

BRIBERY & CORRUPTION IN SUB-SAHARAN AFRICA: GENESIS, PANACEA & IMPLICATIONS FOR FCPA COMPLIANCE IN THE REGION

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INTRODUCTION

Of all the continents, Sub-Saharan Africa (SSA) is said to be the most fascinating and promising; but she also poses the greatest challenges. Governments, multinational corporations and other business entities in the U.S., EU, China and the Middle East now see Africa as the 21st Century's new land of opportunities. Approximately two years ago, millions of Americans welcomed the son of an African father and an American mother, President Barack Obama, to the White House, giving hope to the entire world, especially Africans and the nation states of SSA. As the missing link in the global economy, Africa now stands at the cornerstone of growth and opportunity. SSA countries have long generated some of the highest returns on deployed capital. With twenty percent (20%) of the world's total landmass, a population of 900 million (14% of world total), and a galaxy of mineral resources, the continent has been appropriately dubbed a "sleeping beauty."

Regional integration in SSA is coming into play in building blocks of an African economic community. Emerging from old African institutions are new institutions, such as the African Union (AU) and the New Partnership for Africa's Development (NEPAD), transforming into "work shops" from the old "talk shops," and applying new and innovative solutions to old African problems. As former U.S. Ambassador to the United Nations, Andrew J. Young, observed, *"Africa's role in the 21st Century is increasingly more strategic as the U.S. seeks assurance of growing markets through the Africa Growth and Opportunity Act and an assured secure supply of petroleum in the midst of Middle Eastern chaos."* Former U.S. Secretary of State Colin Powell also opined shortly before leaving office that: *"Africa matters to America, by history and by choice. America has almost 35 million citizens of African descent, and more than 30,000 Africans are studying in the United States today. Last year, trade with Africa approached \$30 billion and the United States is the Continent's leading foreign investor."* And his successor Condoleezza Rice optimistically commented, *"We see a continent of enormous promise, increasingly willing to tackle its own challenges to create a better life for Africans everywhere."*

A strong wind of socio-economic and political change is blowing across Africa. Durable and vibrant democracies are emerging across the continent helping to debunk the myth that Africa is unprofitable. Since 1990, more than 30 African countries have held free elections, and the overwhelming majority has launched economic reform programs. This climate of economic and political stability is attracting foreign investment and stimulating new domestic business enterprise. American enterprise is now beginning to see firsthand the enormous potential of Africa, the strength of its people and its boundless possibilities. The perception that Africa is one entire quagmire of poverty, inefficiency and instability is no longer tenable.

The second "Scramble for Africa" is well underway, but unlike the first scramble for the African continent, which was a self-serving predatory adventure by the European participants (France, Britain, Germany, Belgium and Italy), this time around it appears that the catalyst, the

United States Government and its African Growth and Opportunity Act (AGOA) initiative, is designed to benefit Africa as an economic development vehicle.

While the SSA marketplace is an attractive one for many reasons, including its large population and natural resources, particularly oil and gas, it has also, however, been associated with a large number of recent FCPA enforcement actions. The combination of cultural, historical, economic, and social factors in SSA will continue to create a “perfect storm” for FCPA violations. Many pending investigations reportedly involve SSA. Of the ten countries considered most corrupt in the world, six are in Sub-Saharan Africa, according to Transparency International. Corruption in Africa ranges from high-level political graft or mega bribes on the scale of millions of dollars to low-level or petty bribes to police officers or customs officials. A 2002 African Union study estimated that corruption cost the continent roughly \$150 billion a year. Security issues coupled with FCPA challenges unique to Sub-Saharan Africa have sometimes caused companies to cease operations or deter them from venturing into the region in the first place.

THE GENESIS OF BRIBERY AND CORRUPTION IN SUB-SAHARAN AFRICA

The genesis and entrenchment of bribery and corruption in SSA dates back to the era of colonization of Africa by European countries following the first scramble for Africa. The anti-social phenomenon is deeply rooted in the historical process of colonialism when viewed as the by-product of traits of fraudulent and deceptive behavior derived from British, French, and other colonial rulers.¹ This is an aspect of the elusive and rarely mentioned “supply side” of the global bribery and corruption equation. More directly articulated, bribery and corruption emanated from the colonial corroding of the pre-colonial African socio-cultural practices of gift giving, through the practices of old colonial administrators and on to the post-colonial practices of African bureaucrats and politicians.²

Discussions of how to combat corruption have usually focused on the recipients of bribes rather than on those who pay them. However, both the giver and the receiver in a corrupt transaction are equally corrupt. The taker may be blamed more for initiating the protocol or dirty deed, but both the giver and the taker are equally responsible for the consummation. So a more balanced anti-corruption approach, which is beginning to emerge globally and which promises to make anti-corruption efforts more effective, holds both parties equally accountable.

It is noteworthy that the problem of corruption is both an endemic and a universal one, which effects all the nations of the world but in varying degrees and forms. SSA nation states did not discover corruption, nor was corruption first discovered in SSA. It exists in China, India, most of Eastern Europe, and all over the Arab world. In fact, a Transparency International index that surveyed thirty leading exporting countries determined that the main culprits of international bribery and corruption are India, China, Russia, Turkey, Taiwan, Malaysia, and South Africa. According to this same index, the least likely countries to engage in graft for business were Switzerland, Sweden, Australia, Canada, and the United Kingdom. The findings were based on

¹ Munyae Mulinge & Gwen Lesetedi, *Corruption in Sub-Saharan Africa: Towards a More Holistic Approach*, Afr. J. Sci (2002), Vol. 7, No. 1.

² *Id.*

interviews with more than 12,000 business executives from corporations in 125 countries about the practices of foreign businesses in their country.

Societies differ in their views as to what constitutes corruption, but it is essentially the abuse or misuse of public power, position or authority for a private benefit. Or, stated another way, it is a form of aberrant social behavior by individuals in the public or private sector to gain unjust or fraudulent benefits to the detriment of decent society. And lest we forget, money laundering is the handmaiden of international corruption because those who take bribes must find safe international financial channels through which they can secretly bank their loot. Therefore, efforts to curb and/or undermine money laundering can help fight corruption.

While mega bribes are usually driven by greed, petty bribes and corruption comes from a slightly different perspective, not unconnected with poverty, unemployment, underemployment, desperation and sometimes, instinct of self-preservation or survival. Under these types of difficult circumstances the citizenry easily disavows any sense of civic virtue by engaging in corrupt practices such as taking bribes and embezzlement. While this can be understood, it nevertheless, cannot be condoned.

Corruption creates many forms of injustice and negatively impacts almost every aspect of daily life in SSA. It undermines political institutions, weakens accountability of government, erodes economic growth, discourages foreign investment, and reduces resources for infrastructure development, public services and anti-poverty programs.³ Unfortunately, SSA governments are not too keen on doing very much to address the problem, as they are major benefactors. This lack of political commitment to eradicating corruption is clearly reflected in the failure or reluctance on the part of African governments to enforce existing anti-corruption statutes and to prosecute those involved in corrupt practices.

U.S. GOVERNMENTAL EFFORTS TO COMBAT CORRUPTION IN SUB-SAHARAN AFRICA

In October 2000, Congress passed the International Anti-corruption and Good Governance Act (P.L. 106-309). The purpose of this legislation is to promote good governance by helping other countries combat corruption and improve government transparency and accountability. U.S. agencies spent about \$33 million per year in fiscal years 2001-2002 providing anticorruption assistance to 22 SSA countries.⁴ The U.S. Agency for International Development (USAID) provided the majority of this assistance, along with the departments of the Treasury, Justice, Commerce, and State.

To help Congress oversee management of anticorruption programs in SSA, GAO was asked to examine (1) what is known about the extent of corruption in the region, (2) the factors that give rise to corruption in this region, (3) the anti-corruption assistance U.S. agencies have provided, and (4) the lessons about anti-corruption assistance that U.S. agencies and other international organizations have learned.

³ GAO, Report to the Subcommittee on African Affairs, Committee on Foreign Relations, U.S. Senate (April 2004).

⁴ *Id.*

Indexes, surveys, and studies indicate that corruption in SSA is pervasive, but assessing it is inherently difficult. Indexes published by the World Bank Institute and Transparency International have limitations; for example, both focus on perceptions of corruption, and both recognize their measures to be imprecise. SSA countries share some fundamental challenges that can give rise to corruption. According to studies and U.S. agency officials, these challenges include low civil service salaries, a lack of transparency and accountability in government operations, ineffective legal frameworks and law enforcement, weak judicial systems, and tolerant public attitudes.

A 2003 Nigerian government study described the “10 percent syndrome,” a 10 percent unofficial “tax” paid to public servants to ensure that they perform their official functions.⁵ The creation of international nongovernmental organizations concerned with transparency increased awareness about the insidious impact of government corruption. U.S. anticorruption efforts in SSA began with a few efforts between the 1960s and 1980s with USAID’s government reform programs in Liberia, the Sahel region, and Niger.⁶ During the mid-1990s, building on “windows of opportunity,” USAID began incorporating anti-corruption activities into new and existing programs and, since 2000, USAID’s programs promoting transparency have evolved to include surveys, media campaigns, anticorruption commissions, and support for host government legislatures.⁷ According to USAID officials, its assessment of political will is a critical element on which it bases country programming decisions. In addition, the Departments of the Treasury, Justice, Commerce, and State have provided specialized legal, law enforcement, and financial assistance that include anticorruption elements. The Department of State has promoted efforts considered to directly address corruption by negotiating international agreements to establish legal frameworks to combat corruption and supporting the participation of African representatives in developing such agreements. In addition, State has addressed corruption indirectly through its public diplomacy programs in the region, which included presentations and conferences to local officials on corruption and related issues such as privatization and investigative reporting.

The Department of Justice, with funding from State and USAID, has indirectly addressed corruption by providing law enforcement assistance through the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT). ICITAP provides technical advice, training, mentoring, equipment donations, and internships with model criminal justice organizations to enhance the capabilities of police organizations in emerging democracies. OPDAT develops and implements criminal law assistance programs to enhance the ability of selected foreign countries to investigate and prosecute criminal offenses effectively and cooperate with the United States more fully in combating transnational crime. Other U.S. efforts to address corruption indirectly have included the Department of the Treasury’s provision of advisers from the Office of Technical Assistance to assist with debt and financial managements, budget transparency, tax systems, and financial crimes.

⁵ Government of Nigeria, Governance and Corruption Diagnostic Study (Abuja, Nigeria: 2003).

⁶ *Id.*

⁷ *Id.*

FCPA IMPLICATIONS AND TRENDS

Recent enforcement actions convey a clear message to individual executives and/or multinational corporate executives that the Department of Justice (DOJ) will pursue criminal charges and long prison sentences for those who violate the Foreign Corrupt Practices Act (FCPA). Enforcement by foreign governments is increasing especially for cases settled in the U.S. due to increased cooperation between U.S. regulators and foreign regulators. Emerging markets such as SSA can offer tremendous growth opportunities for U.S. companies, however, they can also be ripe for potential FCPA problems, particularly given they are typically comprised of developing, resource-rich nations, many of which are cash-based economies without established regulatory controls necessary to prevent, detect, and combat corruption. Furthermore, each nation has its own unique socio-economic and business culture. Some countries such as Nigeria even differ within its regions.

A new trend in FCPA prosecutions is the use of additional criminal statutes by prosecutors to charge more conduct and seek greater punishment, for example, adding counts under the Federal Travel Act, which makes it a federal crime for anyone to travel in interstate or foreign commerce or to use interstate facilities for the purpose of carrying on certain specific unlawful activities.

EXCEPTION TO THE FCPA: FACILITATION PAYMENTS

There is one exception to the anti-bribery provisions of the FCPA. It does not apply to "any facilitating or expediting payment to a foreign official, political party, or party official the purpose of which is to expedite or to secure performance of a routine government action."⁸ "Routine governmental action" is defined as "an action which is ordinarily and commonly performed by a foreign national."⁹ However, these types of payments in SSA are best described as fields full of landmines or accidents waiting to happen.

Examples of facilitation payments include:

- (1) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;
- (2) processing governmental papers, such as visas and work orders;
- (3) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

⁸ 15 U.S.C. §§ 78dd-1(b) (for issuers), 78dd-2(b) (for domestic concerns), 78dd-3(b) (for all others while in a territory of the U.S.).

⁹ 15 U.S.C. §§ 78dd-1(f)(3) (for issuers), 78dd-2(h)(4) (for domestic concerns), 78dd-3(f)(4) (for all others while in a territory of the U.S.).

- (4) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or
- (5) actions of a similar nature.

Routine governmental action does not include a decision by a foreign official to award new business to or to continue business with a specific party or any action taken by a foreign official to encourage a decision to award new business to or to continue business with a specific party. It is a very narrow exception that aims to simply persuade lower level government officials to do a job they are already obligated to do. There is no internal threshold or minimum dollar value for prosecution.

To distinguish between facilitating payments and unlawful bribes, one must ask the following questions:

- (1) Is the payment really permitted under the FCPA?
- (2) How much money is being paid?
- (3) Is the money being paid part of regular transactions?
- (4) Does the official receiving the payment have discretion or is he duty bound?

FCPA COMPLIANCE PROGRAM – DUE DILIGENCE

It is important for companies that have a global footprint to comply with the FCPA, as the FCPA continues to be an area of intense focus for the DOJ and the SEC. It is essential for companies to take proactive measures to ensure that they do not acquire liability for the past sins of a target company, and to ensure that they do not incur securities law violations in their further operations.

A necessary feature of an effective FCPA compliance program involves meaningful due diligence and oversight of third party representatives and business partners acting on the company's behalf. FCPA compliance programs must also include, for example, internal finance controls and protocols designed to detect and prevent corruption, and reward employers for ethical behavior.

An FCPA due diligence checklist should be part of the overall due diligence before starting any business dealings in SSA. It is important to establish an effective compliance program, investigate all FCPA "red flags," perform FCPA due diligence on new business partners and third parties, and adopt FCPA best practices for specific regions. Compliance programs must be tailored to each country's unique historical and economic conditions.

The types of schemes that are being investigated have shown a focus on the use of third party agents through which companies will pay bribes to foreign officials. Typically, these

payments to third party agents are concealed and misstated on the books and records of the companies involved.

TIPS TO REDUCE RISKS AND EXPOSURE UNDER THE FCPA IN SUB-SAHARAN AFRICA

RETENTION OF FOREIGN CONSULTANTS

A major and complex area of exposure under the FCPA involves the retention of foreign consultants to assist a company in doing business abroad and must be approached with fastidiousness. This is particularly so where the consultant or representative is retained to assist the company in obtaining contracts with a foreign government or government-owned corporation, or in obtaining legislation, licenses, permits or other governmental actions. There are two basic steps a company can take to reduce the likelihood that a prohibited payment will be made by a consultant to the official of a foreign government, and to minimize the risk that knowledge of the unlawful deed will be attributed to the company if it does occur. First, the company must be meticulous in scrutinizing the background of the consultant. Second, the company, in a written agreement for the provision of the desired services, must secure representations with respect to FCPA compliance.

Further, when retaining a consultant, there are certain “red flags” which, at a minimum, require further investigation. The following is a list of red flags that should raise such concerns:

- (1) excessive or unusually high compensation and request for increase in compensation during sales campaign;
- (2) requests for payments to third countries or third parties;
- (3) representative or consultant recommended by government official or customer;
- (4) the payment is being made in a country with a widespread history of corruption;
- (5) the representative refuses to affirm in writing that he will abide by the provisions of the FCPA;
- (6) lack of written agreement and/or reluctance to enter into a written agreement;
- (7) the representative has familial, close or business ties with government officials;
- (8) the representative has a bad reputation in the business community;
- (9) the representative requires that his identity not be disclosed;
- (10) misrepresentation or inconsistencies in the application or during the due diligence process;
- (11) a government official recommends the representative;
- (12) the representative makes unusual requests such as a request to backdate or alter invoices;

- (13) the representative asks for commissions that are substantially higher than the “going rate” in that country;
- (14) the representative asks for payment by unorthodox or convoluted means such as through strange bank accounts outside the country where the services are being offered;
- (15) the representative requests checks to be made out to “bearer” or “cash” or requests payments to be made in cash or some other anonymous form;
- (16) there are multiple middlemen performing the same task;
- (17) the representative requests unusually large bonuses or substantial up-front payments;
- (18) lack of facilities or qualified staff;
- (19) use of shell companies;
- (20) lack of experience or any track record with the product line or industry;

MONETARY MATTERS

1. **Pay foreign national employees by U.S. wage standards, which will certainly kill the incentive to engage in corrupt practices.** Additionally, companies operating in SSA need to have in place a proactive, top-down, bottom-up anti-corruption control policy involving tailored to audience training, how employees are rewarded, and their general behavior to address any vulnerability to bribery.
2. **With respect to U.S. expatriates, do not tie financial incentives and bonuses to striking business deals as this represents the “kiss of death” in so many ways.** Seek to develop wages or a pay structure that is based on the amount of work performed and not the size of the prime contract. U.S. based companies doing business in the region must make allowances for constraints inflicted on their associates in SSA and acknowledge that they are playing in an uneven field so that accommodations should be made realizing that they may lose business opportunities to remain compliant with the FCPA.

CULTURAL COMPETENCE

1. **Liaise with culturally competent personnel in the worthwhile endeavor to combat corruption.** U.S. based corporations must first arm themselves with internal controls and be very cautious about local agents and the roles that they are permitted to play. Continuous education of SSA employees in FCPA and other anti-bribery regimes is critical to the effort. Said education must also take place in their native languages in order to bear fruit. A foreign language compliance-training regime may not sufficiently focus on the special problems of SSA and is likely to be doomed from the start.

2. **Train local agents and partners in native languages on FCPA compliance.** Compliance training in English may not sufficiently focus on specific FCPA problems in the relevant country and is likely to be doomed ab initio. Therefore, said training should be conducted in native languages and tailored specifically to the special issues that arise in the particular country.
3. **Learn the business culture of the country from a competent and reputable third party.** Such training may be the ultimate key to navigating “gray areas” that pose the most challenges in FCPA compliance in the region.

LOCAL LIAISONS

1. **Liase with a competent entity to identify government-owned businesses.** At a minimum, it must include database research, industry inquiries, and contacts with the US Embassy and other government agencies within the country.
2. **Always use a reputable auditor to audit operations in the country.** Unlike in the US, detailed information might not be a matter of record in Sub-Saharan Africa. This makes skilled culturally fluent auditors and investigators all the more important.

AVOID THE “USUAL SUSPECTS”

Be watchful or alert to the following “unusual suspects” of fraudulent schemes prevalent in many parts of SSA:

(1) Cash payments or “greasing the wheels” with cash to expedite business transactions has been standard practice in SSA since the colonization of African nations by the Europeans. It is often justified by a saying that the “left and right hand must necessarily wash one another.” Even though most SSA countries are now attempting to reverse this custom by enacting anticorruption laws and seeking to prosecute violators, the problem remains endemic, posing a high risk for companies doing business there.

(2) Bribes can be disguised in payments to shell companies – entities with limited or no operations, or limited or no assets that generally lack a bona fide business purposes. Invoices for fictitious services are typically generated and the payments are made to the shell entities in order to pass money to government officials.

(3) Bribery payments can also be disguised as payments to agents, distributors, vendors, and other third-party intermediaries, who then channel the funds to government officials. Common schemes include payments that exceed the “stated” or “normal” commission rate for similar goods and services, upfront commissions, and “success fees.”

(4) Bribery schemes can also be masked as charitable contributions. Payments are typically “contributed” to a charity that lacks a bona fide charitable purpose, with the funds later funneled to government officials, or made to a legitimate charity, with some benefit later directed to government officials.

(5) Bribery can also be masked through fraudulent accounting entries in which payments may appear legitimate in a company's books and records (for example, as invoices for consulting projects, environmental studies, etc.), though no product or service is actually provided.

To avoid the usual suspects, practice the following:

1. No "greasing the wheels" payments: People in many Sub-Saharan African countries are not shy in asking for "greasing the wheels" payments to expedite business transactions. This has been standard practice since the colonization of Africa by the Europeans, and is often justified by the saying that "the left and right hands must necessarily wash each other."
2. No payment to shell companies. In many countries in the region, invoices for fictitious services are typically generated and payments made to the shell companies in order to pass money to government officials.
3. No charitable contributions that may benefit a government official.
4. No payments or other benefits to relatives, friends and acquaintances of foreign officials in an effort to gain special benefits or obtain new business.
5. No payments that exceed the stated or normal rate for similar goods or services.

COMPANY POLICIES RELATED TO FCPA COMPLIANCE

1. It is paramount to promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.
2. Set detailed guidelines and establish a clear protocol on what persons should do if they suspect a FCPA violation has occurred. Use hotlines, surveys, and other anonymous reporting mechanisms to ensure candid responses.
3. Be visible – the company's anti-corruption policies need to be communicated clearly in order for them to be effective. Post them on the corporate Web site and in public meeting places. Have these policies translated in local languages.
4. Give policy "teeth" by ensuring appropriate disciplinary action for violators; ensure policies are implemented consistently.
5. Reinforce your message in live compliance training sessions; require attendance one or two times a year for all vulnerable employees that are geared toward vulnerable groups. Provide meaningful examples that could arise in their work.

THE PANACEA FOR BRIBERY AND CORRUPTION IN SSA

The U.S. government should work closer with the United Nations to put much more pressure on other foreign governments to enforce anti-corruption laws, etc. In this regard, the U.S. must add anti-corruption conditions to U.S. trade preference programs, work with the AU to install a full set of shark's teeth in its convention against corruption, place increased focus in U.S. foreign assistance on anti-corruption technologies, encourage creation of independent organizations with enforcement and prosecution authority (e.g. Economic & Financial Crimes Commission [EFCC] very much feared in Nigeria) and provide additional funding for USAID's 2005 initiative to empower the local media and civil society in SSA to play a "watch dog" role.

I have no doubt that the problem of corruption in Sub-Saharan Africa can be curbed and eventually eradicated or at least reduced to tolerable or incidental levels, just as in the United States and Europe. China and India are making efforts in this regard, but it has not stifled their economic growth as is said to be the case in SSA. But most supporters and believers of Africa's future economic hegemony anticipate that SSA will soon be extricated from their quagmire of bribery and corruption. Institutional reforms, formation of independent and effective anti-corruption regimes, empowerment of the citizenry, up to the levels of the uprisings now engulfing the Middle East, will eventually prevail and lead to sustainable anti-corruption panacea in SSA.

Serious judicial reforms are imperative in most African countries to effectively combat corruption. Most African nations today have some form of anti-corruption statutes and criminal codes but lack the wherewithal to enforce those laws. Without an honest and effective judicial system to support these values and enforce the law by prosecuting offenders and punishing the guilty, corruption will persist and thrive in this region. Unfortunately, most African governments appear to lack the commitment and the will to face up to corruption squarely. And it also appears that corruption has thrived in many countries because its people are ignorant of their rights and ability to form a united front to eradicate it at the governmental levels, which inflicts the majority of the negative impact of corruption on society as a whole.

It is fortunate that combating corruption is now a priority for the international community and that some international tools have now been sharpened to tackle the problem. For instance, the United States has stepped up enforcement of its venerable Foreign Corrupt Practices Act and the United Kingdom has passed a similar anti-corruption legislation, originally scheduled to become effective in April 2011 but the new UK Bribery ACT has proved so controversial the government has been compelled to delay its implementation. The IMF, OECD, and the World Bank have all signaled their desire for SSA governments to step up their pace of combating this menace to society. And finally, the once secretive Swiss bank and the governments of most Western nations have begun freezing bank accounts created through corrupt practices and repatriating the proceeds of corruption to its rightful owners which are citizens of the countries involved.

However, in the final analysis, the responsibility for stamping out corruption in SSA rests overwhelmingly with its people, beginning with the African political leaders. Also, international governments, agencies, and organizations must be part of the solution if the problem of

corruption in SSA is to be successfully brought down to tolerable levels where its corrosive impact will no longer be felt.

CONCLUSION

Although most, if not all, SSA nations have a rich history and culture of gift giving and gratuities, U.S. businesses can be compliant with the FCPA and still compete favorably for business in the region and prosper, even with the tilted playing field. Another thing to keep in mind is that a corporation can be quite successful by utilizing sound corporate social responsibility policies to attract and maintain business in lieu of bribery and corruption. If a company invests in the communities in which they do business in SSA by building schools, hospitals, recreational parks, etc. the goodwill it will engender will often be more than sufficient to gain contracts and business. It will go a long way towards raising the image of the corporation, which will in turn steer business its way. If a corporation is investing in the community, it can rebuff any pressures to give bribes to gain business by pointing to the good deeds of the company in the community and strenuously explaining that it is against the law in the SSA nation involved and in the United States and that the consequences are brutal. Finally, it behooves one to always remain mindful that the nations of SSA have different business cultures and socio-economic climates meaning that a formula for one country might not necessarily work in another or everywhere in SSA.