

## Legal and Institutional Dimensions of Corruption in Africa: Implications for Sustainable Development

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### Abstract

Corruption is one of the most significant structural issues that hinders sustainable development in Africa. It undermines social justice, economic growth, governance, and environmental protection. This article critically analyses the systemic and institutionalised corruption present in the political economy and governance structures of some African nations. It looks at the institutional framework that has been adopted to hold people accountable and how well current anti-corruption laws work. It posits that, although many African countries have officially made their legal systems more in line with regional and international anti-corruption tools like the African Union Convention on Preventing and Combating Corruption and the United Nations Convention against Corruption, there is still room for improvement. The study adopts a doctrinal and comparative analytical approach. It reveals that even though there are more anti-corruption laws and groups, political interference, a lack of institutional independence, institutional incapacity, selective prosecution, and a lack of accountability make it difficult to enforce these laws. It demonstrates how service delivery is, inequality worsens, public resources are unevenly distributed, and as such, Sustainable Development Goals (SDGs) are unattainable due to corruption. It also appraises how important institutional accountability, transparency, and the rule of law are to making sustainable development achievable. It concludes that, alongside legal reform, substantial institutional fortification, heightened civic engagement, and contextually responsive accountability mechanisms capable of challenging entrenched power structures are essential for genuine advancement. The paper contributes to ongoing scholarly and policy debates by offering a thorough legal and institutional analysis of corruption and sustainable development in Africa.

**Keywords:** Legal, Institutional Dimensions, Corruption, Africa, Sustainable Development

## 1. Introduction

Corruption in Africa is not just a behavioural problem; it is a structural and systemic problem that is entrenched in historical, political, and socioeconomic institutions. Scholars refer to it as "fiscal termites" because they endanger progress and keep the cycle of underdevelopment and dependency going, and are strengthened by entrenched, politicised elite.<sup>1</sup> Additionally, because corruption diverts resources and lowers public service efficiency, it disproportionately impacts important sectors that are essential for sustainable development, like infrastructure, health, and education<sup>2</sup>. This destroys the continent by making people less confident and taking away important investments in important economic sectors.<sup>3</sup> Researchers have posited that in regions where corruption is entrenched, it obstructs the achievement of sustainable development focused on alleviating poverty, enhancing social infrastructure, and advancing justice.<sup>4</sup> Poor accountability measures have a big effect on developmental planning and how well the public sector works. So, the outcome is a drop in the calibre of institutions, often measured by compliance with the law, transparency, and how well the government works.<sup>5</sup>

Most African countries, like Nigeria, Sierra Leone, Ghana, Uganda, and Rwanda, have enacted laws which are in tandem with the United Nations Convention against Corruption 2003<sup>6</sup> and the African Union Convention on Preventing and Combating Corruption. Even though individuals are aware that corruption is an anathema for African development and growth, the legal regimes are more rhetoric than serve the purposes for which they were adopted. The difficulty, then, is the difference between what the law says and what happens in practice. The main goal of the UNCAC is to improve and strengthen efforts to prevent and fight corruption effectively, efficiently, make it easier for countries to collaborate, promote accountability, encourage honesty, and responsible management of public affairs<sup>7</sup>. To achieve these objectives, the Convention demands that Member States must put in place anti-corruption measures that prevent corruption before it occurs.<sup>8</sup> One cardinal

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<sup>1</sup> Peter Adoko Obicci. 'Corrupt Elites, Administrators and Public Service in Africa: Islands of Vanity' *Journal of Management and Science* (2025) 15(1) <https://doi.org/10.26524/jms.156>

<sup>2</sup> Joy Ndidiamaka Okoye, Nnenna Dorothy and Chinonso Chigozie Ojimba. 'Corruption in the Nigerian Public Sector: Causes, Consequences and Sustainable Development Solutions' *International Journal of Advanced Multidisciplinary Research and Studies* (2024) 4(5) 1109-1117 <https://doi.org/10.62225/2583049x.2024.4.5.3374>

<sup>3</sup> Ekeledirichukwu C Njoku, Okey K Mbionu and Shedrack C Njoku. 'The Political Economy of Corruption and Sustainable Development in Nigeria, 2015-2024' *International Journal of Research and Innovation in Social Sciences* (2025) 9(7) 2135-2147 <https://doi.org/10.47772/IJRSS.2025.907000176>

<sup>4</sup> Njoku (n 3)

<sup>5</sup> Mark Edem Kunawotor, Godson Ahiabor and Eric Yobo. 'Government Size, Institutional Quality and Economic Welfare in Africa' *Journal of Social Science* (2025) 52(4) 578-590 <https://doi.org/10.1108/IJSE-01-2024-0075>

<sup>6</sup> United Nations Convention against Corruption, adopted by the General Assembly on October 31, 2003 and entered into force on December 14, 2005 (Resolution 58/4); hereinafter referred to as UNCAC

<sup>7</sup> (n 6) Articles 1, 5-14

<sup>8</sup> (n 6) Articles Article 15-25

principle of the Convention is asset recovery. Member States are enjoined to collaborate in this regard.<sup>9</sup>

The African Union has also adopted an anti-corruption law in Africa<sup>10</sup>. Like its universal counterpart, it aims to improve and strengthen mechanisms for preventing, identifying, prosecuting, and getting rid of corruption and related crimes in both the public and private sectors<sup>11</sup>. It does this by criminalising all corrupt practices and ensuring that perpetrators lose the proceeds of such illegal practices through forfeiture of their assets<sup>12</sup>. Similarly, States Parties are enjoined to collaborate, be more accountable, and be more transparent in the enforcement of the legal regimes adopted by the governments for this purpose<sup>13</sup>, guarantee specific protection of informants and witnesses<sup>14</sup>, and ensure mutual legal assistance and international cooperation among themselves<sup>15</sup>. Signatories to this Convention are under an obligation to domesticate the provisions of the regional Charter into their domestic laws.

In line with the above, Nigeria, for instance, and other African countries have complied by enacting domestic enabling legal regimes<sup>16</sup> to make sure that corruption is completely eradicated from their countries, in particular and in Africa as a whole. The objectives of the EFCC Act 2004 are essentially to enforce all relevant anti-corruption laws in Nigeria, fight economic and financial crimes, and promote transparency and accountability. The Act establishes the Commission,<sup>17</sup> whose duties are clearly spelt out in Article 6. It has the power to investigate, prevent, coordinate, and prosecute crimes like fraud, money laundering, bribery, and other crimes listed in section 46. The EFCC Act 2004 aims at upholding all anti-corruption laws in Nigeria, fighting economic and financial crimes, and promoting accountability and transparency<sup>18</sup>. Through the enforcement mechanism of the Act, the EFCC arrests, investigates, prosecutes, and causes perpetrators to forfeit the proceeds of crime. This is essentially based on coordinated law enforcement, recovery of stolen property, deterrence, and adherence to the rule of law<sup>19</sup>, as well as collaboration between domestic and international law enforcement agencies.<sup>20</sup>

The Law Relating to Fighting against Corruption was adopted in 2018 by Rwanda, a country that has zero tolerance for corruption. The goal of Law N°54/2018 is to prevent and penalise corruption in Rwandan government establishments, private companies, civil society, and international organisations.<sup>21</sup> It makes it easier for the law to punish people who get illegal benefits and commit other crimes by clearly

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<sup>9</sup> (n 6) Articles 51, 54, 55, 57, and 59

<sup>10</sup> African Union Convention on Preventing and Combating Corruption, adopted at Maputo, Mozambique on July 11, 2003 and entered into force on August 5, 2006

<sup>11</sup> (n 10) Article 2

<sup>12</sup> (n 10) Articles 4 and 5(1)

<sup>13</sup> (n 10) Article 5

<sup>14</sup> (n 10) Article 5(5)

<sup>15</sup> (n 11) Articles 19 – 21.

<sup>16</sup> Economic and Financial Crimes Commission (Establishment) Act, 2004, hereinafter referred to as the EFCC Act.

<sup>17</sup> (n 16) Section 1

<sup>18</sup> (n 16) Sections 6, 7 and 13(2)

<sup>19</sup> (n 16) Sections 6(b), 7(2), and 26 - 34

<sup>20</sup> (n 16) Section 6(j)

<sup>21</sup> The Law Relating to Fighting Corruption 2018, also referred to as Law No 54/2018, Article 1.

defining types of corrupt behaviour. It is the position of the law that businesses must have clear rules of engagement,<sup>22</sup> and that adequate sanctions should be meted out on perpetrators for illegal activities. The Office of the Ombudsman is empowered to, prosecute and monitor compliance with these laws. Consequently, individuals and illegal businesses are held accountable for certain crimes committed by them in breach of the provisions of the extant laws.

Kenya is not left out in the anti-corruption fight in Africa. The Constitution of Kenya specifically directs Parliament to establish an anti-corruption agency<sup>23</sup>. As a result, it has enacted its own legal regime on fighting corruption.<sup>24</sup> The ACECA establishes the Ethics and Anti-Corruption Commission<sup>25</sup> as a legislative body with powers to arrest, search, impound illegal property, prevent, and punish for all economic crimes such as bribery, fraud, money laundering, and abuse of office.<sup>26</sup> Pursuant to the extant law, the Ethics and Anti-Corruption Commission takes proactive steps to prevent, carry out surveillance, and collaborate with other agencies, in bringing perpetrators to justice in the appropriate courts accordingly. Perpetrators are equally made to forfeit the proceeds of crime, and adequate protection is provided for witnesses and whistleblowers. The Act strikes a balance between strict enforcement and institutional responsibility by ensuring that the courts review all activities carried out by the Commission, to ascertain that investigations and prosecutions are handled transparently and reports are submitted to the relevant government agencies, civil society organisations, as well as other international agencies whose mandate includes fighting corruption.

## 2. Method

The study uses doctrinal legal research methods, which study all existing legal systems and their principles and their anti-corruption systems in African countries. The research uses primary documents, which consist of national constitutions and anti-corruption laws, and the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption. The research uses secondary sources, which include academic articles, court rulings, legal reports and government policy papers. The study uses qualitative research methods to analyse how legal systems create and apply rules for dealing with corruption, which prevents sustainable development. The research studies three main areas, which include identifying legal system deficiencies, learning about law enforcement practices, and discovering new ways to fight corruption in various African countries.

The doctrinal method serves as a tool for comparing different anti-corruption systems and their respective institutional accountability frameworks in various African nations. The study evaluates how anti-corruption agencies, courts, and audit bodies execute their legal duties and maintain their operational independence and authority to implement their responsibilities. The framework of the methodology

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<sup>22</sup> (n 21) Article 3.

<sup>23</sup> Constitution of Kenya, 2010, Articles 79 and 252.

<sup>24</sup> Anti-Corruption and Economic Crimes Act No. 3 of 2003, CAP 65 Laws of Kenya, hereinafter called ACECA.

<sup>25</sup> (n 25) Article 3.

<sup>26</sup> (n 25) Articles 11, 13 and 23.

investigates the actual execution of accountability measures in these systems while assessing how legal provisions affect their real-world implementation. The study investigates the three main elements, which include compliance systems, punishment methods and difficulties that arise during the enforcement process. The research interprets data to reach logical findings about how well current laws function to combat corruption. The doctrinal method produces legal recommendations which guide organizations in improving their accountability systems and using legal frameworks to achieve sustainable development goals in Africa.

### 3. Analysis or Discussion

#### 3.1. Understanding Corruption within the Framework of Sustainable Development Goals

Scholars are not unanimous on the exact meaning of the socio-political concept called corruption. Despite conceptual variations, scholars agree that corruption simply means the exploitation of authority for personal gain.<sup>27</sup> Succinctly put, it is the violation of established legal standards, ethical norms, or institutional integrity to advance personal interests, political position, or institutional benefits. One characteristic feature of corruption is that someone uses their power for their personal gain, at the expense of others. The negative impact of the foregoing is that the well-being of other persons in society is compromised, thereby making it impossible for people to have confidence in the system. As a result, resource allocation is hampered, and institutions become ineffective.

Corruption manifests in forms like bribery, fraud, nepotism, favouritism, clientelism, embezzlement of public funds, money laundering, and collusion. All of these behaviours undermine ethical norms, moral and statutory standards put in place to ensure transparency and accountability.<sup>28</sup> Corruption is both a behavioural and structural concept, and it brings to the forefront specific acts of wrongdoings or offences, as well as exposes systemic ineptitude among institutions and agencies which are mandated to curb corruption in all its ramifications. It is therefore posited that corruption goes to the roots of social and organisational systems and completely erodes the integrity and character of institutions and their moral or structural norms.

Corruption drastically undermines economic growth and progress, as shown by the GDP,<sup>29</sup> Due to the fact that it gradually slows down growth and productivity by raising the costs of doing business, de-incentivising investment, and re-prioritising

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<sup>27</sup> Rebecca Dobson Philips, Elizabeth David-Barrett, and Robert Barrington, 'Defining Corruption in Context' *Perspectives on Politics* (2025) 1-15, <https://doi.org/10.1017/S153759272400286X>

<sup>28</sup> Obicci (n 2)

<sup>29</sup> Mustapha Hussaini and Nura Aliyu Kauga, 'Impact of Corruption on Public Investment Outcomes in Nigeria', *Asian Journal of Economics and Accounting* (2025) 25(1) 197-221  
<https://doi.org/10.9734/ajeba/2025/v25i11643>

public spending.<sup>30</sup> For example, studies from some countries have revealed that less corruption is linked to more economic growth,<sup>31</sup> While research on specific regions, such as Nigeria and Southern Africa, further shows that corruption significantly undermines economic outcomes.<sup>32</sup> These empirical findings align with endogenous growth theories, which emphasise how institutional quality fosters investment and the accumulation of human capital, both of which are unfortunately compromised by pervasive corruption.<sup>33</sup>

There is indeed a nexus between corruption and growth. In fact, empirical studies reveal that corruption has its pros and cons on growth when juxtaposed with service delivery by government institutions.<sup>34</sup> These results demonstrate that the negative consequences of corruption influence governance frameworks, regulatory standards, and political circumstances. This supports a nuanced policy strategy that takes into account both macroeconomic and institutional variations in effects, contingent upon political, institutional, and developmental contexts, aimed at mitigating the detrimental effects of corruption on growth. Again, corruption can be viewed as a systemic problem that makes it difficult for governments to implement public policies and provide public services as a result of destroying institutional mechanisms, weakening accountability systems, and eroding democratic values.

In another development, sustainable development implies the development that satisfies current demands without jeopardising the capacity of future generations to satisfy their own needs.<sup>35</sup> This idea merges environmental sustainability, social inclusion, and economic growth into a single set of rules. It is important to note that the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) are essential because they represent sustainable development in its complete essence. It is trite that the SDGs focus on social justice, protecting the environment, inclusive economic growth, and strong institutions. And as such, international obligations necessitate that governments formulate laws and policies

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<sup>3030</sup> Syed Magfur Ahmad and Fahmida Nasrin, 'The Conflict Between Corruption and Good Governance: Bangladesh's Experience in the Last Fifteen Years (2009 - 2024)', *International Journal of Politics and International Relations* (2026) 1(1) 65-83 <https://doi.org/10.65826/IJPIR.1.1.2026.18>

<sup>31</sup> Chebli Mongi and Kais Saidi, 'The Impact of Corruption, Government Effectiveness, FDI and GFC on Economic Growth: New Evidence from Global Panel of 48 Middle-Income Countries' *Journal of the Knowledge Economy* (2024) 15(3) 1069-10721 <https://doi.org/10.1007/s13132-023-01509-0>

<sup>32</sup> John M Luiz and Callum Stewart, 'Corruption, South African Multinational Enterprises and Institutions in Africa' *Journal of Business Ethics* (2014) 124(3) 383-398 <https://doi.org/10.1007/s10551-013-1878-9>

<sup>33</sup> Fisayo Fagbemi, Tolulope Temilola Osinubi, Gerldine Ejiaka Nzeribe and Toafik Olatunji Bankole, 'Human Capital Development Challenge: Why Corruption Eradication is a Panacea in Nigeria' *Journal of Development Policy and Practice* (2022) 7(2) 180-205 <https://doi.org/10.1177/24551333221090312>

<sup>34</sup> Albert De Vaal and Wouter Ebben., 'Institutions and the Relations between Corruption and Economic Growth' *Review of Development Economics* (2011) 15(1) 108-123 <https://doi.org/10.1111/j.1467-9367.2010.00596.x>

<sup>35</sup> GH Bruntland, Report on the World Commission on Environment and Development: Our Common Future, (1987) UN General Assembly Document A/42/427

that align domestic governance with sustainable outcomes, thereby underscoring the legal dimension of sustainable development.

The goal of SDG 16 is to improve access to justice, make institutions more transparent, and reduce bribery and corruption drastically. This shows how important good governance is for sustainable development. Therefore, sustainable development has moved from being a descriptive phenomenon to normative rules which mandate countries to ensure that their environmental, social, and economic laws align with the values of integrity, transparency and responsibility. Despite the bold aspirations of SDG 16, corruption remains a structural impediment to the attainment of sustainable development and effective governance globally due to its inherent characteristics. There is, therefore, a need for all anti-corruption agencies, legal systems, and accountability institutions to get rid of corruption in its entirety to negate its negative impact on society. However, a challenge which has been noted is political interference in the activities of these institutions, which further worsens the already bad situation, instead of improving it.

### **3.2. Corruption in Africa and Its Impact**

Corruption in Africa has a lot to do with the continent's colonial past and the legacy of decolonisation. Colonial governments often set up political systems that put resource extraction ahead of good governance. This left governments that had just become independent with deficit accountability and institutional mechanisms.<sup>36</sup> As a result, people often see public office as a way to get something for themselves instead of as a public trust. It has been stated that, due to the colonial legacy left behind, favouritism has become entrenched in the polity in contemporary times.<sup>37</sup>

Similarly, the inadequacy of post-colonial nations stemmed from the imposition of foreign legal systems without substantial local institutional adaptations.<sup>38</sup> As a result, formal legal and bureaucratic regimes do not evolve uniformly, thereby allowing political elites and public officials to pursue rent-seeking activities with minimal scrutiny. Therefore, colonial structures and political instability after independence made it much easier for entrenched patronage networks to grow in many African countries.<sup>39</sup> Flowing from the above, it is submitted that the current challenges with governance, such as a lack of compliance with the rule of law, a lack of transparency, and administrative ineptitude, have worsened the already precarious situation in Africa, as a result of colonial vestiges.

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<sup>36</sup> Muhinge (n 39) 18

<sup>37</sup> Bruce J Berman. 'Ethnicity, Patronage and the African State: The Politics of Uncivilised Nationalism' *African Affairs* (1998) 97(388) 305-341 <https://doi.org/10.1093/oxfordjournals.afraf.a007988>

<sup>38</sup> Edward Shalom. 'Impact of Colonialism on Indigenous Political Structures' *International Journal of Historical Studies and Civic Affairs* (2023) 1(1) 1-10  
<https://forthworthjournals.org/journal/index.php/IJHSCA/article/view/103>

<sup>39</sup> Shalom (n 42) 8

Political corruption weakens democratic institutions; it gives elites more control over public resources and alters public policy outcomes. For example, kleptocratic regimes in former Zaire, typified by leaders such as Mobutu Sese Seko, demonstrate how political corruption can develop into a systemic issue. These regimes impoverished the people while solidifying their power by stealing natural resources and revenues.<sup>40</sup> Bureaucratic corruption occurs when people in charge of running the government engage in corrupt behaviours like bribery, favouritism, and "speed money" paid for access to services. Corruption in government affects the less privileged more than others because they often do not have the informal networks or social capital they need to deal with these demands. This negative trend has ripple effects on the daily activities of government work, such as issuing licenses, enforcing the law, collecting taxes, and more.<sup>41</sup>

Similarly, grand corruption occurs when people embezzle lots of money and use public funds in ways that undermine national development plans and budgets. This is often perpetrated by the political elites against the marginalised members of society.<sup>42</sup> In Equatorial Guinea, for example, the political elite has a lot of control over industries like land and oil. Instead of helping the people, they keep the money for themselves. Conversely, there is also small-scale corruption that happens in lower levels of public service delivery and is encountered daily by people down the political ladder, when they require services like getting basic paperwork, receiving health care, or signing up for school.<sup>43</sup> These acts complained of may actually appear infinitesimal at a glance, but when put together, they add up to a big financial burden for both individuals and the government.

Corruption in Africa hurts all sectors, including natural resources, public finance, health, and infrastructure. Corruption has a bad effect that leads to a cycle of problems that causes inequality, poverty, and lack of development in the country where it happens and in Africa as a whole. Scholars have indeed agreed that corruption actually disrupts sustainable economic performance in relation to economic growth in Africa.<sup>44</sup> Corruption equally diminishes capital accumulation

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<sup>40</sup> Steve Askin and Carole Collins. 'External Collusion with Kleptocracy: Can Zaire Recapture Its Stolen Wealth? Review of African Political Economy' (1993) 20(57) 72-85

<https://doi.org/10.1080/03056249308704005> ; see generally West Oman Monga. Financial Machiavellianism in the Democratic Republic of Congo (Notion Press 2025)

<sup>41</sup> Olatunde Julius Otusanya. 'Corruption as an Obstacle to Development in Developing Countries: A Review of Literature' (2011) 14(4) 387-422 <https://doi.org/10.1108/13685201111173857>

<sup>42</sup> Otusanya (n 45) 392

<sup>43</sup> Otusanya (n 45) 394

<sup>44</sup> Michael Appiah, DI Frowne and Anit Idan Frowne. 'Corruption and Its Effects on Sustainable Economic Performance' International Journal of Business Policy & Governance (2019) 6(2) 12-24 <https://doi.org/10.19085/journal.sijbpg060201> ; Sr. Kempe Ronald Hope. 'The Corruption and Sustainable Development Nexus in Africa: A Contemporary Review and Analysis'. Journal of Financial Crime (2024) 31(2) 331-346 <https://doi.org/10.1108/JFC-10-2022-0257> and Kamil Omoteso and Hakeem Ishola Mobolaji. 'Corruption, Governance and Economic Growth in Sub-Saharan Africa: A Need for the

and overall economic efficiency by reallocating scarce public resources from lucrative investments to private gain. Studies conducted throughout Sub-Saharan Africa have shown that corruption severely impedes economic progress by elevating transaction costs, deterring investment, and undermining confidence in governmental institutions.<sup>45</sup>

An econometric analysis in the Southern African Development Community (SADC) revealed that corruption obstructs developmental outcomes by undermining institutional effectiveness and resulting in inefficient resource allocation, both of which negatively impact economic growth.<sup>46</sup> Panel data research in Sub-Saharan countries has shown that there is a strong nexus between corruption, resources, wealth, and growth. Some studies have supported the "smooth the way" theory, which posits that corruption can expedite bureaucratic processes in highly inflexible organisations,<sup>47</sup> As strong evidence from Africa shows that these kinds of short-term results do not lead to long-term economic benefits, instead, it tends to slow down economic diversification, get in the way of productive economic activity, and make monetary and fiscal policies less effective at promoting fair growth.<sup>48</sup>

The negative impact of corruption on every sector in Africa is palpable. Little wonder academics refer to it as the "resource curse" in the natural resources sector. This arises when the desire for money and distractions by political elites prevent some resource-rich areas from developing.<sup>49</sup> Also, diverting money from productive industries destroys investment and engenders inequality in society. Similarly, corruption negatively affects public finance by making it difficult to meet budget objectives, thereby diminishing the effectiveness of public spending. It is unfortunate that most often than not, people often embezzle money that is meant for public welfare, like health care, infrastructure, and education, through falsely inflating the cost of contracts.<sup>50</sup> As a result, developmental projects which should be

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Prioritisation of Reform Policies' Social Responsibility Journal' (2014) 10(2) 316-330

<https://doi.org/10.1108/SRJ-06-2012-0064>

<sup>45</sup> Abdulhameed Kunle Alaba, Elijah Babasola Afolabi Agbaje, Aina Olayombo, Martha Onifade, Ibrahim Oseni, Titilayo Adegoke, and Waheed Babs Mustpha. 'The Political Economy of Corruption as a Driver of Insecurity in Nigeria and Sub-Saharan Africa' in Books of Proceedings (2024) 36-59; see also Leonce Ndikumana. 'Corruption and Pro-Poor Growth Outcomes: Evidence and Lessons for African Countries' Political Economy Research Institute Working Paper 120 (2006) 1-43

<https://doi.org/10.7275/1282576>

<sup>46</sup> Kholiswa Malindini. 'Institutional Quality and Economic Performance in the Southern African Development Community (SADC) Region: A Dynamic Panel Analysis' African Journal of Governance and Development (2021) 10(2) 294-315 <https://doi.org/10.36369/2616-9045/2021/vioi1a1>

<sup>47</sup> Mohammad Heydon, 'Greasing or Sanding the Wheels?' *Corruption and Entrepreneurship* (Routledge 2024) 71-83

<sup>48</sup> Ndikumana (n 49) 23

<sup>49</sup> Richard M Auty. 'From Resource Curse to Rent Curse: A Theoretical Perspective'. *Natural Resources and Economic Growth* (Routledge 2015) 26-53

<sup>50</sup> Izunna Ogudu Chukwu and Edem Edemekong Edemidiong. 'The Effect of Mismanagement of Funds in the Public Sector' *International Journal of Social Science and Management Research* (2025) 11(6) 269-273 <https://doi.org/10.56201/ijssmr.vol.11no6.2025.pg269.273>

prioritised are not attended to, or the funding is drastically reduced. Due to corruption, the project execution and procurement sector suffers severe setbacks, which lead to poor performance, cost overruns, and delays in finishing public works<sup>51</sup>.

It must be pointed out that the health and education sectors are not spared from this global menace. In a study conducted by Transparency International, it was discovered that corruption in these areas often means that stakeholders cannot get basic services. For instance, some health workers ask for bribes. Unfortunately, books and other school supplies are taken from classrooms and put to private use.<sup>52</sup> For the less privileged or marginalised members of society, their situation is often worsened or complicated due to the sad effects of corruption.

### **3.3. Global, Regional, and Domestic Anti-Corruption Institutions and Agencies in Selected African Countries**

In West Africa, for instance, the ECOWAS Protocol on the Fight Against Corruption,<sup>53</sup> requires State Parties to collaborate and ensure that their respective national anti-corruption laws and policies are in sync. They are equally mandated to think of improved strategies to prevent, punish, and completely eradicate corruption.<sup>54</sup> Similarly, they are under an obligation to criminalise such acts as bribery, money laundering, illegal enrichment, stealing of public property, as well as bribing foreign public officials.<sup>55</sup> with appropriate and effective penalties,<sup>56</sup> including adopting extradition clauses, mutual legal assistance, and collaborating in law enforcement<sup>57</sup> to ensure that criminalisation of corruption in its entirety is achieved in the sub-region.

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<sup>51</sup> Richard Ohene Asiedu and Ebenezer Adaku. 'Cost Overruns of Public Sector Construction Projects: A Developing Country Perspective' *International Journal of Management* (2020) 13(1) 66-84 <https://doi.org/10.1108/ijmpb-09-2018-0177> ; see also Paul Gbahabo and Ajuwon Oluseye Samuel. 'Effects of Infrastructural Project Cost Overruns and Schedule Delays in Sub-Saharan Africa'. 11<sup>th</sup> International Conference on Social Sciences Helsinki 20-21 January 2017 Proceedings Volume 11 <https://ssrn.com/abstract=2965027>

<sup>52</sup> Nahitun Naher, Roksana Hogue, Mohammad Shaikh Hassan, Dina Balabanola, Alayne M Adams and Syed Masud Ahmed. 'The Influence of Corruption and Governance in the Delivery of Frontline Health Care' *Services in the Public Sector: A Scoping Review of Current and Future Prospects in Low and Middle-Income Countries of South and South-East Asia* *BMC Public Health* (2020) 20(1) 880 <https://doi.org/10.1186/s12889-020-08975-0> ; see also John Gill. 'Global Corruption Report: Education' (Routledge, Canada 2013) 1-449

<sup>53</sup> ECOWAS Protocol on the Fight against Corruption adopted in Dakar, Senegal on 21 December 2001, A/P3/12/01

<sup>54</sup> (n 53) Article 2

<sup>55</sup> (n 53) Articles 6, 7 and 12

<sup>56</sup> (n 53) Articles 10-11

<sup>57</sup> (n 53) Articles 14-16

In South Africa, the Southern African Development Community (SADC) Protocol Against Corruption<sup>58</sup> is meant to improve regional cooperation and make sure that domestic law is consistent across Member States by ensuring that all Member States take steps to prevent, detect, punish, and rid both the private and public sectors completely of corruption.<sup>59</sup> The Protocol directs its signatories to criminalise all insidious practices listed in Article 3<sup>60</sup>, and to ensure that perpetrators are punished adequately and forfeiting the proceeds of their illegal activities. The Protocol equally sues for cooperation among member States, particularly in areas of extradition.

Similarly, in East Africa, there is the East African Community anti-corruption standards, referred to as the EAC Protocol on Preventing and Combating Corruption.<sup>61</sup> At the core of this Protocol are goals and guiding principles which promote integrity, transparency, honesty, responsibility, and proper collaboration among Member States.<sup>62</sup> The Protocol further prescribes some preventive measures, including asset declarations, public sector reforms, and codes of behaviour among signatories to the Protocol.<sup>63</sup> Essentially, it requires signatories through their respective anti-corruption legal regimes to criminalise such acts as bribery, embezzlement, abuse of office, and illegal enrichment. It further mandates all institutional and international channels to actively collaborate in investigations, prosecutions, mutual legal aid, and the enforcement of all anti-corruption laws<sup>64</sup>.

Sequel to the provisions of the global, regional and sub-regional anti-corruption regimes discussed above, specific countries in Africa have adopted their domestic anti-corruption regimes and have gone ahead to establish specific institutions which are charged with the responsibility of fighting corruption in their respective countries. For instance, in Nigeria, the Constitution,<sup>65</sup> requires the State to establish an anti-corruption graft agency. Accordingly, the National Assembly enacted the EFCC Act, which established the Economic and Financial Crimes Commission<sup>66</sup>, and equips it to fight corruption in all of its ramifications and to bring all perpetrators to justice. Ghana has a similar practice with the creation of the Office of the Special Prosecutor (OSP)<sup>67</sup>, an impartial organisation with similar powers to the EFCC of Nigeria. Again, in South Africa, the Special Investigating Unit (SIU) was created<sup>68</sup>,

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<sup>58</sup> Southern African Development Community Protocol Against Corruption, signed on August 14 2001 in Blantyre, Malawi and it entered into force on July 6 2005

<sup>59</sup> (n 58) Article 2

<sup>60</sup> Such acts include, bribery, diversion of property by public officials, trading in influence, illicit enrichment and bribery in the Private Sector

<sup>61</sup> The East African Community Protocol on Preventing and Combating Corruption 2019

<sup>62</sup> (n 61) Articles 3 & 4

<sup>63</sup> (n 61) Article 5-10

<sup>64</sup> (n 61) Articles 20-26

<sup>65</sup> Constitution of the Federal Republic of Nigeria (1999) as amended, Section 15

<sup>66</sup> (n 16)

<sup>67</sup> Established by the Office of the Special Prosecutor Act, 2017 (Act 959))

<sup>68</sup> Established by the Special Investigating Units and Special Tribunals Act 1996 (Act 74). The Unit was formally established on July 14, 1997.

and statutorily empowered to carry out forensic investigations and prosecute offenders before a court of competent jurisdiction. Furthermore, Rwanda has established the Office of the Ombudsman and saddled it with the responsibility of prosecuting offenders for corruption-related offences.<sup>69</sup>

The anti-corruption regimes mentioned above have strong texts, but a closer look at each one would reveal that they are often undermined in practice by political interference, a lack of independence, weak institutional capacity, a lack of financial autonomy, a lack of transparency, limited public participation, and selective prosecution. It has been unequivocally proven that constitutionalism interacts with broader governance frameworks that affect the capacity of institutions across the continent. And there is equally a nexus between higher levels of corruption in Africa and weak formal institutions. Therefore, constitutional declarations alone do not guarantee accountability without effective enforcement and the promotion of institutional norms.<sup>70</sup> Moreover, it is important that legal regimes should unequivocally support accountability mechanisms such as asset declaration requirements, financial control, and legislative inspections. These constitutional safeguards are necessary to make sure that courts and anti-corruption agencies effectively discharge their duties within acceptable parameters of the law<sup>71</sup>.

A cursory appraisal of attempts by South Africa to fight corruption reveals both its strengths and weaknesses. Even though there are several anti-corruption organisations with the authority to monitor cases of corruption in the country, observations reveal that in most cases, institutional effectiveness has been compromised by inconsistent enforcement and political interference. In fact, accountability is a greater challenge faced in the country. It has also been observed that Rwanda has better results and is actually gradually succeeding in curbing incidences of corruption due to a unified legal and political commitment.<sup>72</sup> It could therefore be submitted that an enhanced institutional autonomy, adequate funding, and enhancing civil society oversight are crucial ingredients in the fight against corruption.<sup>73</sup>

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<sup>69</sup> (n 22)

<sup>70</sup> Charles M Fombad and Nico Steylter (Eds). 'Corruption and the and in **Southern Africa, particularly South Africa** shows robust institutional frameworks that are frequently **undermined by coordination issues and politicisation** Crisis of Constitutionalism in Africa' *Corruption and Constitutionalism in Africa: Revisiting Control Measure and Strategies* (Oxford University Press 2020) 15-65.

<sup>71</sup> Tony Duba, Thakaramahlaha Lehohla. 'Strengthening the Efficiency of Parliamentary Oversight Bodies to Enhance Anti-Corruption Control, Transparency, Political Accountability and Responsibility' *Business Ethics and Leadership* (2025) 9(2) 288-303 [https://doi.org/10.61093/bel.9\(2\).288-303.2025](https://doi.org/10.61093/bel.9(2).288-303.2025)

<sup>72</sup> Mugamba Elemegious. 'Conflict Resolution Mechanism in the Great Lakes Region: A Comparative Study of Rwanda, Burundi and the Democratic Republic of Congo' *Advances in Sociology, Psychology and Human Behaviour* (2025) 1(2) 13-43 <https://social.treseach.ee/index.php/ASPHB/article/view/56>

<sup>73</sup> Nkosingiphile mkhize. 'Plans Without Action? Politics and Institutional Challenges of Anti-Corruption Reforms in the BRICS Countries' *Journal of Economic Criminology* (2025) 100197 <https://doi.org/10.1016/j.econc.2025.100197>.

It must be acknowledged that, in addition to formal organisations, courts are crucial in reducing corruption in society, since they are the last arbiter of anti-corruption laws, and as such are crucial to maintaining accountability.<sup>74</sup> Courts apply laws in deciding corruption cases and hold perpetrators accountable by meting out appropriate punishments in line with extant laws in the form of asset seizure, fines, and imprisonment accordingly. In specific cases, specialised anti-corruption courts are set up to specifically litigate on such matters with a high level of professionalism which the matter deserves, thereby reducing the incidence of overcrowding of the regular courts. In some climes, these special court systems make for quick dispensation of justice, though it is not very common yet. It must be emphasised, as revealed by systematic studies of anti-corruption initiatives, that weak enforcement, political interference, and delays in the dispensation of justice put the fight against corruption at risk, particularly where the judiciary lacks financial autonomy and independence.<sup>75</sup> These hinder the courts from performing maximally.

On the other hand, whistleblowing is equally germane in the fight against corruption, just as laws, police, and other anti-corruption institutions. Through the efforts of whistleblowers, these agencies are informed about some incidences of corruption. For this to be effective, there is a need for laws which protect this category of persons to be enacted, so that the public can easily access information. Through the efforts of whistleblowers, both the government and individuals could be held accountable for their complicity in corruption.<sup>76</sup> Whistleblowing has given impetus to the fight against corruption in Africa. Specific African countries have enacted laws within their jurisdiction to shield whistleblowers from imminent harm. In South Africa, for instance, the Protected Disclosure Act<sup>77</sup> is a major law which shields informants, particularly employees in both public and private service, from losing their jobs. Where these mechanisms exist, they are meant to encourage individuals to cooperate in the fight against corruption without fear of any repercussions whatsoever.<sup>78</sup> In the absence of such important law, individuals who might have useful information which may aid in uncovering corruption might not be

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<sup>74</sup> Osita Nnajofofor and Amaris Nnajofofor. 'Legislative Oversight and Institutional Accountability in Nigeria: Evaluating the Performance and Challenges of the National Assembly' *International Review of Law and Jurisprudence* (2025) 7(2).

<sup>75</sup> Naseer Jassim Jabr. 'The Extent of Compatibility Between National Mechanisms and International Mechanisms to Combat Corruption'. *Indonesian Journal of Law and Justice* (2025) 2(3) 17-17 <https://doi.org/10.47134/ijlj.v2i3.3780>.

<sup>76</sup> Chris Jones, Purshottama S Reddy, Pregala Pillay and Sakhile Zondi (Eds). 'Promoting an Accountable and Ethical Society: Whistleblowing and Whistleblowers in Africa' *Promoting Accountable and Ethical Societies* (Cambridge Scholars Publishing United Kingdom, 2025) 1

<sup>77</sup> The Protected Disclosure Act 2000; Ghana has the Whistleblowers Act of 2006, otherwise referred to as Act 720; Nigeria has enacted the Whistleblowers Protection Act of 2017; and the Parliament of Uganda has also enacted the Whistleblowers Protection Act of 2010.

<sup>78</sup> Blessing A Adejayan. 'Corporate Governance Reforms: Combating Corruption and Promoting Transparency in Nigeria' (2025) 1-15

willing to risk their lives, careers, and personal safety, thereby indirectly encouraging perpetrators in the insidious corruption trajectory.

#### **4. Conclusion**

Advocacy and research on corruption in Africa is an ongoing debate. A lot has been addressed, and yet, there are still some grey areas which require further concerted efforts by all stakeholders, particularly in establishing the nexus between corruption and its effects in development. To achieve this, it is hereby recommended as follows: Anti-corruption agencies should be granted both financial and institutional autonomy to discharge their responsibilities without any form of political interference whatsoever. The process of recruitment of the managers of such agencies should be made highly competitive so as to make citizens have confidence in them. Anti-corruption legal regimes should be modernised and harmonised to align with both the global and regional templates. In doing this, specific acts which constitute corruption should be clearly defined with appropriate sanctions clearly stated to avoid ambiguity. Clear guidelines on the procedure for cross-border collaborations with regard to the recovery of stolen wealth should be spelt out for a cohesive collaboration among Member States.

Furthermore, the accountability mechanism should be strengthened through the use of technologically-driven tools. This will equally jettison the resort to wide discretion. This could be achieved through the adoption of an e-governance template, supported by strong data protection and audit systems. This would give rise to an effective and stronger monitoring system, and a better service delivery of all developmental projects within the continent. The judiciary should be empowered. The government should invest in specialised courts whose mandate is to litigate on corruption cases. Practitioners in these special areas, such as prosecutors, should be adequately trained and strengthened. In addition, witnesses in such high-profile cases should be given adequate protection and security. Civil society organisations, investigative journalists, academia, and community-based groups should be involved in monitoring and evaluating the enforcement of anti-corruption laws and policies. The freedom of information mechanism should be given the publicity it deserves in order to receive the required collaboration and support from stakeholders.