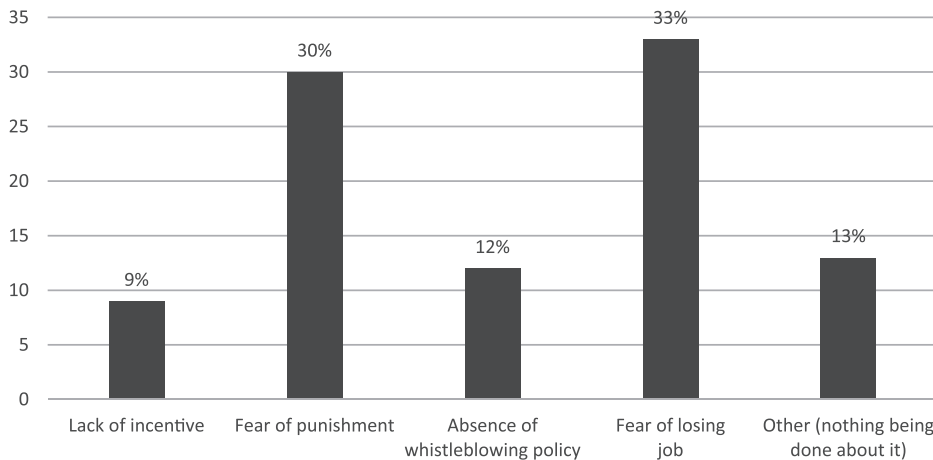
When asked if they reported the incident, most respondents (30%) stated that they did not report, while 15% reported to the DCEC and others chose to report to a co-worker (19%), family member or friend (7%) or the police (9%). Although it is encouraging that individuals report wrongdoing to organisations such as the DCEC and Botswana Police Service, it is concerning that more people choose not to report corruption. Some interviewees felt that a possible explanation for this, apart from fear of punishment, job loss or retaliation, is that the amount of time it takes for a report to be attended to by the relevant authority can be protracted, which discourages people. A survey respondent stated, “whistleblowing is universally accepted as a good thing. Organisations should take the benefits of implementing a formal whistleblowing system seriously. Financial malpractice is a top concern reported by workers and yet such concerns reported are not acted upon or ignored” (Survey Respondent-80).

Plans to restructure the Department of Building and Engineering Services within the Ministry of Infrastructure and Housing Development were primarily motivated by challenges associated with project delays, poor workmanship due to inadequate supervision and cost overruns. An interviewee mentioned: “there are a lot of players in the industry, but there is confusion as to what their roles are. The Ministry [of Infrastructure and Housing] engages the private sector with the assumption that they have the capacity to carry out the work, but in some cases, these contractors do not have the capacity and this often leads to project implementation failure” (Interview Respondent-10).

## 5.2. BARRIERS TO EFFECTIVE WHISTLEBLOWING

A lack of public education on issues of corruption and whistleblowing was cited as one of the most significant barriers to effective whistleblowing during interviews. Emphasis was placed on the legal protection of whistleblowers as a primary factor in influencing an individual to report a wrongdoing. The consensus amongst interviewees was that the protection of whistleblowers is of paramount importance. Despite the fact that the Whistleblowing Act 2016 was specifically introduced to address this concern, it is apparent that it is not sufficient to encourage individuals to blow the whistle. An analysis of the survey results (Figure 6) revealed that fear of punishment (30%) and fear of losing job (33%) were reported to be some of the main reasons for the non-reporting of corrupt activities in construction firms. Other reasons included lack of incentives (9%), absence of whistleblowing policy in private firms (12%) and nothing being done about previous reports (13%). Therefore, employees may decide not to report a wrongdoing because of the perception that they will be punished or lose their job.

**Figure 6: Barriers to Whistleblowing**



Section 14 of the Whistleblowing Act 2016 makes provisions for the protection of whistleblowers by specifically stating that a ‘whistleblower shall not be subjected to



victimisation by his or her employer or by a fellow employee or by another person for making a disclosure of impropriety' and exonerates the whistleblower from being liable to civil or criminal proceedings in respect of a disclosure (section 15). Notwithstanding these provisions, the survey found that 58% of the respondents were not familiar with the Whistleblowing Act and its stipulations on the protection of informers. These findings largely coincide with the literature regarding the need for enhanced public education efforts on whistleblowing. Some interviewees were of the opinion that institutions such as the DCEC and PPADB could do more to educate the public, as "individuals may not trust politicians and authorities, so they will be reluctant to report" (Interview Respondent-4).

Research participants expressed the belief that a culture of whistleblowing should be encouraged across the civil service. One interviewee questioned how public service employees who witness acts of corruption were expected to expose a wrongdoing because of the perceived conflict between the public service Oath of Secrecy and the Whistleblowing Act 2016. An example of such an incident was reported in *The Monitor* newspaper (dated 27 February 2017), which conveys how a public servant was arrested and later suspended from work after they had shared confidential information with a journalist. According to the newspaper, the employee exposed how public funds were used to settle the medical bills of a senior government official. Perhaps a question that needs to be addressed is whether the current rules of confidentiality in the public service support or hinder the Whistleblowing Act 2016.

Although a majority of the study's research participants called for greater efforts to educate the public on whistleblowing, a challenge that needs to be overcome is the view that corruption in the CI is institutionalised. For instance, a survey respondent stated that "corruption is now so formal that even government employees are not ashamed to let you know publicly that they need a kickback if you get any job from their office. This has now forced contractors to oblige because we are under pressure to make money for our families. If you are closed out of a certain ministry, where will you get money?" (Survey Respondent-64). Another survey respondent opined that "corruption happens a lot in councils. Council employees dealing with procurement and tendering processes receive bribes from contractors" (Survey Respondent-41). Omotoye (2017) found that 50% of the South East District Council's (SEDC) employee survey respondents had witnessed an act of corruption either within the council amongst immediate colleagues or in another government department.

Research participants propose that corruption thrives because individuals place personal interests over national interests. This can create situations where those who witness wrongdoing decide not to report because they might feel that the personal cost (e.g., fear of job loss or retaliation) outweighs the benefit of reporting deviant conduct. As such, it is important for companies to ensure that measures encouraging internal and confidential reporting by employees are put in place. However, as Table 3 reflects, approximately



49% of the surveyed construction firms do not have such measures in place, while 36% of the respondents were uncertain and 15% agreed that internal mechanisms are in place. Consequently, 33% of the respondents felt uncertain whether they were confident enough to report a corrupt activity within the organisation, while 46% disagreed that they felt confident enough to report.

**Table 3: Attitudes towards Internal Whistleblowing**

	<i>N</i>	<i>%</i>
<b>My organisation has a formal mechanism that encourages reporting of wrongdoing</b>		
Agree	18	15.38
Disagree	57	48.71
Uncertain	42	35.89
<b>I feel confident to report any corrupt activity in my organisation</b>		
Agree	24	20.51
Disagree	54	46.15
Uncertain	39	33.33
<b>There are high incidences of retaliation from other colleagues if someone reports any corrupt activities within my organisation</b>		
Agree	24	20.51
Disagree	52	44.44
Uncertain	41	35.04
<b>I would report any corrupt activities if I was guaranteed some form of protection either provided by the law or regulations</b>		
Agree	81	69.23
Disagree	20	17.09
Uncertain	16	13.67
<b>I would report any corrupt activities if there was a monetary reward or promotion as an incentive</b>		
Agree	28	23.93
Disagree	66	56.41
Uncertain	23	19.65
<b>I would report any corrupt activities because I feel morally obliged to do so</b>		
Agree	81	69.23
Disagree	23	19.65
Uncertain	13	11.11

It can further be observed that incidences of retaliation in the workplace were reported by 20% of the respondents, whereas 44% disagreed that retaliation occurred as a result of someone's decision to report a corrupt activity within the organisation. Interestingly,

though incidents of retaliation were not high, this did not increase respondents' levels of confidence to report corrupt activities. It is likely that the absence of whistleblowing mechanisms in most surveyed construction firms was a significant factor in an employee's decision to report. This is highlighted in the fact that 69% of the respondents agreed that they would report any corrupt activities if they were guaranteed some protection through law or regulations, compared to 15% who disagreed or were uncertain. This is consistent with the OECD's view (2017: 39) that "providing confidentiality and anti-retaliation protections to those who report internally within their organisation and those who report externally to law enforcement, the media or civil society is essential to a whistleblower framework."

There were mixed views about the use of incentives to encourage whistleblowing during discussions with interviewees. The majority of respondents argued that offering rewards might create opportunities for abuse as individuals could be tempted to make false reports, while others believe that it would encourage reporting. However, the DCEC issues monetary incentives to whistleblowers who provide information that leads to the successful completion of investigations. Different factors (e.g., complexity and size of case, reliability of information) are taken into consideration in determining the amount of the reward, which is made at the discretion of the DCEC Director General.

56% of the survey respondents disagreed that the use of incentives would be a determinant in their decision to report a corrupt activity, while 24% agreed that a monetary reward would encourage them to report a wrongdoing. The fact that the majority of survey respondents disagreed with the use of incentives as a determinant for reporting corruption is consistent with what a respondent posited during consultations, which is that the majority of whistleblowing cases received by the DCEC are reported by individuals who place moral obligation to report corruption over monetary reward. Yet, the realisation that incentives could play an integral role in encouraging whistleblowing is still acknowledged with an emphasis on reports being made in good faith.

### 5.3. GENERAL OBSERVATIONS ON THE WHISTLEBLOWING FRAMEWORK

The interviews demonstrated that construction industry professionals generally appreciate the benefits of whistleblowing. However, two fundamental issues were perceived to hinder effective whistleblowing in the CI – a weak whistleblowing framework and lack of education on whistleblowing.

Firstly, discussions regarding the whistleblowing legal framework were premised on the need to strengthen the Whistleblowing Act 2016 by amending Section 8 (authorised persons to receive disclosures of impropriety) to include construction industry regulators,

the PPADB, and private media. The section currently lists ten organisations that an individual may approach to report a perceived or actual wrongdoing, but there was a consensus that expanding the number of prescribed institutions to include other key stakeholders could be important in encouraging individuals to report because of the knowledge that their disclosures would be protected. This point is buttressed by the OECD Recommendation on Public Integrity, which advises “providing alternative channels for reporting suspected violations of integrity standards, including when appropriate the possibility of confidentially reporting to a body with the mandate and capacity to conduct an independent investigation” (OECD, 2016: 11).

Secondly, the Act is silent on critical aspects such as the physical protection of the whistleblower and his or her family in the event that they feel endangered or threatened. Thirdly, the Act places additional responsibility on the individual to prove that a wrongdoing took place, particularly if they have been threatened or victimised. Some respondents were of the view that this could be burdensome or overwhelming on the whistleblower, largely because retaliation from an employer is possible and not all forms of retaliation can be observed by a court of law.

Lastly, some interviewees believe that the Whistleblowing Act 2016 should make clear provisions for incentivising whistleblowers. The overarching argument by respondents who supported the use of whistleblowing reward schemes was that it would encourage disclosures of impropriety. Although the DCEC rewards whistleblowers, it only does this during the course of or at the end of an investigation without informing the individual prior to the investigation. Perhaps, lessons could be adopted from similar legislation such as the Namibia Whistleblower Protection Act 2017. This Act clearly outlines provisions for rewarding a whistleblower who makes a disclosure of improper conduct that leads to the arrest and prosecution of an accused person, as well as a disclosure that results in the recovery of money or other property.

The second critical observation that emerged from both the survey findings and interviews is the need for continuous and extensive education on whistleblowing. For example, reference was made to the aggressive awareness campaigns on HIV/AIDS that were carried out by the Government in the late 1990s and early 2000s. Discussions with all interviewees echoed similar concerns as the overwhelming sentiment was that enhanced levels of awareness of whistleblowing would lead to more people being encouraged to report wrongdoing. Although some respondents were of the opinion that enough was not being done to educate the public on whistleblowing, others cited some of the work being done by institutions like the DCEC and PPADB to sensitise the public on issues of corruption and whistleblowing.

Public education on corruption is central to Botswana's anti-corruption strategy. Nevertheless, the Whistleblowing Act 2016 is a relatively new piece of legislation, so it is plausible that some stakeholders are not yet aware of its provisions on whistleblower

protection as reported in the survey results earlier. Although the DCEC is the custodian of the Whistleblowing Act 2016, several other oversight bodies have a potential role to play in the enforcement of the Act, particularly in educating the general public as well as private sector firms that compete for government tenders. As a survey respondent stated: “please devise some means by which business owners can be sensitised on the negative effects of corruption” (Survey Respondent-37). Non-state organisations like Business Botswana could also play a significant role in creating awareness amongst members and non-members in the private sector.

The apparent challenge confronting Business Botswana is that membership is voluntary. Therefore, firms in the private sector are not obliged to become members before participating in public procurement processes. The Code of Conduct for the Private Sector was introduced in 2011 but implementation of the Code of Conduct has been unsatisfactory as Business Botswana members and all businesses have not been adhering to set guidelines (Nawa, 2018). Several interviewees were of the opinion that the use of incentives would be critical in encouraging businesses to subscribe to the Code of Conduct and suggested that all private sector firms that desired to engage in tender processes had to sign the Code of Conduct.

The fundamental concern is about increasing awareness within the sector to ensure that all role players uphold principles of transparency, accountability and ethical conduct. The existence of numerous codes of conducts, policies and acts designed to address corrupt practices in the construction industry is undeniably important, but the effectiveness of these instruments will largely be influenced by the extent to which corruption is viewed as a high-risk, low-reward activity. Some research participants stressed the need for efficiency in the investigation and resolution of corruption cases. The contention was that sometimes nothing is done about disclosures of impropriety by the relevant authorities. Perhaps this presents an opportunity for institutions such as the DCEC, Directorate of Public Prosecutions (DPP), PPADB, Business Botswana and construction industry regulators to collectively identify and enforce targeted mechanisms that will address concerns of all stakeholders in the sector.

## 6. CONCLUSION AND RECOMMENDATIONS

Whistleblowing is regarded as one of the most effective measures to combat corruption, hence, this paper explores the views and attitudes of professionals in Botswana's construction industry regarding the role whistleblowing can play in curbing corruption in the sector. The construction industry has contributed and continues to contribute to Botswana's development. Notwithstanding, the DCEC notes that the sector remains one of the most vulnerable to fraud and corruption. Given the fact that the Government remains the sector's biggest client, financier, operator and regulator, it was imperative to examine how corruption can be curbed in the sector.

Results show that there are gaps in the understanding of the term 'whistleblowing' by some professionals in the construction industry. Survey results further reflected gaps in knowledge of the Whistleblowing Act 2016 and its provisions on whistleblower protection. Nevertheless, there is a general appreciation that whistleblowing can be an effective tool in fighting corruption in the sector. A majority of the research participants were of the view that more could be done to enhance transparency in the construction industry. Despite the PPADB's efforts to implement measures aimed at promoting transparency in public procurement processes, some individuals expressed concerns that issues such as insider trading and the non-declaration of potential conflicts of interest by public service employees during tendering affected levels of transparency, trust and confidence in the institutions responsible for overseeing public procurement. This is further compounded by inadequate levels of monitoring, which are brought about by limited capacity of procuring entities to effectively oversee the value chain of the procurement cycle.

In addition to fear of retaliation or punishment and job loss, a lack of public education on whistleblowing in general and the Whistleblowing Act 2016 in particular, was identified as a key barrier to whistleblowing. Most research participants agreed that more could be done to educate the public as well as professionals in the sector on the Whistleblowing Act's provisions on the protection of whistleblowers, mainly as there is a strong perception that corruption has become institutionalised. Approximately 59% of the survey's respondents had observed an act of corruption, but a majority (30%) chose not to report the wrongdoing.

Several views about Botswana's whistleblowing framework were made by research participants. Suggestions included revising the Whistleblowing Act 2016 to increase the number of prescribed institutions authorised to receive disclosures of impropriety. All interviewees confirmed that considerations should be made to include construction industry regulators, oversight bodies (e.g., PPADB) and private media as authorised institutions to receive reports from whistleblowers. This is necessitated by the fact that, under current circumstances, a disclosure of impropriety would only be protected if it is made to an institution listed under section 8 of the Whistleblowing Act 2016. Nevertheless, it is imperative that all prescribed institutions have the requisite powers to investigate and enforce their functions as authorised entities to whom a disclosure of improper conduct is made.

Implementing an effective whistleblowing system would be beneficial, not only to Botswana's construction industry, but across all sectors that are vulnerable to corruption in the country. Further research can be carried out in selected sectors to develop a comparative base that analyses gaps and successes in the implementation of government's anti-corruption reforms, and in particular, the whistleblowing framework.

In light of the aforementioned, the paper recommends the following:

1. Provide continuous education and awareness of the Whistleblowing Act 2016 and its provisions on the protection of whistleblowers amongst employees in the construction sector (both public and private), as well as amongst the general public;
2. Considerations should be made to authorise construction industry regulators, the Public Procurement and Asset Disposal Board, and private media to receive disclosures of impropriety;
3. The Whistleblowing Act 2016 should make clear provisions for financial rewards (in cases of whistleblowing that leads to successful prosecution) and financial compensation (in instances that the whistleblower suffers or incurs expenses e.g., medical, legal, relocation, and loss of wages);
4. Review and amend the anti-corruption legal and policy framework to ensure that any potential conflicts that may arise between the Whistleblowing Act 2016 and existing legislation and policies are addressed. This also includes considerations to amend the Whistleblowing Act 2016 to allow whistleblowers to make anonymous disclosures, provided that such disclosures are made in good faith as outlined in section 4 of the Act;
5. Strengthen witness protection measures for whistleblowers or any person related to or associated with the whistleblower;
6. Business Botswana and the Public Procurement and Asset Disposal Board should consider incentivising or even making it compulsory for private sector firms to subscribe to the Code of Conduct for the Private Sector;
7. Increase oversight in the sector. This includes strengthening the capacity of procuring entities to monitor the performance of contracted firms. Secondly, the business sector needs to develop and or effectively implement anti-corruption measures (e.g., corruption risk assessments, whistleblowing policies), and report publicly on measures they are taking;
8. In line with the Government's objective of promoting inclusiveness and gender equality; incentives and support should be provided to encourage more women to enter and remain in the construction industry.



## REFERENCES

- Agapiou, A. (2005). Whistle-blowing protection provisions for construction industry employees. *Construction Information Quarterly*, Vol. 7(4), 135-141.
- Al-Haidar, F. (2018). Whistleblowing in Kuwait and UK against corruption and misconduct. *International Journal of Law and Management*, Vol. 60(4), 1020-1033.
- Aminuddeen, I. (2018). Potentialities of Whistleblowing in dealing with unethical practices in the Nigeria Construction Industries, viewed 06 April 2020, from <https://www.researchstale.com/works/potentialities-of-whistleblowing-in-dealing-with-unethical-practices-in-the-nigeria-construction-industries-2935>.
- Badham-Jones, M. (2014). Overview of Corruption and Anti-Corruption in Botswana, viewed 25 April 2020, from [https://www.transparency.org/files/content/corruptionqas/Country\\_Profile\\_Botswana\\_2014.pdf](https://www.transparency.org/files/content/corruptionqas/Country_Profile_Botswana_2014.pdf).
- Ball, C. (2009). What is Transparency? *Public Integrity*, Vol 11(4), 293-308.
- Banisar, D. (2011). Whistleblowing: International Standards and Developments. In Sandoval, I.E. (Ed.), *Corruption and Transparency: Debating the Frontiers between State, Market and Society*. Washington D.C.: World Bank Institute for Social Research UNAM.
- Bauhr, M. and Grimes, M. (2012). What is Government Transparency? *QoG Working Paper*. Gothenburg: The Quality of Government Institute.
- Bowen, P., Edwards, P., and Cattell, K. (2013). Corruption in the South African Construction Industry: A Mixed Methods Study. In Smith, S.D. (Ed.), *Procs 28<sup>th</sup> Annual ARCOM Conference, 3-5 September 2012, Edinburgh, UK: Association of Researchers in Construction Management*.
- Braun, V. and Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, Vol. 3(2), 77-101.
- Chamunorwa, J.C. (2015). An Exploration of Whistle Blowing in Fighting Corruption in the Public Sector in South Africa: A Case Study of Stellenbosch Municipality. Master's Thesis. Stellenbosch: Stellenbosch University.
- Creswell, J.W. (2014). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4<sup>th</sup> ed.). Thousand Oaks, CA: Sage.
- De Jong, M., Henry, W.P., and Stansbury, N. (2009). Eliminating corruption in Our Engineering/Construction Industry. *Leadership and Management in Engineering*, Vol. 9(3), 105-111.

Directorate on Corruption and Economic Crime. (2013). Annual Report 2013. Gaborone: Government Printers.

Directorate on Corruption and Economic Crime. (2017). Annual Report 2017. Gaborone: Government Printers.

Directorate on Corruption and Economic Crime. (2018). Annual Report 2018. Gaborone: Government Printers.

Fernandes, D. (2014). Study on the liberalisation and regulatory frameworks of construction services in the SADC region, viewed 09 August 2019, from [https://tis.sadc.int/files/9314/3271/9523/Final\\_Report\\_SADC\\_Construction\\_Study\\_2014.pdf](https://tis.sadc.int/files/9314/3271/9523/Final_Report_SADC_Construction_Study_2014.pdf).

Gbadamosi, G. (2006). Corruption Perception and Sustainable Development: Sharing Botswana's Anti-Graft Agency Experiences. *South Africa Journal of Economics and Management Studies*, viewed 25 April 2020, from [https://eprints.worc.ac.uk/88/3/Corruption\\_Perception\\_and\\_Sustainable\\_Development\\_revised- SAJEMS.pdf](https://eprints.worc.ac.uk/88/3/Corruption_Perception_and_Sustainable_Development_revised- SAJEMS.pdf).

Good, K. (1994). Corruption and Mismanagement in Botswana: A Best-Case Example? *The Journal of Modern African Studies*, Vol. 32(3), 499-521.

Government of Botswana. (2017). National Development Plan 11. Gaborone: Government Printers.

Hartley, R. (2009). Fighting Corruption in the Australian Construction Industry: The National Code of Practice. *Leadership and Management in Engineering*, Vol. 9(3), 131-135.

Jones, D.S. (2017). Combating corruption in Botswana: lessons for policy makers. *Asian Education and Development Studies*, Vol. 6(3), 213-226.

Kamaruzaman, M.A., and Alauddin, K. (2018). Effectiveness of Whistleblowing Procedure and Strategy in Construction Developer Companies: A Conceptual Paper. *Academic Journal of Business and Social Sciences*, Vol. 2(1), 1-12.

Kang, B.G., Long, K., Zhang, C., and Li Hao, J. (2017). Comparative Study on the Ethical Perceptions of Contractors and Designers in the China Construction Industry. *IOP Conferences Series Materials Science and Engineering*. Viewed 02 April 2020, from <https://iopscience.iop.org/article/10.1088/1757-899X/291/1/012024/pdf>.

Kaunda, J.M. (2008). The Progress of Good Governance in Botswana. Gaborone: Printing and Publishing Company Botswana.



Kenny, C. (2007). Construction, Corruption, and Developing Countries. World Bank Policy Research Working Paper, viewed 25 April 2020, from <http://documents.worldbank.org/curated/en/571281468137721953/pdf/wps4271.pdf>.

Legae, O. and Adeyemi, A.Y. (2017). A Survey of the Prevalent Forms of Corruption in the Construction Industry in Botswana. *Journal for the Advancement of Performance Information and Value*, Vol 9(1), 61-77.

Lewis, D.B. and Vandekerckhove, W. (2018). Trade Unions and the Whistleblowing Process in the UK: An Opportunity for Strategic Expansion. *Journal of Business Ethics*, Vol 148(4), 835-845.

Matthews, P. (2016). This is why construction is so corrupt, viewed 22 April 2020, from <https://www.weforum.org/agenda/2016/02/why-is-the-construction-industry-so-corrupt-and-what-can-we-do-about-it/>.

Ministry of Infrastructure and Housing Development. (2017). Anti-Corruption Policy Document. Gaborone: Government Printers.

Nawa, H. (2018). Private Sector Code of Conduct Consultative Meeting at the DCEC Offices, Francistown, 8 October 2018.

Near, J.P. and Miceli, M.P. (1985). Organizational dissidence: The case of whistleblowing. *Journal of Business Ethics*, Vol 4(1), 1-16.

Near, J.P., Dworkin, T.M., and Miceli, P. (1993). Explaining the Whistle-Blowing Process: Suggestions from Power Theory and Justice Theory. *Organization Science*, Vol 4(3), 393-411.

OECD. (2016). OECD Recommendation of the Council on Public Integrity, viewed 12 September 2019, from <http://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>.

OECD. (2017). The Detection of Foreign Bribery, viewed 13 July 2019, from <http://www.oecd.org/corruption/anti-bribery/OECD-The-Role-of-Whistleblowers-in-the-Detection-of-Foreign-Bribery.pdf>.

Oke, A., Aigbavboa, C., and Mangena, Z. (2017). Prevention of Collusion for Innovative Construction. *Procedia Engineering*, Vol. 196, 491-497.

Oladinrin, O.T., Ho, C.M.F., and Lin, X. (2016). Critical Analysis of Whistleblowing in Construction Organisations: Findings from Hong Kong. *Journal of Legal Affairs*

*and Dispute Resolution in Engineering and Construction*, Vol. 9(2).

Oliver, D.L. (2009). Whistle-Blowing by Engineers and Reverse Whistle-Blowing on Engineers.

Omotoye, A.M.T. (2016). An Overview of the Role of Non-State Actors in Preventing and Combatting Corruption in Botswana: Challenges and Opportunities. *Public Administration Research*, Vol. 5(2), 6-18.

Omotoye, A.M.T. (2017). Determinants and impediments of whistleblowing in local government councils: A case study of the South-East District Council, Botswana. *Africa's Public Service Delivery and Performance Review*, Vol 5(1), 1-6.

Palalani, K. (2000). Challenges Facing the Construction Industry: A Botswana Perspective.

Pearce, D. (2003). The Social and Economic Value of Construction: The Construction Industry's Contribution to Sustainable Development. The Construction Industry Research and Innovation Strategy Panel.

Pittroff, E. (2014). Whistle-Blowing Systems and Legitimacy Theory: A Study of the Motivation to Implement Whistle-Blowing Systems in German Organizations. *Journal of Business Ethics*, Vol 124(3), 399-412.

Public Procurement and Asset Disposal Board. (2017). PPADB Newsletter 2017, Vol 3.

Public Procurement and Asset Disposal Board. (2018). Annual Report 2017/18. Gaborone: Public Procurement and Asset Disposal Board.

Public Procurement and Asset Disposal Board. (2018). PPADB Newsletter 2018, Vol 1.

Sebudubudu, D. (2003). Corruption and its control in Botswana. *Botswana Notes and Records*, Vol. 35, 125-139.

Sebudubudu, D. (2010). The impact of good governance on development and poverty in Africa: Botswana – A relatively successful African initiative. *African Journal of Political Science and International Relations*, Vol. 4(7), 249-262.

Sengwaketse, M. (2013). Construction Sector Regulation – managing fragmentation and complexity. In Kaboyakgosi, G., Sengwaketse, M., and Balule, T. (eds.), *Industry Regulation in Botswana*. Gaborone: Lentswe La Lesedi.

Sohail, M. and Cavill, S. (2006). Corruption in construction projects. In Serpell, A.

(ed.). Proceedings of the CIB W107 Construction in Developing Countries Symposium “Construction in Developing Economies: New Issues and Challenges”, January 18-20, Santiago, Chile. Santiago: CIB.

Ssegawa, J.K. (1999). The Construction Industry in Botswana: A Socio-Economic Development Perspective. *Botswana Journal of Technology*, viewed 11 August 2019, from [https://ubrisa.ub.bw/bitstream/handle/10311/706/Ssegawa\\_BJT\\_1999.pdf?sequence=1&isAllowed=y](https://ubrisa.ub.bw/bitstream/handle/10311/706/Ssegawa_BJT_1999.pdf?sequence=1&isAllowed=y).

Stansbury, N. (2005). *Exposing the Foundations of Corruption in Construction*. United Kingdom: Transparency International.

Statistics Botswana. (2019). *Quarterly Multi-Topic Survey: Labour Force Module Report Quarter 3: 2019*. Gaborone: Statistics Botswana.

Stolowy, H., Gendron, Y., Moll, J., and Paugam, L. (2018). Building the Legitimacy of Whistleblowers: A Multi-Case Discourse Analysis. *Contemporary Accounting Research*, Vol. 36(1), 7-49.

Świątek-Barylska, I., and Opara, M. (2016). Perception of whistleblowing by professionals-to-be. Results of the research. *Management Forum*, Vol. 4(3), 2-8.

Tanzi, V. (1998). Corruption Around the World. Causes, Consequences, Score, and Cures. *IMF Staff Papers*, Vol. 45(4).

Theobald, R. and Williams, R. (2008). Combating corruption in Botswana: Regional role model or deviant case? *Commonwealth & Comparative Politics*, Vol. 37(3), 117-134.

The Chartered Institute of Building. (2013). *A Report Exploring Corruption in the UK Construction Industry*, viewed 02 April 2020, <https://policy.ciob.org/research/corruption-in-the-uk-construction-industry/>.

The Monitor. (2017). *Public Servants Sworn to Secrecy*, viewed 21 August 2019, from <https://www.mmegi.bw/index.php?aid=66970&dir=2017/february/27>.

Transparency International. (2011). *Bribe Payers Index*. London: SAGE Publications.

Transparency International. (2019). *Global Corruption Barometer Africa 2019. Citizens' Views and Experiences of Corruption*, viewed 24 July 2019, from: [https://www.transparency.org/files/content/pages/2019\\_GCB\\_Africa.pdf](https://www.transparency.org/files/content/pages/2019_GCB_Africa.pdf).

United Nations General Assembly. (2003). *United Nations Convention Against Corruption*, viewed 26 November 2019, from available at: <https://www.refworld.org/docid/4374b9524.html>.

United Nations Office on Drugs and Crime. (2019). Country Review Report of the Republic of Botswana. Review by Sri Lanka and Guinea of the implementation by Botswana of articles 5-14 and 51-59 of the United Nations Convention against Corruption for the review cycle 2016-2021.

Vandekerckhove, W. (2010). 'European whistleblower protection: tiers or tears?' In D. Lewis (ed), *A Global Approach to Public Interest Disclosure*, pp. 15-35. Cheltenham/Northampton: Edward Elgar.

Wells, J. (2015). Corruption in the construction of public infrastructure: Critical issues in project preparation, viewed 26 April 2020, from <https://www.u4.no/publications/corruption-in-the-construction-of-public-infrastructure-critical-issues-in-project-preparation-1.pdf>.

Yamane, T. (1967) *Statistics an Introductory Analysis*. 2nd Edition. New York: Harper and Row.

Zou, P.X.W. (2006). Strategies for Minimizing Corruption in the Construction Industry in China. *Journal of Construction in Developing Countries*, Vol. 11(2), 15-29.

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