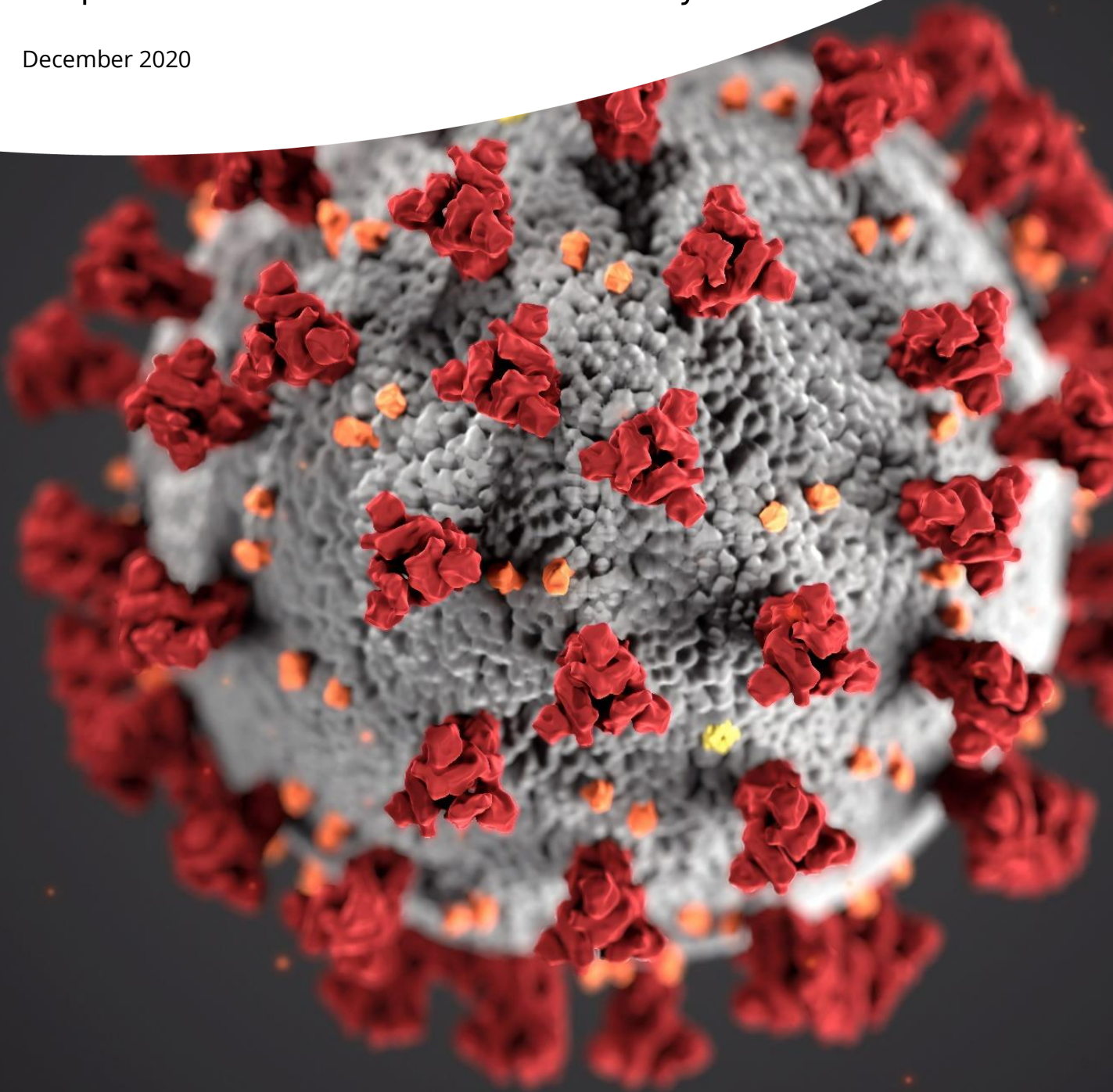


# The Covid-19 pandemic

How OPF Fellows supported host governments' responses and readiness for recovery

December 2020



**At its core, the Oxford Policy Fellowship (OPF) is a listening institution. It responds to requests from low- and middle-income country (LMIC) governments for legal and policy technical advisors (TAs) to help achieve the country's development priorities. In early 2020, OPF had 15 Fellows posted in eight sub-Saharan African countries, working on a large range of priorities from health to education, environment to trade. When the Covid-19 pandemic struck in March 2020, the immediate burdens of OPF's government partners changed almost overnight and in many radical ways. Almost all of OPF's African partners began asking Fellows for help with urgent responses to the pandemic.**

The Fellows proved able to adapt quickly and smoothly to these requests. Unlike many TAs in international development, they are employed as local civil servants and are embedded in government ministries for two years. This has led to a good understanding of how to balance short-term and long-term developmental needs in a country context, and a high level of trust between government partners and their Fellows. The fact that over 60 per cent of Fellows chose to remain in post during the pandemic is testament to this. In contrast, many TAs employed by development cooperation agencies were withdrawn from their host countries.

To begin with, OPF Fellows were able to fill some gaps left by departing foreign TA, and so ensure continuity of public service delivery at a time of great need. For example, in West Africa, governments were determined to avoid a repetition of the 2014 Ebola epidemic where more people died from other diseases than the virus, so Fellows helped to secure extra aid to strengthen health care delivery. In East Africa, revenue shortfalls to tackle the immediate impacts of the pandemic were looking to be huge, so Fellows supported the rapid negotiation of loans from international institutions such as the World Bank and the IMF. In both the Horn of Africa and Southern Africa, ministries of finance faced the legal question of whether Covid-19 constituted a force majeure, so Fellows were able to clarify how this would affect the performance of the Public Private Partnerships (PPPs) on which they depend.

This short note explores OPF's Covid stories a little more – both helping host governments' immediate responses and moving on to helping the longer-term tasks of recovery.

## **Fellows support governments to make good, immediate responses to Covid-19**

When the pandemic struck **Sierra Leone**, it was a clear national priority to ensure the country's beleaguered health services could respond rapidly. The OPF Fellow and colleagues in the policy and legal team of the Ministry of Health and Sanitation began by designing two programmes: the first for '*Covid-19 related illnesses*'; and the second for

'non-Covid-19 illnesses'. They prepared budgets for both programmes, drafted and reviewed new donor funding agreements to make sure they were legally rigorous, and then successfully negotiated multi-million-dollar grants from donors. The team followed this by successfully facilitating the delivery of medical products and consumables to front-line health workers, and deployed foreign health experts to support national colleagues in fighting the pandemic.

**Uganda's** economy was hit hard by lockdown measures during the first three months of the pandemic. Economic forecasters predicted that annual GDP growth would more than halve, from 6.8 to 3.1 per cent, and yet it was also clear that Covid-19 was also going to add hugely to government expenditure. A '*National Covid-19 Preparedness and Response Plan*' was developed and OPF's Fellow, along with Ugandan colleagues from the Development Assistance and Regional Cooperation (DARC) department in the Ministry of Finance, was asked to operationalise key elements of the plan. A core task was to put together a crisis response budget. The team successfully negotiated loans and grants in excess of \$US 360 million to implement the health, education and economy elements of the response plan. Moreover, it helped negotiate agreements with other donors, enabling the government to redirect unspent programme funds to support the National Covid-19 Preparedness and Response Plan.

*"Our Oxford Policy Fellow served as an indispensable resource by providing seamless strategic and legal guidance to projects that were constantly forced to adapt to the challenges of Covid. The expertise of the Fellow meant that we could change direction and design novel approaches with the knowledge that they were on a firm legal footing."*

**Yvonne Aki-Sawyer**  
Mayor of Freetown, Sierra Leone

All of this helped to secure a World Bank loan which enabled the OPF Fellow and colleagues to start a programme to stimulate local production of personal protective equipment and other essential health materials. By enabling the government to purchase health supplies at a lower cost than imports, this ensured that citizens had uninterrupted access to basic utilities during the crisis, and the government's social protection programmes could be more inclusive of the most vulnerable groups in Uganda.

With the onset of the pandemic in **Djibouti**, the government saw that a '*Covid-19 Emergency and Solidarity Fund*' would be a priority. The OPF Fellow and her director drafted a Decree that enabled the government to establish this Fund in a legally and functionally robust way. One of the Fellow's first tasks was to research similar emergency funds, so as to inform the Fund's design. She advised senior management on the framework governing the Fund: it had to be operationally independent whilst being accountable to a Board of trustees, with a clearly-defined scope to ensure that monies were allocated to Covid-19 priority issues.

The government then primed the fund with US\$5.6 million, attracting a range of donors, with some donors allowing the government to redirect unspent programme monies to support the Fund's objectives. To date, the Fund has established quarantine and treatment sites for people infected by the virus, as well as purchasing essential hygiene products, personal protective equipment, medicines, and other equipment to care for Covid-19 patients. Because Djibouti's Ministry of Finance predicted that lockdown measures would cripple economic growth, reducing the annual growth rate from 7.5 to just 1.3 per cent, the Fund is also being used to support businesses. Companies that were forced to close during lockdown are being compensated, and those who were asked to support the government's public health responses have been given tax concessions.

The experience of managing the Ebola epidemic in 2014 meant that the **Liberian** government was well placed to tackle the Covid-19 pandemic. It established a Special Presidential Advisory Committee on Covid-19 (SPACOC), chaired by the President, with the National Public Health Institute as the lead agency. The Chief Technical Advisor of the Environmental Protection Agency (EPA) – where the OPF Fellow works – is responsible for advising SPACOC on the likely environmental effects of the pandemic. A priority issue has been how to manage and dispose of medical waste so that it would not contaminate the environment. The OPF Fellow and her EPA colleagues drafted guidelines and standards of procedure on waste management. Tragically, but of necessity, her work included developing a Burial Protocol: 'How to Conduct Safe and Dignified Burial of a Patient who has died from Suspected or Confirmed Coronavirus to contain the spread of the infection during both the handling and burial of dead bodies'.

All of this required close coordination with SPACOC and the National Water Sanitation and Hygiene Promotion Committee. The Fellow believes that the Covid public awareness raising strategy, which these bodies jointly developed, and which she played a part in implementing, proved to be critical in achieving a simple and coherent public message about how to prevent the coronavirus from spreading whilst safeguarding the environment.

In **Ghana**, the OPF Fellow helped school teaching across the country to move online quickly:

*"It was extremely helpful to have Kanan as a part of the Ministry of Education's rapid Covid-19 response after school closures in March 2020. Her decision to remain in the country during the pandemic helped accelerate the review of contracts and negotiation to support the upgrade of IT infrastructure in the Ministry and, more importantly, in public schools across Ghana. Kanan played a key role in procuring 280,000 laptops along with IT training for pre-tertiary teachers to support remote/distance learning and mitigate the impact of school closures."*

**Wilhelmina Asamoah**

Director General Administration Ministry of Education, Ghana

## Towards national Covid-19 recovery plans

If OPF Fellows have proven well-placed to help with immediate Covid responses, their skills – plus the lessons that the whole OPF has learned over the last five years – are also in demand to enhance longer-term recovery. As donors and governments work together to revive LMIC economies after the first wave of the pandemic, an overarching theme that has emerged from OPF is the need for policy, legal and institutional reform. The pandemic has highlighted systemic and structural weaknesses that must be resolved if LMIC economies are to transition to more resilient, efficient and equitable economies. For example, the systems used to secure development finance and manage debt are ripe for improvement: like many countries, OPF host countries are borrowing large sums of money to support not only their citizens during these challenging times but also their weakened economies.

To debt sustainability must be added the imperatives of environmental sustainability. The way the pandemic has disrupted ‘normal life’ across the globe since early 2020 has heightened interest in transforming economies so that they avoid damage to nature, they absorb more carbon than they emit, and they engage more people in the equitable and sustainable use of ‘natural capital’ – critical elements of a ‘green economy’. This will entail disassembling the legal framework that supports the inequitable ‘brown economy’, as much as reducing the costs of ‘doing business’ for inclusive green economies. Many Fellows’ work is already improving readiness for recovery. For example, over the last four years, two Fellows have been working with **Ethiopia’s** Environment, Forest and Climate Change Commission in an extensive process of environmental legal reform and capacity development.

Whatever path that a country chooses to build resilience and to transform economies, it is clear from the Fellowship’s experience that LMICs will need to shape favourable legal and policy frameworks. For example, a succession of OPF Fellows has worked in **Rwanda** over five years supporting the government to improve policy and legal frameworks, most recently the Rwandan intellectual property (IP) framework. The American Chamber of Commerce had encouraged the government to do this, arguing that if it did not improve its IP protection, the country’s ability to continue to attract foreign investments would be undermined, and Rwanda’s reputation as the ‘go to’ manufacturing hub in East Africa would be threatened. Strong IP rights will lead not only to higher investment levels, but also to higher quality investments.

In **Uganda**, too, where the government was facing a major investment gap, it has been seeking to address this by negotiating PPPs. Infrastructure is a particular area requiring investment: it fosters inclusive economic growth and in turn attracts business investment. The amounts required are large, but PPPs represent a way to continue financing essential infrastructure without increasing debt. With support from three OPF

Fellows, Uganda has now managed to establish a strong PPP legal regime which has already led to considerable investment in transport and energy programmes that are bringing genuine benefits to the country.

A prevailing limitation to producing robust national recovery plans and implementing them has been governments' limited access to legal expertise. OPF's work, illustrated in this brief paper, has demonstrated that the work of even a single Fellow can catalyse significant benefits – strengthening country capacity, readiness and legal and policy frameworks for post-Covid recovery plans by mobilising the legal know-how of local colleagues and OPF Fellows together. With donor agencies now shaping their plans to support LMICs' Covid responses and recovery, the central but modest imperative of supporting LMIC public sector lawyers clearly cannot be ignored.

## Personal reflection

Having worked in international development for the last 30 years, it was only when I joined OPF that I fully appreciated the critical role that legislation plays in underpinning policy.

Over the last 15 to 20 years, policy almost everywhere has become more multi-faceted, more multi-actor, and more multi-risk. The legal basis of LMIC development processes has become similarly complex. This has led to rising demand for legal skills in LMIC governments to ensure that development processes are legally robust. Yet both the supply of LMIC public sector lawyers and the roles they are asked to play have failed to keep pace with demand. This continues to delay efforts to reform and strengthen policy and institutions, which directly threatens governments' ability to negotiate favourable investment contracts and loans.

Many donors and LMICs are not prioritising legal capacity and reform, and LMIC authorities are struggling to overcome this constraint by themselves. I believe we now need strong leadership from the donor community to make an unambiguous commitment to support legal capacity in LMICs. As LMICs start to recover from Covid-19, we must also ensure that their efforts are not frustrated by a lack of legal skills.

There is a further issue: TA delivery models. While LMIC development processes are being transformed rapidly, development TA has often not adapted to the new circumstances. Before the pandemic, for example, few people questioned if flying consultants and aid staff in and out of LMICs on short-term assignments remained the most appropriate way to support development processes. Now, however, the control that donor agencies hold over the delivery of TA is beginning to be questioned: should not donors recognise the growing sophistication of LMIC governments and their rightful role in shaping and leading these national processes?

OPF recognised such issues when developing its demand-led, embedded model of delivering legal and policy TA. The examples given in this paper demonstrate the flexibility and effectiveness of OPF's approach – both responding to immediate priorities while working towards longer-term reform. As donors reflect on how to improve the delivery of TA in these challenging times, OPF's proven model stands ready to be taken to scale.

Alastair Bradstock, January 2021

**OPF is a demand-led Fellowship Programme that works with governments to deliver legal capacity support and development.** We do this through Fellows, networks, and learning.

We source high performing legal advisors to work within current government systems and processes for two years so that their work contributes to ongoing policymaking, rather than creating parallel structures for getting things done. By providing governments with key support that they themselves have defined and requested, we deliver sustainable and locally-owned development impact. We also host a network of government practitioners working at the interface of law and public policy, promoting a culture of knowledge sharing and learning across governments and the wider community.

For more information, visit our website: [www.policyfellowship.org](http://www.policyfellowship.org)  
Or, email us: [info@policyfellowship.org](mailto:info@policyfellowship.org)

