

African intermediaries: a standard procedure

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Intermediaries, whose role in corruption cases Part H has shown, require in Africa a procedure adapted to local realities. A trader or a bank that contemplates using an agent, a consultant, a customs broker, a freight forwarder or a business introducer in an African country first verifies the economic justification for the intermediary: what service does it provide that the company cannot perform itself? It then verifies its identity, its ownership, its links with public officials and politically exposed persons, and its reputation, through local sources and specialist firms. It sets a remuneration proportionate to the service, paid into an account in the intermediary's name in its own country, without disproportionate success fees. It also concludes a written contract with anti-corruption, audit and termination clauses. Finally, it refuses intermediaries imposed by the public counterparty or recommended by a public official.¹

This procedure has a cost and an effect: it rules out a proportion of the intermediaries that the local market offers. It exposes the company to the loss of business. The Geneva companies that have applied it since the cases of 2019–2025 report that the commercial effect has been smaller than feared, since serious African counterparties accept relationships free of doubtful intermediaries. The African authorities, under the pressure of their own reforms, are increasingly in favour of it. The cost, which is that of the compliance Part H has quantified, is lower than that of a conviction.

1 Notes

1. OECD, Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions, 26 November 2021 (internal controls, ethics and compliance, with “strong, explicit and visible support and commitment from the board of directors”); ISO 37001:2016, “Anti-bribery management systems – Requirements with guidance for use” (October 2016); DOJ, 1 March 2024 (Gunvor: more than USD 97 million paid to intermediaries) and 24 May 2022 (Glencore: sham consultancy contracts, inflated invoices, intermediary companies); SFO, Sentencing Remarks, 3 November 2022 (bribes paid “through intermediaries, agents and employees”). ↩

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