

STATUTORY GOOD FAITH AS A GOVERNANCE TOOL: REFORMING INFRASTRUCTURE DELIVERY AND CURBING CORRUPTION IN AFRICA

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ABSTRACT

Corruption in Africa's construction and energy sectors raises project costs, delays delivery and weakens trust in public institutions and financiers. These governance failures constrain the continent's ability to close its infrastructure delivery gap and meet climate and development goals. This study examines whether a statutory duty of good faith, embedded within collaborative legal frameworks, can operate as a governance instrument to reduce adversarial behaviour, curb corruption and strengthen infrastructure delivery in African construction and energy sectors. The study adopts an interpretivist qualitative design, combining a literature review with fourteen semi-structured interviews with construction, infrastructure and energy professionals. The sample includes practitioners with experience of African project delivery and others working in governance environments comparable to those found across the continent. Data were thematically analysed using an evaluative framework developed inductively from the data and subsequently structured to categorise levels of support. Practitioners view good faith as a practical governance tool. Interviewees linked a statutory duty of good faith to clearer expectations regarding transparency, payment discipline, procurement integrity, dispute resolution and alignment with multilateral development bank (MDB) and development finance institution (DFI) safeguard standards. Seven collaborative legal measures are identified that translate good faith into an actionable reform agenda. Codifying good faith, supported by harmonised legal frameworks, streamlined procurement, improved transparency, fair payment protections and stronger regulatory oversight, could reduce governance risk and make African infrastructure sectors more attractive to concessional and private capital. Realising these benefits will require phased and context-specific implementation and sustained investment in institutional capacity.

Keywords: Africa; Corruption; Infrastructure Governance; Development Finance; Good Faith.

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1. INTRODUCTION

Corruption remains a major barrier to sustainable infrastructure development in Africa, particularly in the construction and energy sectors. It undermines project delivery through inefficiencies, inflated costs and delays, while weakening investor confidence and the effectiveness of development finance (Rahman, 2020; James, 2022; Sabouri et al., 2023). Corruption frequently occurs during procurement and licensing processes, where weak oversight and discretionary decision-making create opportunities for bribery, rent-seeking and political capture (Moliterni, 2017; Rahman, 2020). High-profile cases, including the CEFC China Energy Company scandal in Chad and Uganda, illustrate how governance failures can distort infrastructure delivery and public investment outcomes (Transparency International, 2020). Similar concerns have been identified across African construction and energy sectors, where corruption continues to undermine infrastructure delivery and sustainable development objectives (James, 2022; Aderibigbe et al., 2024). Strengthening governance and integrity is therefore increasingly recognised as essential to achieving a regenerative and sustainable built environment.

This study examines a governance-oriented legal mechanism grounded in the principle of good faith. When codified in national legislation, good faith can create binding obligations promoting transparency, honesty and fairness in contractual relationships (Mante, 2018; Aderibigbe et al., 2023). By discouraging adversarial practices that may facilitate corruption, statutory good faith could help create a more predictable and accountable environment for domestic authorities and international financiers.

This study therefore examines whether a statutory duty of good faith, embedded within collaborative legal frameworks, can function as a governance mechanism to reduce corruption and improve infrastructure delivery in Africa's construction and energy sectors. Building on earlier research that proposed statutory good faith as a harmonising principle for addressing corruption risks (Aderibigbe et al., 2024), the study uses qualitative expert interviews to develop collaborative legal measures capable of strengthening infrastructure governance across African jurisdictions.

The study identifies seven collaborative legal measures derived from the codification of good faith: harmonising legal frameworks, promoting regional cooperation, streamlining procurement, improving transparency and accountability, implementing fair payment practices, establishing effective dispute resolution mechanisms and enhancing regulatory consistency.

This research contributes to development scholarship by positioning statutory good faith as an institutional governance tool for addressing corruption and adversarial behaviour in infrastructure sectors, developing a seven-measure collaborative legal framework aligned with development finance integrity expectations, and demonstrating how these reforms can strengthen procurement integrity, institutional trust and infrastructure delivery across African economies.

2. METHODOLOGY

This research adopted a qualitative design to explore the role of collaborative legal frameworks, particularly the codification of good faith, in addressing corruption and infrastructure delivery challenges in Africa's construction and energy sectors. The study integrates semi-structured interviews, thematic analysis, and a targeted literature review,

drawing on Lin's Literature Research Methodology (2009) and Saunders et al.'s Research Onion Framework (2012). This methodology facilitates a nuanced understanding of how legal frameworks, when grounded in good faith, can mitigate corruption and enhance infrastructure delivery across the continent.

2.1 RESEARCH PHILOSOPHY AND APPROACH

The research is grounded in an interpretivist, inductive approach, which is well-suited to exploring the subjective experiences and perspectives of construction professionals, particularly in understanding how good faith can address adversarialism and corruption in Africa's construction industry (Saunders et al., 2012). An interpretivist paradigm is adopted as the study seeks to understand how practitioners perceive, interpret, and respond to governance frameworks in practice, rather than to test predefined hypotheses, making positivist or purely quantitative approaches less suitable for capturing these contextual dynamics. The emphasis on contextual understanding ensures that the study captures the complexities of the issues at hand. Consistent with a socially constructed view of knowledge, the analysis focuses on how practitioners interpret and respond to legal and institutional frameworks in their day-to-day work. A critical lens (Flick, 2009) was also applied to assess existing governance practices and to identify potential reforms to combat corruption and improve project delivery.

2.2 PARTICIPANTS SELECTION

Participants were selected based on professional expertise in the construction and energy sectors. Criteria included: substantial infrastructure project experience, valued at no less than £5 million, or contribution to industry standards, regulatory frameworks or technical guidance for projects of comparable scale; at least five years' active construction industry experience; and roles including architects, engineers, project managers, construction lawyers, legal advisors and governance, compliance or industry standards specialists. The sample included practitioners with direct African project experience and others working in comparable international governance environments. Participants were recruited through professional networks, LinkedIn and ResearchGate to capture insights on legal frameworks, governance, procurement and corruption risks relevant to African infrastructure delivery.

2.3 DATA COLLECTION: SEMI-STRUCTURED INTERVIEWS

The empirical component comprised fourteen semi-structured interviews with professionals from both the construction and energy sectors. The semi-structured format allowed for flexibility, providing space to explore participants' perspectives on good faith, adversarialism, and corruption in construction contracts. Interviews lasted between 30 to 45 minutes, with data collected both in person and remotely. All interviews were recorded, transcribed, and analysed thematically to identify key themes and insights. The researcher's professional background as a construction lawyer and academic was acknowledged during data collection and analysis. Careful contemporaneous note-taking and repeated checking of interview transcripts were used to minimise interpretive bias and ensure that participants' perspectives were represented accurately. Given the sensitivity of corruption-related topics, anonymity and confidentiality were strictly maintained to encourage candid responses, and participants were assured that no

identifiable information would be disclosed. This approach enhanced the reliability and credibility of the data collected. All participants gave informed consent.

2.4 DATA ANALYSIS: THEMATIC ANALYSIS WITH EVALUATIVE FRAMEWORK

Thematic analysis, as outlined by Braun and Clarke (2006), was employed to analyse the interview data. An evaluative framework was developed inductively to categorise participants' responses based on their level of support for the research premise. Responses were classified into four categories:

- Strong Support
- Moderate Support
- Conditional Support
- No Support/Rejection

Strong Support reflected clear endorsement of statutory good faith as a governance mechanism and support for its codification. Moderate Support reflected general support for the principle, accompanied by reservations regarding implementation or effectiveness. Conditional Support reflected support dependent upon specified legal, institutional, cultural or enforcement conditions being satisfied. No Support/Rejection reflected opposition to, or rejection of, statutory codification of good faith.

The evaluative framework was developed inductively from the interview data and subsequently structured to enable consistent categorisation and comparison of responses. Existing literature informed the interpretation of findings, but did not predetermine the analytical categories. Thematic analysis ensured a comprehensive exploration of the issues surrounding the codification of good faith and its potential to reduce corruption. The dataset reached thematic saturation at approximately twelve interviews, consistent with Guest et al. (2006), with no substantively new themes emerging after the tenth interview; the final two interviews (interviews 13 and 14) provided additional depth, particularly regarding cross-jurisdictional delivery and African and emerging-market project contexts.

2.5 LITERATURE REVIEW METHODOLOGY

In addition to the interviews, a targeted literature review was conducted, informed by Lin's Literature Research Methodology (2009). The review involved analysing a broad range of academic sources, government reports, and institutional publications, including reports from the World Bank, Transparency International, and the United Nations Development Programme (UNDP). These sources provided essential insights into the theoretical and practical contexts surrounding corruption and governance within Africa's construction and energy sectors. The literature review not only framed the theoretical context of the research but also informed the interpretation of the empirical findings, enabling them to be situated within wider debates on infrastructure governance, development finance, and anti-corruption in development studies.

3. LITERATURE REVIEW

3.1 CORRUPTION AND PUBLIC FINANCE IN GLOBAL PERSPECTIVE

Corruption remains a major barrier to social development, economic growth, and effective governance, particularly in developing countries. It is widely recognised as a systemic constraint on public finance and institutional performance, especially where legal and administrative capacity is weak and oversight is limited (Acemoglu and Verdier, 2000; Defreitas, 2023). Corruption manifests in multiple forms, including bribery, embezzlement, nepotism, and fraud (Grasso, 2017; Defreitas, 2023; Aderibigbe et al., 2024). The United Nations estimates that corruption drains more than US\$2.6 trillion from the global economy annually, while approximately 25% of global public expenditure, around US\$13 trillion, is affected by corrupt practices (United Nations, 2018; United Nations Development Programme (UNDP), 2022). These losses significantly reduce the fiscal space available for debt servicing, infrastructure maintenance, and social investment, directly affecting the scale and quality of public infrastructure programmes.

Corruption is particularly prevalent in contexts linked to public spending, with more than half of global bribery cases associated with such expenditure (UNDP, 2022; Defreitas, 2023). The 2024 Corruption Perceptions Index indicates that over two-thirds of countries score below 50, reflecting widespread corruption challenges (Transparency International, 2024). Even relatively high-scoring jurisdictions remain vulnerable to illicit financial flows (ibid), which distort infrastructure markets, facilitate political capture, and undermine safeguards relied upon by multilateral development banks and development finance institutions. Consequently, many African states face a structural financing disadvantage, as donors and development finance institutions incorporate governance risk into lending conditions, raising the cost of capital and limiting access to finance for large-scale infrastructure projects.

3.2 CORRUPTION IN AFRICA

Corruption has long affected African nations, with the region consistently performing poorly on the Corruption Perceptions Index. Somalia remains among the lowest-ranked countries, while sub-Saharan Africa recorded an average CPI score of 33 out of 100 between 2021 and 2024, the lowest of any global region (Transparency International, 2024; The Economist, 2022). Between 2000 and 2015, Africa lost an estimated US\$836 billion to illicit financial flows, equivalent to approximately 3.7% of its GDP (United Nations Development Programme, 2022). Corruption also undermines key public sectors such as education and healthcare, contributing to reductions in government spending of 58% and 25% respectively (UNDP, 2022). A notable example occurred in Nigeria, where more than US\$1.1 billion was diverted through bribery involving officials in the oil sector, depriving the national budget of critical revenues (Global Witness, 2017). Despite Nigeria's oil wealth, approximately 50% of the population lives in extreme poverty (World Bank, 2019), illustrating how corruption distorts economic systems and concentrates national wealth away from the broader population (United Nations Office on Drugs and Crime (UNODC), 2020). These dynamics also weaken public trust in state institutions and undermine the credibility of national development and infrastructure programmes in the eyes of external financiers.

3.3 CORRUPTION IN AFRICA’S CONSTRUCTION AND ENERGY SECTORS

Corruption within Africa’s construction and energy sectors has significantly constrained infrastructure delivery. In the energy sector, it often manifests through gatekeeping, rent-seeking behaviour and monopolistic control over resources, where political appointees exert undue influence over project allocations (Amoah et al., 2022; Aderibigbe et al., 2024). Rimšaitė (2019) observes that corruption is particularly prevalent where officials exploit their positions in the absence of effective monitoring, while Acemoglu and Verdier (2000) argue that weak governance systems allow corruption to flourish within public institutions. In Africa, such gatekeeping and rent-seeking practices remain entrenched, particularly in the delivery of energy infrastructure (Rahman, 2020; Aderibigbe et al., 2024). These practices inflate project costs, delay delivery and reduce the share of renewable energy within overall consumption (Amoah et al., 2022). It is estimated that a 1% increase in corruption perception corresponds with a 0.31% reduction in the renewable share of final energy use in Africa (ibid). These conditions also heighten perceived governance risk for institutional investors, multilateral development banks and development finance institutions, which may increase financing costs or withdraw from otherwise viable projects, thereby constraining the pipeline of bankable infrastructure investments.

3.4 THE “GREEN CURSE” IN AFRICA’S RENEWABLE ENERGY SECTOR

Despite these challenges, Africa has made progress in expanding renewable energy infrastructure. Solar power, for instance, has become increasingly important in the continent’s transition to sustainable energy (Amuakwa-Mensah & Näsström, 2022). By 2015, renewable energy consumption in developing countries had increased from 61% in the 1990s to 79%, indicating a shift towards more sustainable energy sources (Amoah et al., 2022). However, this progress has been undermined by the “green curse,” whereby resource-rich countries, particularly those with abundant renewable resources, face heightened corruption risks due to weak institutions (Gennaioli & Tavoni, 2011). The green curse illustrates how renewable energy initiatives can attract corruption and organised crime in environments where governance systems are weak (Rahman, 2020). Such corruption limits Africa’s ability to close the infrastructure deficit and achieve sustainable development goals (Peace Research Institute Oslo, 2019; Rahman, 2020). Consequently, renewable energy projects across the continent continue to encounter governance barriers that slow the green transition. These conditions also expose MDB and DFI climate finance portfolios to governance risks in host countries, highlighting the need for stronger domestic legal frameworks to safeguard project selection, procurement and delivery. Without improved governance structures that constrain discretion and promote transparency, renewable energy investment will continue to face systemic implementation barriers, limiting the developmental impact of climate finance.

3.5 LEGAL FRAMEWORKS, GOOD FAITH AND INFRASTRUCTURE GOVERNANCE

One approach to addressing corruption in the construction and energy sectors is through collaborative legal frameworks grounded in the principle of good faith. Good faith is widely recognised as promoting ethical conduct, transparency and cooperation among stakeholders (Saintier, 2017; Aderibigbe et al., 2023). When codified into law, it establishes clear obligations that support transparency and fairness, thereby reducing

opportunities for corruption (Mante, 2018; Aderibigbe et al., 2023). Legal frameworks built on good faith can therefore create conditions that encourage collaboration, reduce adversarial behaviour and support more accountable governance of public infrastructure projects.

Aderibigbe et al. (2024) argue that codifying good faith could improve transparency and accountability among stakeholders in the construction and energy sectors while helping to standardise best practices. The potential benefits of such frameworks align with the United Nations Sustainable Development Goals, particularly Goal 7 (Affordable and Clean Energy) and Goal 9 (Industry, Innovation and Infrastructure). More broadly, statutory good faith can function as a governance tool that complements existing anti-corruption, procurement and integrity systems used by MDBs and DFIs. By embedding good faith in national legislation and encouraging regional cooperation, African states may reduce corruption risks and accelerate infrastructure development, particularly in the energy sector, while supporting wider development objectives (UNDP, 2022). However, the literature also notes that good faith remains contested in some legal traditions and that limited empirical research has examined how a statutory duty of good faith would operate in African infrastructure contexts. This study addresses that gap by examining good faith as a potential organising principle for harmonised legal frameworks aimed at improving infrastructure governance and reducing corruption.

4. DISCUSSION: COLLABORATIVE LEGAL MEASURES AND GOOD FAITH IN ADDRESSING CORRUPTION AND INFRASTRUCTURE DEFICITS IN AFRICA

4.1 THE ROLE OF GOOD FAITH IN TACKLING CORRUPTION IN AFRICA'S INFRASTRUCTURE PROJECTS

Corruption continues to be a pervasive challenge in Africa's construction and energy sectors, significantly hindering the effective development of sustainable infrastructure. The interview findings indicate that a statutory duty of good faith, grounded in principles of transparency, honesty, and fair dealing, can serve as a governance tool rather than a purely moral aspiration. Codifying good faith into law across the continent could establish clear legal obligations for stakeholders to act ethically, thus reducing the discretionary power of public officials who often exploit their positions for personal gain (Rahman, 2020; Grasso, 2020). Participants repeatedly linked good faith to more predictable contracting environments and reduced scope for opportunistic behaviour, particularly in payment practices, certification, and variation orders. Experts consistently echoed this perspective in the interviews, highlighting that the codification of good faith would foster a more collaborative environment and enhance transparency in infrastructure projects (Grasso, 2020; Aderibigbe et al., 2023). For MDBs and DFIs, such a statutory obligation could be seen as a way to align domestic project delivery with safeguard standards on integrity and procurement and to strengthen confidence in host-country infrastructure governance.

4.2 COLLABORATIVE LEGAL MEASURES ARISING FROM CODIFYING GOOD FAITH

The interviews identified several collaborative legal measures that naturally flow from the codification of good faith. Rather than viewing good faith as an abstract principle,

participants articulated concrete regulatory levers that could be embedded in national systems. These measures are designed to reduce adversarialism, improve governance, and create a more equitable environment for infrastructure development. The seven measures include:

4.2.1 Harmonising Legal Frameworks:

Codifying statutory good faith obligations to promote transparency, fairness and consistency in procurement and contracting.

4.2.2 Promoting Regional Cooperation:

Applying shared good-faith standards to support effective delivery of cross-border infrastructure and energy projects.

4.2.3 Streamlining Procurement Processes:

Simplifying procurement rules to reduce discretion, corruption risks and opportunities for rent-seeking.

4.2.4 Improving Transparency and Accountability:

Enhancing disclosure requirements to strengthen oversight and scrutiny of infrastructure projects.

4.2.5 Implementing Fair Payment Practices:

Introducing prompt-payment protections to improve cash flow and reduce exploitation within supply chains.

4.2.6 Establishing Effective Dispute Resolution Mechanisms:

Providing accessible and timely dispute resolution processes that preserve project continuity.

4.2.7 Enhancing Regulatory Frameworks:

Strengthening regulatory oversight, enforcement and coordination to improve compliance and accountability.

Taken together, these measures situate statutory good faith within a broader agenda of infrastructure governance reform, connecting legal change to concrete shifts in how projects are selected, procured and delivered.

These findings broadly support existing literature that identifies weak governance, limited transparency and institutional discretion as key drivers of corruption within construction and energy sectors (Rahman, 2020; Grasso, 2020). They also reinforce the observations of Aderibigbe et al. (2024), who argued that statutory good faith may provide a mechanism for improving accountability and reducing corruption risks in African infrastructure delivery. However, the interview findings extend the current literature by moving beyond the identification of corruption challenges to propose a structured seven-measure governance framework through which statutory good faith may be operationalised in practice. In this respect, the findings suggest that good faith may function not merely as a contractual principle, but as a broader governance instrument capable of strengthening procurement integrity, institutional trust and infrastructure delivery outcomes across African construction and energy sectors.

Table 1: Alignment of Interviewee Views with the Seven Collaborative Measures

Style Name	Support Level	Key Themes and Contributions	Alignment with Collaborative Measures
Interviewee 1: Seasoned BSE Engineer	Strong Support	Argued that statutory good faith would promote transparency, fairness, and collaboration while improving payment discipline and reducing disputes, particularly protecting subcontractors exposed to late payments	Strongly aligns with 1. Harmonising Legal Frameworks and 5. Implementing Fair Payment Practices. Emphasised how codification can ensure fairness and reduce disputes. Highlighted how codification can act as a safeguard for weaker parties and reduce conflict.
Interviewee 2: Legal Director	Conditional Support	Recognised the benefits of a good faith obligation but warned that it could increase litigation and uncertainty, favouring a phased introduction supported by cultural change.	Aligns with 4. Improving Transparency and Accountability and 7. Enhancing Regulatory Frameworks, advocating gradual reform to minimise legal complexity.
Interviewee 3: Technical Specialist	Strong Support	Defined good faith in terms of trust, respect, and clarity of expectations, supporting phased legislative reform alongside training and awareness to address adversarial practices.	Strong alignment with 3. Streamlining Procurement Processes and 6. Establishing Effective Dispute Resolution Mechanisms, linking reform to fairer procurement and improved dispute handling.
Interviewee 4: Health & Safety Expert	Strong Support	Argued that statutory good faith would strengthen compliance cultures and reduce adversarial behaviour, particularly by embedding the principle within existing HSE and compliance systems.	Aligns with 1. Harmonising Legal Frameworks and 6. Establishing Effective Dispute Resolution Mechanisms, highlighting the role of compliance structures in supporting cooperation.
Interviewee 5: Commercial Director	Moderate Support	Accepted the value of collaborative relationships based on good faith but questioned how such obligations would be enforced in practice and anticipated industry resistance and cost implications.	Aligns with 1. Harmonising Legal Frameworks and 5. Implementing Fair Payment Practices, recognising the rationale for reform while questioning operational implementation.
Interviewee 6: Industry Veteran	Conditional Support	Supported statutory codification provided it included clear wording and enforceable sanctions, highlighting chronic	Aligns with 1. Harmonising Legal Frameworks, 4. Improving Transparency and Accountability, and 5. Implementing Fair Payment

Style Name	Support Level	Key Themes and Contributions	Alignment with Collaborative Measures
		payment delays and retention abuse while comparing UK practice with good faith regimes in the UAE.	Practices, focusing on systemic reform and improved oversight.
Interviewee 7: Adjudicator	Strong Support	Strongly supported legislative intervention to overcome common law reluctance toward good faith duties, arguing it could reduce disputes and stabilise payment flows if accompanied by professional training.	Strongly aligns with 3. Streamlining Procurement Processes, 4. Improving Transparency and Accountability, and 6. Establishing Effective Dispute Resolution Mechanisms, emphasising education and guidance.
Interviewee 8: Seasoned Civil Engineer	Strong Support	Observed that good faith often operates informally in practice but supported statutory recognition as a way to curb adversarial tactics and embed fairness across the supply chain.	Aligns with 3. Streamlining Procurement Processes and 6. Establishing Effective Dispute Resolution Mechanisms, highlighting good faith as a mechanism for simplifying processes and encouraging collaboration.
Interviewee 9: Industry Chief Executive	Strong Support	Argued that statutory good faith could reduce adversarial disputes, improve collaboration and regularise payment behaviour, while noting the potential of digital tools and AI to support transparency and compliance.	Aligns with 5. Implementing Fair Payment Practices and 6. Establishing Effective Dispute Resolution Mechanisms, emphasising technology's role in reinforcing good faith obligations.
Interviewee 10: Independent Arbitrator & Mediator	Moderate Support	Acknowledged potential benefits of codification but warned against rigid drafting and emphasised that entrenched cultural norms may limit its effectiveness.	Aligns with 6. Establishing Effective Dispute Resolution Mechanisms, supporting reform while stressing the need for broader cultural and institutional change.
Interviewee 11: Construction Compliance Specialist	Strong Support	Supported statutory good faith as a means of strengthening transparency, fairness, and payment discipline, particularly benefiting SMEs and encouraging collaborative project environments.	Aligns with 1. Harmonising Legal Frameworks, 5. Implementing Fair Payment Practices, and 6. Establishing Effective Dispute Resolution Mechanisms, focusing on enforceable standards of fairness.
Interviewee 12: Independent	Conditional Support	Supported the principle of statutory good faith but expressed concern about	Aligns with 1. Harmonising Legal Frameworks and 4. Improving Transparency and

Style Name	Support Level	Key Themes and Contributions	Alignment with Collaborative Measures
Construction Mediator		enforceability, malicious compliance, and resistance within established industry cultures.	Accountability, favouring phased reform supported by training and awareness.
Interviewee 13: International Contracts Leader	Strong Support	Identified adversarialism as systemic and linked to budgeting failures, risk misallocation, scope creep and payment disputes, defining good faith through fair risk allocation, early warnings and timely payment.	Aligns with 1. Harmonising Legal Frameworks, 3. Streamlining Procurement Processes, 5. Implementing Fair Payment Practices, and 6. Establishing Effective Dispute Resolution Mechanisms, highlighting codification as protection for weaker parties.
Interviewee 14: Senior Managing Director (EMEA)	Moderate Support	Drew on international experience to identify poor communication, opportunistic claims and cross-cultural misunderstandings as drivers of adversarialism while framing good faith as acting in the best interests of the project.	Aligns with 3. Streamlining Procurement Processes, 4. Improving Transparency and Accountability, and 6. Establishing Effective Dispute Resolution Mechanisms, stressing honest communication and incentive-based behavioural change.

These measures, derived from expert interviews, reflect a shared view that good faith is central to addressing systemic corruption and adversarial practices in Africa's construction and energy sectors. One interviewee observed that codifying good faith could reduce payment delays and improve fairness, particularly on smaller projects (Interviewee 1: Seasoned BSE Engineer), while others stressed the need to address legal and procedural complexities to promote transparency and ethical practice (Interviewee 7: Adjudicator). Collectively, the seven measures align with MDB and DFI concerns around procurement integrity, contract management and the long-term bankability of infrastructure assets. Overall, eight interviewees expressed strong support for codification, three moderate support and three conditional support, with none rejecting the principle outright, suggesting that practitioners view statutory good faith as a viable, though challenging, governance reform for strengthening state capacity in managing public investment.

5. LIMITATIONS

This study has several limitations. First, legislation has inherent regulatory limits (Xanthaki, 2017), and codifying good faith presents legal and conceptual challenges. Goal-based legislation developed in advanced economies may prove difficult to operationalise in developing contexts (Umeokafor, 2020). Moreover, good faith is inherently broad and flexible, which may lead to subjective interpretation and inconsistent application across jurisdictions (Saintier, 2017). Although widely recognised in different legal systems (Leggatt, 2016), variations in governance capacity across

African states and the expectations of MDBs and DFIs may affect how such frameworks are implemented.

Second, while a harmonised framework grounded in good faith offers potential benefits, translating regional principles into national legislation may prove complex due to differences in legal traditions, political systems and regulatory capacity across African countries.

Third, the study draws on fourteen semi structured interviews with construction and energy professionals. While thematic saturation is often achieved after approximately twelve interviews in relatively homogeneous samples (Guest et al., 2006), the limited sample size may constrain broader generalisability. Many interviewees were based in mature construction markets, although some had direct experience of African infrastructure projects.

Finally, corruption in Africa's infrastructure sector remains deeply embedded in formal and informal systems (Rahman, 2020; Sabouri et al., 2023). The effectiveness of statutory good faith will therefore depend on political will and credible enforcement (Grasso, 2017; 2020). Further empirical research and pilot programmes are needed to test how such frameworks operate in practice.

6. CONCLUSIONS

This study examined whether codifying a statutory duty of good faith within collaborative legal frameworks could help address corruption and infrastructure deficits in Africa's construction and energy sectors. By embedding good faith into national legal systems, governments could strengthen transparency, collaboration and ethical conduct, creating more predictable environments for public authorities, MDBs, DFIs and private investors.

The seven collaborative measures proposed in this research, harmonising legal frameworks, promoting regional cooperation, streamlining procurement, enhancing transparency, implementing fair payment practices, establishing dispute resolution mechanisms and strengthening regulatory oversight, provide a practical governance agenda for improving infrastructure delivery and limiting opportunities for rent seeking.

However, their effectiveness will depend on political will, institutional capacity and cultural change. Phased and context sensitive implementation, supported by pilot programmes, stakeholder engagement and professional training, will therefore be essential.

This study contributes to the literature by advancing statutory good faith beyond its traditional contractual role and positioning it as a governance mechanism capable of addressing corruption, improving procurement integrity and strengthening infrastructure delivery in Africa's construction and energy sectors. The proposed seven-measure collaborative framework provides both a theoretical contribution to infrastructure governance scholarship and a practical reform agenda for policymakers, regulators, MDBs and DFIs. Codifying good faith therefore offers a credible step towards strengthening infrastructure governance and supporting progress towards the United Nations Sustainable Development Goals, particularly Goal 7 and Goal 9.

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