

JOURNAL OF ANTI-CORRUPTION LAW

2025 Volume 9(2) Pages 171 – 197

CORRUPTION AND SUSTAINABLE DEVELOPMENT IN AFRICA: A HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

This article explores the link between corruption and sustainable development in Africa from a human rights perspective. It begins by unpacking the key concepts of corruption, sustainable development, and human rights, and offering a theoretical framework to understand their interconnections. Corruption is examined not only as a governance challenge but also as a fundamental impediment to the realisation of human rights and the achievement of sustainable development goals. Drawing on case studies from South Africa, Nigeria, Kenya, and Uganda, the article assesses how legal frameworks, policy reforms and civil society initiatives have addressed (or failed to address) corruption and its effects on sustainable development. These case studies highlight both persistent challenges and emerging strategies in confronting corruption across different national contexts. The article argues for – and recommends – a human rights-based approach to combating corruption and to sustainable development. It also recommends promoting transparency, strengthening judicial independence, and enhancing civic society participation, among other things. The novel contribution of the article lies in its integration of a human rights-based approach into the analysis of corruption's impact on sustainable development in Africa, supported by comparative case studies that highlight both challenges and emerging strategies in different national contexts. It advances the argument that combating corruption and achieving sustainable development must be rooted in the protection and promotion of human rights

Keywords: *Accountability, Africa, corruption, human rights, sustainable development.*

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1. INTRODUCTION

As the World Bank has pointed out, “corruption is a global problem that requires global solutions.”¹ It is, therefore, not a problem for under-developed or developing countries alone. Nevertheless, there is, generally, “a correlation between a country’s level of development and the degree of corruption.”² That is why the inter-relationship between corruption and sustainable development lies at the heart of many developmental challenges and crises in Africa. Corruption, in its systemic and institutionalised forms, functions not merely as a deviation from administrative norms but as a defining feature of many African political economies.³ According to Olivier de Sardan, for example:

Corruption has become, in almost all African countries, a common and routine element of the functioning of the administrative and para-administrative apparatus, from top to bottom. This being the case, corruption is neither marginal nor sectoralised or repressed, it is generalized and banalised.⁴

There is no doubt that the level of corruption is generally higher in Africa than in all other continents across the globe.⁵ According to Transparency International, in 2024, “the Sub-Saharan African region once again registered the lowest average score on the *Corruption Perceptions Index* (CPI), at just 33 out of 100, with 90 per cent of countries scoring below 50.”⁶ The general belief that corruption has become so pervasive in some African societies that it is often perceived as a normalized or accepted aspect of daily life is, therefore, not unfounded. According to one commentator:

1 World Bank (2023) “Combating Corruption” *World Bank Governance Brief* 15 March 2023, available at <https://www.worldbank.org/en/topic/governance/brief/combating-corruption> (accessed 27 May 2025).

2 Hoffiani M (2019) “The Nexus between Corruption, Sustainable Development and Rule of Law” Thesis, Örebro University, Department of Law, Psychology and Social Work, available at <https://www.diva-portal.org/smash/get/diva2:1352722/FULLTEXT01.pdf> (accessed 27 May 2025).

3 Olivier de Sardan JP (1999) “A moral economy of corruption in Africa?” 37 (I) *The Journal of Modern African Studies*, 28.

4 Olivier de Sardan JP (1999) 28.

5 Transparency International (2015) “Corruption in Africa: 75 million people pay bribes” available at <https://www.transparency.org/en/gcb/africa/africa-9th-edition> (accessed 8 August 2025).

6 See Banoba P, Mwanyumba R and Kaninda S “CPI 2024 for Sub-Saharan Africa: Weak anti-corruption measures undermine climate action” *Transparency International News* 11 February 2025, available at <https://www.transparency.org/en/news/cpi-2024-sub-saharan-africa-weak-anti-corruption-measures-undermine-climate-action> (accessed 31 May 2025).

Everyone in Africa has routine experience in dealing with corruption (and the like), this being a part of the social landscape. It has even become a part of popular know-how, at the base of good usage of administrative services, and is indispensable for survival in the post-colonial milieu.⁷

The consequences of corruption are borne disproportionately by the most vulnerable, whose access to healthcare, education, housing, and political participation is directly impeded. Indeed, it has been argued that corruption “undermines basic principles and fundamental values such as equality, non-discrimination, human dignity and social justice. This is especially true in African and other less developed nations with less stable democratic systems and institutional structures.”⁸ The UN Human Rights Council has also emphasized how corruption systematically violates the principles of transparency, accountability, and participation that are foundational to the human rights framework.⁹

This article advances the argument that corruption, when embedded in legal and political structures, constitutes a violation of both civil and socio-economic rights, thereby obstructing the realization of the Sustainable Development Goals (SDGs),¹⁰ particularly SDGs on health, education, clean water, and reduced inequalities.¹¹ The failure to situate anti-corruption efforts within a human rights framework results in fragmented and ultimately ineffective interventions. Conversely, a human rights-based approach foregrounds the obligations of the state, the agency of rights-holders, and the legal accountability necessary to drive meaningful reform.¹²

7 Olivier de Sardan (1999) at 28.

8 Mubangizi JC (2024) “Corruption and Human Rights” in Mubangizi JC (Ed.) *Corruption in South Africa: A Legal Perspective* 72-73.

9 See UN Human Rights Council *Resolution 29/11 on the Negative Impact of Corruption on the Enjoyment of Human Rights*, A/HRC/RES/29/11, adopted by the Human Rights Council on June 29, 2015.

10 Sustainable Development Goals (SDGs), also known as the Global Goals, are a set of 17 interconnected goals adopted by the United Nations in 2015 to be achieved by 2030. They represent a universal call to action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity

11 SDGs 3, 4, 5 and 6.

12 See UNDP (2006) *Human Rights-Based Approach to Development Programming* available at https://www.undp.org/sites/g/files/zskgke326/files/publications/HR_Pub_Missinglink.pdf (accessed 28 May 2025).

The article has two main objectives: first, to critically examine how systemic corruption weakens governance and obstructs sustainable development in African states; and second, to conceptualize these dynamics through a human rights lens and explore the adoption of a human rights-based approach to combating corruption and promoting sustainable development.

This article begins with a conceptual context focusing on the terms: corruption, sustainable development and human rights, and offering a theoretical framing of the linkages between them. This is followed by a discussion on the impact of corruption on sustainable development in Africa. This discussion adopts a case study approach by drawing on the legislative frameworks, policy reforms and civil society interventions in South Africa, Nigeria, Kenya, and Uganda. These states are selected for their diversity of legal frameworks, political systems, and levels of both corruption and human rights protection (or lack thereof). Insights from these case studies are then synthesised to propose a reform agenda that centres on a human rights-based approach to combating corruption and promoting sustainable development. Other policy recommendations such as institutional independence, access to justice and civic participation, are made by way of conclusion. The article's unique contribution lies in its incorporation of a human rights-based framework into the examination of how corruption hinders sustainable development in Africa. Using comparative case studies from diverse national contexts, the article illustrates not only the pervasive challenges that corruption poses but also emerging strategies and good practices aimed at mitigating its effects. It makes a compelling case that efforts to combat corruption and to achieve the Sustainable Development Goals (SDGs) in Africa will be incomplete or ineffective unless they are firmly anchored in the protection, fulfilment, and promotion of human rights.

2. CONCEPTUAL CONTEXT

Although there is considerable disagreement on definitional issues, it is always important to contextualize certain concepts within the framework of the specific discussion and the arguments being advanced. The relevant concepts here are corruption, sustainable development and human rights.

2.1 Corruption

Corruption is one of those terms that lend themselves to different meanings and nuances depending on why and by whom the concept is being defined. Indeed, according to Aled Williams, “there is no universally accepted definition of corruption, but it is often defined in terms of individual actions that ‘abuse entrusted power for private gain’.”¹³ The definition also depends on the society and value system within which the concept is being defined. According to Rose-Ackerman, for example:

Corruption has different meanings in different societies. One person’s bribe is another person’s gift. A political leader or public official who aids friends, family members and supporters may seem praiseworthy in some societies and corrupt in others.¹⁴

That said, however, almost all definitions and nuances are usually consistent with the definition used by the World Bank and the International Monetary Fund, which define corruption as “the abuse of public office for private gains.”¹⁵

In the context of this article, the most pertinent attempt at defining corruption was by Myint who defined it as “the use of public office for private gain, or in other words, use of official position, rank or status by an office bearer for his own personal benefit.”¹⁶ Myint went on to amplify this definition by listing examples of corrupt behaviour to include: “(a) bribery, (b) extortion, (c) fraud, (d) embezzlement, (e) nepotism, (f) cronyism, (g) appropriation of public assets and property for private use, and (h) influence peddling.”¹⁷ This list is certainly not exhaustive as other writers add kickbacks, money laundering, fraud, and conflicts of

13 Williams A (2021) “Corruption Definitions and their Implications for Targeting Natural Resource Corruption” *Topic Brief*, August 2021 available at <https://www.cmi.no/publications/file/7849-corruption-definitions-and-their-implications-for-targeting-natural-resource-corruption.pdf>, (accessed 31 May 2025).

14 Rose-Ackerman S (1995) *Corruption and government: causes, consequences and reform*, Cambridge University Press 37.

15 Tanzi V (1998) “Corruption Around the World: Causes, Consequences, Scope and Cures” 45 *International Monetary Fund Staff Papers* 564.

16 Myint U (2000) “Corruption: Causes, Consequences and Cures” 7(2) *Asia-Pacific Development Journal* 35.

17 Myint (2000) 35.

interest, collusion, sextortion, political interference and vote buying to the list of examples of corrupt behaviour.¹⁸

2.2 Human rights

Just like corruption, human rights is another concept to which various definitions are ascribed. The concept has been variously defined by the United Nations and several scholars, among others.¹⁹ According to the United Nations,

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.²⁰

Similarly, the Office of the United Nations High Commissioner for Human Rights (OHCHR) defines human rights as “rights we have simply because we exist as human beings – they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status.”²¹ These definitions are implied in international human rights instruments such as the 1948 Universal Declaration of Human Rights (UDHR), according to which, human rights are “a common standard of achievement for all peoples and all nations,” comprising civil, political, economic, social, and cultural rights,²² and the International Covenant on Civil and Political Rights (ICCPR) which sees human rights as legally binding rights which include freedom of speech, freedom of religion, and the right to a fair trial, among others.²³ In the African context, it is important to note that the 1981 African Charter on Human and Peoples’ Rights (Banjul

18 See for example, Bauer C & Van Willie W (1999) “Causes, manifestations and effects of corruption” *Politeia: Journal of Public Administration* 18(2) 56-68. See also Šumah Š (2018) “Corruption, Causes and Consequences” in Bobek V (ed.) (2018) *Trade and Global Market*, available at: <http://dx.doi.org/10.5772/intechopen.70966> (accessed 31 May 2025).

19 Scholars such as Jack Donnelly, Henry Shue, James Nickel, Philip Alston and Thomas Pogge.

20 United Nations (n.d.) *What are human rights?* Available at <https://www.un.org/en/global-issues/human-rights> (accessed 2 June 2025).

21 OHCHR (n.d.) *What are human rights?* Available at <https://www.ohchr.org/en/what-are-human-rights> (accessed 2 June 2025).

22 United Nations General Assembly (1948) *Universal Declaration of Human Rights*, available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed 2 June 2025).

23 United Nations (1966). International Covenant on Civil and Political Rights, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed 2 June 2025).

Charter), adds a “peoples” dimension to human rights and sees human and peoples’ rights as universal entitlements that include duties and responsibilities within the community, emphasizing both individual and collective dimensions.²⁴

Flowing from the above definitions, Jack Donnelly has summed up the concept of human rights as “the rights one has simply because one is a human being,”²⁵ implying that “one need not possess any other qualification to enjoy human rights other than the fact that he or she is a human being.”²⁶

2.3 Sustainable development

The concept of sustainable development should, first and foremost, be seen in the general context of the concept of development.²⁷ Whereas generally, the concept of “development” is an old phenomenon that encompasses “a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population...”,²⁸ the concept of “sustainable development” is a more recent concept that appeared for the first time in the 1987 Report of the World Commission on Environment and Development titled *Our Common Future* (also known as the Brundtland Report).²⁹ With its emphasis on the need for a new path of progress that acknowledges the interconnectedness of ecological health, economic prosperity, and social well-being, the concept gained global prominence as a guiding vision for how humanity can thrive without undermining the planet that sustains it. At its heart lies a simple yet profound idea: we must meet the needs of the present without compromising the ability of future generations to meet their own.³⁰

24 African Union (1981). African Charter on Human and Peoples’ Rights, available at <https://au.int/en/treaties/african-charter-human-and-peoples-rights> (accessed 2 June 2025)

25 Donnelly J (2013). *Universal Human Rights in Theory and Practice* (3rd ed.). Cornell University Press.

26 Mubangizi (2013) *The Protection of Human Rights in South Africa* Juta & Co. at 4.

27 Mubangizi JC (2022) “National Human Rights Institutions and Sustainable Development with Specific Reference to Selected African Examples” 53(1) *Comparative and International Law Journal of Southern Africa* 4.

28 United Nations Declaration on the Right to Development, Res 41/128 (4 December 1986).

29 WCED (1987) “Report of the World Commission on Environment and Development: Our Common Future” at <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf> (accessed 2 June 2025).

30 WCED (1987) at <https://sustainabledevelopment.un.org>.

Moreover, rather than focusing solely on economic growth or environmental protection in isolation, sustainable development weaves together three essential dimensions: economic, social, and environmental sustainability.³¹ It recognizes that a healthy economy cannot exist in a world plagued by ecological destruction, just as a clean environment cannot be preserved without addressing the social inequalities that drive overexploitation and marginalization.³²

A discussion of the conceptual context of corruption, sustainable development and human rights would be incomplete without highlighting the interlinkages between the three concepts. There is no doubt that corruption significantly undermines sustainable development by diverting essential resources away from critical sectors such as healthcare, education, and infrastructure. The African Development Bank estimates that corruption drains approximately \$10 billion annually from African economies, eroding public trust and deterring foreign investment.³³ This misallocation of funds hampers progress towards the United Nations Sustainable Development Goals (SDGs), particularly those related to poverty alleviation, quality education, and clean water and sanitation. Indeed, according to Gallego-Álvarez et al, “Corruption stands as a significant obstacle to achieving the Sustainable Development Goals (SDGs).”³⁴ Empirical studies have shown that corruption negatively impacts sustainable development, while robust corporate governance can mitigate these effects and promote progress towards the SDGs.³⁵

The detrimental effects of corruption extend beyond economic development, infringing upon fundamental human rights. According to U4 Anti-Corruption Resource Centre,

31 Mensah J (2019) “Sustainable development: Meaning, history, principles, pillars, and implications for human action: Literature review” (5) *Cogent Social Sciences* 1653531
<https://doi.org/10.1080/23311886.2019.1653531>

32 Sachs JD (2015) *The Age of Sustainable Development* Columbia University Press.

33 African Development Bank (2024) “Fighting Corruption Critical to Africa’s Economic Growth, Development Bank Experts Say” News and Events 18 October 2024, available at https://www.afdb.org/en/news-and-events/press-releases/fighting-corruption-critical-africas-economic-growth-development-bank-experts-say-76080?utm_source=chatgpt.com (accessed 2 June 2025).

34 Gallego-Álvarez I, Nieto-Librero AB & Martín-Gallego E (2025) “Sustainable Development Goals and Corruption: An International Situation Analysis Through the Application of a Three-Way Multivariate Analysis” *Sustainability* 17, 1806 at 5.

35 Ahmed A & Anifowose M (2024) “Corruption, corporate governance, and sustainable development goals in Africa” *Corporate Governance (Bingley)*, 24(1), 124.

“corruption affects the full range of human rights. Most obviously, corruption undermines economic, social, and cultural rights such as education, health care, and housing.”³⁶ Corruption therefore, compromises the state’s ability to fulfil its obligations to respect, protect, and fulfil human rights, leading to unequal access to essential services and justice. Addressing corruption is thus imperative for advancing both sustainable development and human rights in Africa. All this points to the significant impact of corruption on sustainable development and human rights, an aspect to which we turn our attention.

3. THE IMPACT OF CORRUPTION ON SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS IN AFRICA

Pervasive corruption fundamentally undermines economic growth and poverty reduction efforts in African states. By diverting public funds into private hands, corruption misallocates resources that should be invested in development. High levels of corruption deter foreign investment and distort markets, as businesses perceive a higher risk and cost of doing business. Empirical analyses confirm that corruption is a significant obstacle to stable economic progress, often disrupting growth and worsening income disparities.³⁷ This erosion of economic opportunity directly contravenes the Sustainable Development Goals (SDGs) related to ending poverty and reducing inequalities. According to Gallego-Álvarez, et al:

CPI is highly correlated with the achievement of SDG5 (Gender Equality), SDG16 (Peace, Justice, and Strong Institutions), and SDG10 (Reduced Inequalities). This means that the less corrupt a country is, i.e., the higher the CPI, the better it is at achieving these goals. At the same time, the CPI is inversely correlated with SDG8 (Decent Work and Economic Growth), SDG12 (Responsible Consumption and Production), SDG13 (Climate Action), and SDG11 (Sustainable Cities and Communities). This means that the lower the CPI score is for a country...the worse they are at achieving SDGs.³⁸

It should also be noted that corruption directly depletes the quality and availability of essential public services. In the education sector, for example, funds intended for schools and

36 U4 Anti-Corruption Resource Centre (n.d.) “Human rights: The links between corruption, anti-corruption efforts and human rights” available at <https://www.u4.no/topics/human-rights/basics> (accessed 2 June 2025).

37 See Gallego-Álvarez, et al (2025) at 5. See also Celik A and Kostekci A (2025) “Empirical Exploration of the Drivers of Human Development in Central and West Asian Countries: How Effective Are Control of Corruption, Political Stability and the Rule of Law?” 33(3) *Sustainable Development* 4652–4675.

38 Gallego-Álvarez, et al (2025) at 13.

teacher salaries are often siphoned off through embezzlement or procurement fraud, resulting in dilapidated classrooms, lack of textbooks, and unpaid educators.³⁹ Similarly, in healthcare, corruption in budgeting or supply chains leads to medicine stock-outs, inadequate facilities, and unaffordable care.⁴⁰ Infrastructure development also suffers gravely: corrupt officials may award construction contracts in exchange for bribes, resulting in substandard roads, bridges, and power facilities.⁴¹ By diverting resources from critical social services, corruption violates the right to an adequate standard of living and impedes progress toward SDGs on health (SDG 3), education (SDG 4), clean water (SDG 6), and reduced inequalities (SDG 10).⁴² In essence, systemic corruption robs ordinary Africans of the development gains that honest governance would otherwise deliver.

Beyond economic damage, corruption fundamentally erodes governance and the rule of law, resulting in widespread human rights denials.⁴³ When courts, police, and regulatory bodies are tainted by bribery or political influence, citizens are denied equal access to justice. For example, if judges accept bribes or officials interfere in prosecutions, those without money or connections cannot obtain a fair trial or effective legal remedy – a direct violation of the right to equal protection of the law. Corrupt law enforcement means crimes go unpunished or innocent people are extorted, corroding public trust in justice. According to Gallego-Álvarez et al, “corruption erodes public confidence in authorities and promotes the belief that bribery is the only way to address challenges”.⁴⁴ Moreover, corruption disproportionately harms marginalized groups – the poor, women, and minorities – who are less able to pay bribes or wield influence. They bear the brunt of failing public services and abusive officials, deepening social exclusion.⁴⁵

39 Kirya M (2029) “Education sector corruption: How to assess it and ways to address it” (5) U4 Anti-Corruption Resource Centre, available at <https://www.u4.no/publications/education-sector-corruption-how-to-assess-it-and-ways-to-address-it.pdf> (accessed 11 August 2025).

40 Kirya (2029) at <https://www.u4.no/publications>.

41 See U4 Anti-Corruption Resource Centre (n.d.).

42 See Gallego-Álvarez, et al (2025) at 13.

43 Iman Mirzazadeh, (2021) “The nexus between corruption and the rule of law” available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3962744 (accessed 7 June 2025).

44 Gallego-Álvarez, et al (2025) at 14.

45 U4 Anti-Corruption Resource Centre (n.d.).

The widespread impacts of corruption described above directly contravene the obligations African states have under human rights law and development commitments. The African Charter on Human and Peoples' Rights, to which all African states are party, enshrines a host of rights that corruption subverts. For example, Article 13 of the Charter guarantees every citizen the right to participate freely in the government of their country – a right undermined by electoral corruption and patronage. Article 3 ensures equality before the law, yet corruption creates a parallel system favouring the few who can bribe their way through. The right to a fair trial (Article 7) is violated if justice is sold to the highest bidder. Perhaps most pointedly, the Charter's Article 21 declares that “[a]ll peoples shall freely dispose of their wealth and natural resources” and that this right shall be exercised in the exclusive interest of the people. Grand corruption and looting of public funds egregiously violate this principle by diverting a nation's wealth for private gain.⁴⁶ As one commentator notes, Article 21 is uniquely positioned to address the “massive theft of public assets” plaguing many African states.⁴⁷ SDG 16 calls for substantially reducing corruption, improving transparency, and building effective, accountable institutions – recognizing that without these, achieving other goals is impossible. Clearly, there is an inherent contradiction between African states' legal commitments to human rights and sustainable development, and the reality of entrenched corruption. Eradicating extreme corruption is thus not only a governance imperative but a legal and moral one – required to honour the African Charter's promises and to realize the SDGs' vision of an inclusive, sustainable future and African Union's Agenda 2063 vision of an integrated, prosperous, and peaceful Africa, driven by its own citizens.

4. CASE STUDIES: SOUTH AFRICA, UGANDA, NIGERIA, AND KENYA

To illustrate the dynamics discussed above, this section examines four country case studies – South Africa, Uganda, Nigeria, and Kenya – each grappling with corruption in different institutional and political contexts. The analysis focuses on the anti-corruption legal frameworks in each country, the interaction between corruption and human rights, and

46 Tejan-Cole A (2014) “Corruption and Human Rights Law in Africa: A review” *Pambazuka News* 11 September 2014, at <https://www.pambazuka.org/%E2%80%99corruption-and-human-rights-law-africa%E2%80%99-review> (accessed 7 June 2025).

47 Tejan-Cole A (2014) at <https://www.pambazuka.org>.

efforts (or failures) to curb corruption. These case studies highlight common patterns such as the tension between strong laws on paper and weak enforcement in practice, as well as unique approaches like public inquiries or constitutional reforms. They also demonstrate how corruption's impact on sustainable development and rights plays out in specific national settings. As mentioned earlier, the choice of countries as case studies was based on their diversity of legal frameworks, political systems, and levels of both corruption and human rights protection (or lack thereof). It was also based on their wide geographical spread and the fact that they are all commonwealth states. This is significant because, as commonwealth states, they share a similar colonial heritage that has shaped their political histories, influenced their economic development, and contributed to common socio-political challenges.

4.1. South Africa

South Africa has developed an extensive anti-corruption legal framework and a reputation for relatively robust institutions, yet it has also experienced high-profile corruption scandals that tested the resilience of its democracy. These include the so-called Arms Deal of 1999 which saw billions of rands spent on military equipment amid allegations of bribery involving senior politicians and leading to the conviction of Jacob Zuma's adviser, Schabir Shaik.⁴⁸ They also include the Gupta State Capture saga which revealed how the Gupta family influenced government appointments and looted state-owned enterprises, and the Nkandla scandal which saw President Zuma spend millions of rands in public funds on upgrades to his private home. The Bosasa affair also uncovered a vast bribery network securing state contracts for years, implicating numerous politicians and, most recently, the Digital Vibes scandal exposed irregular awarding of a COVID-19 communications contract linked to Health Minister Zweli Mkhize, prompting his resignation.⁴⁹

48 See Crawford-Browne T (2004) "The arms deal scandal" 31(100), *Review of African Political Economy* 329–342.

49 See Davis R (2021) "Digital Vibes scandal: The story behind the story" Daily Maverick 19 October, available at <https://www.dailymaverick.co.za/article/2021-10-19-digital-vibes-scandal-the-story-behind-the-story/> (accessed 12 August 2025).

The country's legal arsenal against corruption includes the Prevention and Combating of Corrupt Activities Act,⁵⁰ which criminalises bribery and abuse of office, as well as other statutes on financial management and procurement to ensure integrity in public spending. The Constitution of the Republic of South Africa, 1996, further establishes a range of independent institutions intended as watchdogs – for example, the Office of the Public Protector, the Auditor-General, and specialised investigative units – all aimed at promoting accountability and ethical governance.⁵¹ In addition, South Africa is a party to international instruments like the United Nations Convention against Corruption (UNCAC),⁵² the United Nations Convention against Transnational Organised Crime⁵³ and the African Union Convention on Preventing and Combating Corruption,⁵⁴ reflecting a formal commitment to global anti-corruption norms. On paper, therefore, South Africa's framework is comprehensive, combining punitive measures with preventative oversight.

In practice, these safeguards have been both effective and strained. The greatest test of South Africa's anti-corruption framework came during the era of so-called "state capture" in the 2010s, under President Zuma's administration. During this period, a network of political and business elites (epitomised by the influential Gupta family) allegedly infiltrated state institutions and enterprises to loot public resources on an unprecedented scale. In response to mounting allegations and public outcry, a Judicial Commission of Inquiry into State Capture – commonly known as the Zondo Commission (after Justice Raymond Zondo, who chaired it) – was established in 2018.⁵⁵ The Zondo Commission's revelations painted a stark picture of how deeply corruption can penetrate, effectively sabotaging sustainable development by draining billions from public coffers and eroding citizens' trust in institutions.⁵⁶ The Commission's numerous recommendations have spurred reforms, including proposals for

50 Act 12 of 2004.

51 Chapter 9 of the Constitution.

52 Adopted by the UN General Assembly on 31 October 2003, by Resolution 58/4.

53 Adopted by the UN General Assembly on 15 November 2000, by Resolution 55/25.

54 Adopted by the 2nd Ordinary Session of Assembly of the Union, Maputo, on 11 July 2003.

55 Commission of Inquiry into Allegations of State Capture of State Capture, Corruption and Fraud in the Public Sector, including Organs of State.

56 Government of South Africa (2022) *Report of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State (Parts 1–6)* <https://www.statecapture.org.za/report> (accessed 12 August 2025).

tighter public procurement rules, enhanced protections for whistle-blowers, and the establishment of a permanent anti-corruption commission to continue its work.⁵⁷ While implementation of these reforms is ongoing, and critics note that prosecutions of the implicated high-profile individuals have been slow,⁵⁸ the Zondo Commission stands as a landmark in South Africa’s anti-corruption journey.

From a human rights perspective, South Africa’s experience highlights the link between corruption and the erosion of rights, as well as the potential for accountability. The “state capture” period saw the diversion of vast resources that could have improved basic services for the populace. This clearly infringed on socio-economic rights such as access to health, education, and an adequate standard of living. However, South Africa’s constitutional framework also provided avenues for redress by guaranteeing these rights in the Bill of Rights and enabling individuals or groups to seek enforcement through the courts, particularly the Constitutional Court, which has the power to grant appropriate remedies. The judiciary’s willingness to confront executive wrongdoing, and the resilience of independent institutions, helped restore a measure of justice and reassert the rule of law. Clearly, South Africa illustrates both the damage grand corruption can do to sustainable development and human rights, and the importance of strong institutions – especially an independent judiciary, free media, and empowered oversight bodies – in checking corruption. The country’s policy debates now focus on strengthening these institutions further, implementing the Commission’s recommendations, and ensuring that the promise of the constitutional and legal framework translates into real accountability and improved service delivery for all citizens.

4.2. Uganda

Despite having a formal anti-corruption framework, entrenched political patronage in Uganda has hindered effective enforcement, and the space for civil society oversight is increasingly

57 See Corruption Watch (2014) “State Capture Update: Zondo Steps Down, New Procurement Act in Force” *Corruption News* 1 August 2024, available at <https://www.corruptionwatch.org.za/state-capture-update-zondo-steps-down-new-procurement-act-in-force/#:~:text=force%20www,corruption%20involving%20some%20powerful> (accessed 7 June 2025). See also Zondo Commission Report.

58 Such as Justice Zondo himself.

constrained. Uganda's institutional measures against corruption include the role of the Inspectorate of Government (IG), headed by the Inspector General of Government – an ombudsman-like anti-corruption agency empowered to investigate and prosecute corruption cases⁵⁹ and the Auditor-General, who has the power to ensure that public and private institutions uphold openness and accountability.⁶⁰ They also include specialised bodies such as the Anti-Corruption Court division within the High Court (established in 2008 to expedite corruption trials).

The main anti-corruption statute in Uganda is the Anti-Corruption Act.⁶¹ The main purpose of the Act is, inter alia, “to provide for the effectual prevention of corruption in the public and private sector”.⁶² Other relevant statutes include the Penal Code Act,⁶³ part 2 of which “deals specifically with offences against the administration of lawful authority and chapter 9 deals with corruption and abuse of office.”⁶⁴ They also include the Leadership Code Act⁶⁵ which requires public officials to declare assets and abstain from conflicts of interest. It should also be noted that Uganda has also embraced international anti-corruption norms, being a state party to the UN Convention against Corruption⁶⁶ the United Nations Convention against Transnational Organised Crime⁶⁷ and the African Union Convention on Preventing and Combating Corruption.⁶⁸ These mechanisms suggest a commitment to combating corruption. However, the reality has been that high-level corruption in Uganda largely goes unpunished, creating a culture of impunity that stems from the country's neo patrimonial political system.⁶⁹

59 Established under Chapter 13 of the Constitution.

60 Established under articles 163-164 of the Constitution.

61 Act 6 of 2009.

62 Preamble to the Act.

63 Cap 120 of 1950.

64 Mubangizi JC (2020) “A human rights-based approach to fighting corruption in Uganda and South Africa: Shared perspectives and comparative lessons” (24) *Law Democracy and Development* 235.

65 Leadership Code Act of 2002.

66 Adopted by the UN General Assembly on 31 October 2003, by Resolution 58/4.

67 Adopted by the UN General Assembly on 15 November 2000, by Resolution 55/25.

68 Adopted by the 2nd Ordinary Session of Assembly of the Union, Maputo, on 11 July 2003.

69 See Asiimwe GB (2013) “Of Extensive and Elusive Corruption in Uganda: Neo-Patronage, Power, and Narrow Interests” 56(2) *African Studies Review* 129-144.

Under President Yoweri Museveni's decades-long rule (since 1986), corruption and patronage have become deeply intertwined with governance.⁷⁰ The ruling elite often distribute public resources and positions as rewards for political loyalty, blurring the line between state coffers and the ruling party's interests. As a result, officials implicated in major corruption scandals are typically shielded if they are politically connected.⁷¹ A striking pattern has emerged: even when top officials are exposed to corruption, they rarely face serious legal consequences. Investigations may lead to temporary suspensions or forced resignations to placate public or donor anger, but these figures are often quietly reinstated or reassigned to other senior posts once the outrage subsides.⁷² Human Rights Watch has described this as a "game of musical chairs" wherein ministers complicit in graft step aside briefly only to return to government in a different role, indicating an underlying "lack of political will to address corruption at the highest levels"⁷³

The consequences of Uganda's unchecked high-level corruption have been dire for human rights and sustainable development. Public funds that should finance services and development projects are frequently siphoned off, depriving citizens of basic needs. For instance, in a notorious 2012 scandal, approximately US\$12.7 million in foreign donor funds meant for rebuilding northern Uganda were embezzled by officials in the Office of the Prime Minister.⁷⁴ Similarly, earlier cases saw millions of dollars intended for life-saving medicines disappear: funds from the Global Fund to Fight AIDS, Tuberculosis and Malaria in 2005 and from the GAVI vaccine alliance in 2006 were heavily misappropriated by officials.⁷⁵ These are just two of hundreds of high-level corruption scandals that are too many to document here.⁷⁶

70 Human Rights Watch (n.d.) "Letting the Big Fish Swim": Failures to Prosecute High-Level Corruption in Uganda" (2013) available at https://www.hrw.org/sites/default/files/reports/uganda1013_ForUpload_1.pdf (accessed 9 June 2025).

71 Asiimwe (2013) at 139.

72 Asiimwe (2013) at 139.

73 Asiimwe (2013) at 139.

74 Human Rights Watch (n.d.) "Uganda: Free Pass on High-Level Corruption – Large-Scale Graft Deprives Ugandans of Basic Rights" available at <https://www.hrw.org/news/2013/10/21/uganda-free-pass-high-level-corruption> (accessed 9 June 2025).

75 Human Rights Watch (n.d.) at <https://www.hrw.org>.

76 See for example, Kalema S (2019) "LIST: The seven biggest corruption scandals in the history of

Another critical dimension in Uganda is the shrinking civic space and how it has hampered anti-corruption advocacy. Over the last decade, the Ugandan government has enacted and enforced regulations that greatly restrict the activities of civil society organisations (CSOs) and media, especially those that focus on governance, human rights, and accountability.⁷⁷ The Non-Governmental Organisations Act of 2016 imposed onerous registration and reporting requirements on Non-Governmental Organisations (NGOs) and gave the government broad powers to surveil, suspend, or shut down organisations deemed not to be operating “in the national interest.”⁷⁸ In practice, NGOs that expose corruption or criticise government officials have been particular targets of harassment. This legal framework has had “the effect of shrinking civic space in Uganda and stifling civil society efforts in the discussion of governance, accountability, the rule of law and human rights.”⁷⁹

4.3. Nigeria

Nigeria is often cited as a paradox in the corruption discourse: it has some of Africa’s most elaborate anti-corruption institutions and laws, and vast natural wealth from oil, yet it consistently ranks among the countries perceived as highly corrupt.⁸⁰

There are two specialized anti-corruption agencies in Nigeria, namely, the Economic and Financial Crimes Commission (EFCC)⁸¹ and the Independent Corrupt Practices and Other Related Offences Commission (ICPC).⁸² These agencies operate within the legislative framework of two main anti-corruption statutes namely, the Economic and Financial Crimes

Uganda” *Watchdog Uganda* available at <https://www.watchdoguganda.com/news/20191130/83610/list-the-seven-biggest-corruption-scandals-in-the-history-of-uganda.html> (accessed 12 August 2025).

77 See Mubangizi JC (2023) “Democracy and the rule of law: Comparative lessons between Uganda and South Africa” (27) *Law, Democracy and Development* 468 – 490, at 477.

78 Section 44(f) of the Act.

79 Mbazira C & Namatovu T (2018) “Civic space and human rights advocacy in the extractive industry in Uganda: Implications of the 2016 Non-Governmental Organisations Act for oil and gas civil society organisations” 18 *African Human Rights Law Journal* 88.

80 In the 2024 Transparency International Corruption Perceptions Index, Nigeria scored 26 out of 100 and ranked 140th out of 180 countries globally.

81 Economic and Financial Crimes Commission, available at <https://efcc.gov.ng> (accessed 13 August 2025).

82 Independent Corrupt Practices and Other Related Offences Commission available at <https://icpc.gov.ng> (accessed 13 August 2025).

Commission (Establishment) Act⁸³ and the Corrupt Practices and other Related Offences Act.⁸⁴ Nigeria's Constitution also establishes a Code of Conduct Bureau and Tribunal to enforce ethical conduct for public officials. Internationally, Nigeria is a signatory to the UNCAC.

On paper, Nigeria's anti-corruption framework has many pieces that one would recommend. These include dedicated enforcement bodies, legal prohibitions on various forms of corruption,⁸⁵ requirements for officials to declare assets,⁸⁶ and engagement in international cooperation.⁸⁷ In practice, however, Nigeria's battle with corruption has been an uphill struggle. Powerful vested interests and political interference have at times blunted the effectiveness of the anti-corruption agencies.⁸⁸

The consequences of corruption for Nigeria's sustainable development and human rights have been devastating. Despite earning hundreds of billions of dollars from oil over decades, Nigeria still struggles with high levels of poverty, inadequate infrastructure, and poor human development indicators. Corruption lies at the heart of this paradox – vast oil revenues have been stolen or wasted instead of being invested in public goods. According to Human Rights Watch “corruption has also led to the waste and theft of windfall oil revenues that could have begun to realize Nigerians' rights to health, education and other basic human rights.”⁸⁹ A World Bank study once estimated that for Nigeria to meet the infrastructure investment needed for development, it must drastically reduce the leakage of funds through corruption.⁹⁰

83 Act 1 of 2004

84 Act 5 of 2000.

85 See for example, ss. 8–19 of the Corrupt Practices and Other Related Offences Act, 5 of 2000 and ss.58(1) and 58(2) of the Public Procurement Act, 14 of 2007

86 See for example, paras. 11(1) and 11(2) of the 1999 Constitution.

87 See for example, s. 6(g)–(k) of the EFCC Act, 2004 which mandates EFCC to facilitate exchange of information, conduct joint operations, and handle matters of extradition, deportation and mutual legal (or other) assistance with other countries in EFCC-related crimes.

88 See Awopeju, A (2023) “An assessment of politics in anti-corruption initiative in Nigeria” 3(2), *AKSU Journal of Administration and Corporate Governance*, 26–40 at 29. <https://doi.org/10.61090/aksujacog.2023.003>

89 See Human Rights Watch (2008) “Nigeria: Firing of Anti-Corruption Chief Would Boost Abusive Politicians” available at <https://www.hrw.org/news/2008/01/01/nigeria-firing-anti-corruption-chief-would-boost-abusive-politicians> (accessed 13 June 2025).

90 Kenny C (2006) “Measuring and Reducing the Impact of Corruption in Infrastructure” *World Bank*

Corruption in Nigeria is not only a financial crime, but also a driver of violent conflict and grave human rights violations. The competition for control over lucrative public offices often erupts in violence, particularly during election cycles, where politicians deploy embezzled funds to hire thugs and militias to secure or retain power.⁹¹ Security forces, often co-opted through bribes, either overlook or participate in violence, especially against marginalized communities protesting state neglect and environmental devastation – trends particularly visible in the impoverished yet resource-rich Niger Delta.⁹²

This pattern extends to Nigeria's institutions of justice, where corruption corrodes the daily experiences of law enforcement and the courts. Corrupt officers have been implicated in torture and extrajudicial killings, shielded from accountability by a culture of impunity. The disbanded Special Anti-Robbery Squad (SARS) became notorious for these abuses, sparking nationwide protests in 2020.⁹³ Judicial processes are similarly tainted: wealthy defendants exploit their financial power to delay cases indefinitely or secure favourable judgments, while indigent Nigerians often remain in detention for years without trial.⁹⁴ This undermines the principle of equality before the law and erodes public trust in justice institutions.⁹⁵ The judiciary's vulnerability to manipulation compromises the rule of law and further marginalizes vulnerable populations.

Nonetheless, Nigeria has made some strides in confronting corruption. The EFCC has secured convictions against several high-ranking officials, including former state governors and senior bureaucrats,⁹⁶ although the credibility of these gains was questioned following

Policy Research Working Paper No. 4099, available at SSRN: <https://ssrn.com/abstract=952071> (accessed 13 June 2025).

91 See Human Rights Watch (2007) "Criminal Politics: Violence, 'Godfathers' and Corruption in Nigeria" available at <https://www.hrw.org/report/2007/10/19/criminal-politics/violence-godfathers-and-corruption-nigeria> (accessed 13 June 2025).

92 Human Rights Watch (2007) at <https://www.hrw.org>.

93 Amnesty International (2020) "Nigeria: Time to end impunity – torture and other human rights violations by SARS" available at <https://www.amnesty.org/en/documents/afr44/9505/2020/en/> (accessed 13 June 2025).

94 See for example, *Alade v. the Federal Republic of Nigeria* ECW/CCJ/JUD/10/12, involving an applicant who was held in detention without trial for more than nine years.

95 United Nations Office on Drugs and Crime (2019) "Corruption in Nigeria: Patterns and Trends" available at https://www.unodc.org/documents/nigeria//Corruption_Survey_2019.pdf (accessed 13 June 2025).

96 One such a case was the prosecution of Joshua Dariye, the former governor of Plateau State, who was convicted in 2018 and sentenced to 14 years in prison.

controversial presidential pardons.⁹⁷ Nigeria has also reclaimed hundreds of millions of dollars in stolen public funds held abroad, with portions of these funds allocated to social investment programmes under international supervision.⁹⁸ Civil society has played a pivotal role in pushing for accountability; organizations such as BudgIT and Transparency International Nigeria, along with investigative journalists, continue to expose graft and mobilize public demand for reform.

4.4. Kenya

Kenya's experience with corruption, though similar in some respects to countries like Uganda and Nigeria, has been shaped by a distinctive constitutional reform process. The 2010 Constitution introduced a transformative framework for governance, embedding accountability, integrity, and public participation as foundational principles.⁹⁹ Chapter Six of the Constitution, on Leadership and Integrity, mandates that public officials uphold ethical standards and provides for their removal upon breaching public trust.¹⁰⁰

Kenya's anti-corruption institutional framework evolved from the establishment of the Kenya Anti-Corruption Authority in 1997, through the Kenya Anti-Corruption Commission in 2003, to the current Ethics and Anti-Corruption Commission (EACC). Anti-corruption statutes such as the Public Officer Ethics Act,¹⁰¹ Public Procurement and Asset Disposal Act,¹⁰² and Access to Information Act¹⁰³ have been central in reinforcing anti-corruption efforts. The judiciary has also been restructured for independence and integrity, with judges vetted and a new Judicial Service Commission installed to ensure merit-based appointments.¹⁰⁴ Moreover, the 2010 Constitution mandated devolution to 47 counties, with the intent of improving

97 Tijani N, Kanu UC & Ugwu LI (2024) "The Grant of Pardon and the Fight against Corruption in Nigeria: Comparative Analysis" *Beijing Law Review*, 15, 165-187

98 World Bank (2020) "Nigeria: Repatriated Stolen Assets Will Fund Social Programs" at <https://www.worldbank.org/en/news/press-release/2020/02/04/nigeria-repatriated-stolen-assets-will-fund-social-programs> (accessed 13 June 2025).

99 See the Constitution of Kenya, 2010.

100 Sections 75 and 76 of the Constitution of Kenya, 2010.

101 Act 4 of 2003

102 Act 33 of 2015

103 Act 31 of 2016

104 Mutunga W (2014) "The 2010 Constitution of Kenya and its Interpretation: Reflections from the Supreme Court's Decisions" 1(1) *Strathmore Law Journal* 1–19.

transparency and citizen oversight at the local level. These developments reflect an ambitious attempt to institutionalize accountability and decentralize governance in ways that can reduce corruption and foster sustainable development.¹⁰⁵

Yet implementation has been uneven. While the judiciary has shown increased independence, convictions in major corruption cases remain rare. Prosecutorial efforts by the EACC and the Office of the Director of Public Prosecutions (ODPP) have targeted high-profile figures. However, cases often stall in courts, and structural limitations – such as the EACC’s lack of prosecutorial power – hinder effective enforcement.¹⁰⁶ Corruption continues to thrive through political interference, selective investigations, and intimidation of whistleblowers, further eroding public confidence.¹⁰⁷

It is interesting to note that instead of eliminating corruption in Kenya, devolution has decentralized it instead. Reports of “county corruption” are widespread, with local governments replicating patterns of inflated tenders, misappropriated funds, and patronage hiring.¹⁰⁸ This undermines public service delivery and the developmental promise of devolution, particularly in critical sectors like health, education, and infrastructure.

Nonetheless, civil society and the media remain vital counterweights. Kenya’s robust media landscape regularly exposes scandals, such as the 2020 Kenya Medical Supplies Agency (KEMSA) scandal involving COVID-19 procurement.¹⁰⁹ Civil society organizations like Transparency International Kenya, alongside grassroots digital activism, continue to push for accountability through litigation, information requests, and budget monitoring. The Access to Information Act¹¹⁰ empowers citizens to challenge opaque decision-making,¹¹¹ and e-governance tools aim to minimise face-to-face interactions that fuel petty bribery. However,

105 Cheeseman N, Lynch G & Willis J (2016) “Decentralisation in Kenya: The Governance of Governors.” 54(1) *The Journal of Modern African Studies*, 1–35

106 See Hope KR (2014) “Kenya’s Corruption Problem: Causes and Consequences” 52(4), *Commonwealth & Comparative Politics*, 493–512.

107 Hope (2014) 493–512.

108 Cheeseman et al (2016) at 19.

109 Warah R (2021) “Corruption is undermining Kenya’s COVID-19 response” *ONE.Org* 29 September 2021, available at <https://www.one.org/africa/stories/corruption-undermining-kenya-covid19-response/> (accessed 14 June 2025).

110 Act 31 of 2016.

111 See sections 14-19 of the Act.

meaningful public participation in budget processes remains limited, often reduced to token consultations.¹¹² Ultimately, while Kenya has built a comprehensive legal and institutional framework, corruption remains a significant impediment to sustainable and inclusive development.

5. COMPARATIVE ANALYSIS OF CASE STUDIES

Despite their different contexts, the case studies of South Africa, Uganda, Nigeria, and Kenya reveal a set of common challenges that facilitate corruption. A foremost issue is the weakness or undermining of institutions that are supposed to act as checks and balances. In many instances, anti-corruption agencies, law enforcement bodies, and courts suffer from capacity constraints, insufficient independence, or outright capture by political elites.

Another shared challenge is the limited civic space and constraints on those who demand accountability. While the degree varies – Uganda being the most repressive among the countries discussed, and South Africa the most open – there are trends across Africa where governments respond to anti-corruption activism with hostility. Uganda and, to some extent, Nigeria have passed restrictive NGO laws and used security forces to intimidate activists and journalists.¹¹³ Kenya has had a generally open environment, but even there, civil society groups have occasionally faced regulatory hurdles or smear campaigns by officials when they expose scandals. South Africa has a very free press and active NGOs, yet whistleblowers in corruption cases have faced threats and, tragically, some have been assassinated.¹¹⁴ The common thread is that without an empowered and protected civil society and media, corruption is less likely to be uncovered or challenged.

Finally, all these nations contend with socio-economic pressures – such as poverty and unemployment – which corruption exacerbates and, in turn, feeds on. Citizens struggling to

112 Okoth, PG & Wanyama FO (2020) “Public Participation in Devolved Government in Kenya: Reality or Illusion?” *Africa Development* 45(2), 1–26

113 ACCORD (2018) “Civic Space Restrictions in Africa” *Conflict Trends* 2018/1 31 May 2018, available at <https://www.accord.org.za/conflict-trends/civic-space-restrictions-in-africa/#:~:text=In%20September%202017%2C%20Ugandan%20police,CSOs%20have%20been%20broken%20into> (accessed 14 June 2025).

114 The murder of Babita Deokaran, a senior Gauteng health official who exposed R332 million in fraudulent COVID-19 procurement contracts, is the most prominent example of the grave dangers whistleblowers in South Africa face.

make ends meet may be more susceptible to petty corruption (for instance, paying bribes for services becomes normalised), while politicians exploit economic anxieties by trading patronage for political support. This creates a vicious cycle of weak governance and underdevelopment.

Despite the shared challenges, the case studies also highlight notable divergences in anti-corruption effectiveness and innovations from which lessons can be drawn. One key difference lies in the role of independent judiciaries. South Africa's judiciary stands out as a best practice example – its fearless and innovative adjudication in corruption-related matters shows how a strong, independent court system can uphold the rule of law and check the executive. Kenya's judiciary, post-2010, has also grown more assertive, annulling tainted processes and defending the Constitution. In contrast, Nigeria and Uganda have not seen their judiciaries play as prominent or interventionist a role in curbing grand corruption, often due to a combination of executive dominance and internal weaknesses.

Another area of divergence is the presence and enforcement of whistle-blower protections and broader accountability mechanisms. South Africa has relatively strong legislation (the Protected Disclosures Act¹¹⁵) to shield whistle-blowers, though implementation is imperfect. Kenya has lately moved towards enacting a whistle-blower protection law, acknowledging that encouraging insiders to report corruption is vital. Nigeria's experiment with incentivising whistle-blowers with monetary rewards was novel, though it underscored that without protection, many are still reluctant to come forward.¹¹⁶

The effectiveness of national anti-corruption frameworks also varies. South Africa's Chapter 9 institutions have provided additional checks – the Public Protector's state capture report was the trigger for the Zondo Commission.¹¹⁷ Kenya's constitutional alignment of governance to integrity (Chapter 6) created a legal basis to bar some corrupt candidates from office, at least in theory, which is a tool absent in other case countries. Meanwhile, Nigeria's

115 26 of 2000.

116 Ezeoha AE, Akinyoade, A., Ehrhardt, D. & Uche, C. "Nigeria and the Practice of Whistleblowing – How Not to Mobilize Citizens' Participation in Anti-Corruption Programme" (2025) *Public Integrity*. <https://doi.org/10.1080/10999922.2025.2491254>

117 Commission of Inquiry into Allegations of State Capture of State Capture, Corruption and Fraud in the Public Sector, including Organs of State.

specialisation with agencies like EFCC and ICPC was pioneering in Africa and did yield a template that others, including Kenya and Uganda, followed by setting up similar bodies.

It can be seen from the foregoing discussion that despite differing national contexts, South Africa, Uganda, Nigeria, and Kenya face common corruption-related challenges rooted in weak institutions, constrained civic space, and socio-economic vulnerabilities, which undermine accountability and entrench corrupt practices. While governments often stifle civil society and media scrutiny – ranging from Uganda’s repression to South Africa’s relatively open environment – this limits effective oversight. Socio-economic hardship also fuels a cycle of petty and grand corruption. Nonetheless, the countries diverge in anti-corruption innovations: South Africa’s strong judiciary and Chapter 9 institutions offer valuable models, Kenya has made notable post-2010 constitutional reforms, while Nigeria’s pioneering anti-graft agencies and whistle-blower incentives, albeit inconsistently implemented, have influenced regional approaches.

6. TOWARDS A HUMAN RIGHTS-BASED APPROACH

Given the intrinsic linkages between corruption, human rights, and sustainable development highlighted throughout this article, a compelling case emerges for adopting a human rights-based approach (HRBA) to anti-corruption efforts and to sustainable development. In so far as corruption is concerned, such an approach means framing and addressing corruption not merely as a crime or governance issue, but as a fundamental obstacle to the fulfilment of human rights – and conversely, leveraging human rights principles and laws to bolster the fight against corruption. With respect to sustainable development, it means “integrating human rights rules and values into each and every aspect of development.”¹¹⁸ This section outlines the core principles of a human rights-based approach and how they can be integrated into legal and institutional reforms, oversight mechanisms, and empowerment strategies. The underlying idea is that anti-corruption measures and development strategies will be more effective and sustainable when they are grounded in principles of transparency,

118 Danish Institute for Human Rights (n.d.) “Human Rights-Based Approach” available at <https://www.humanrights.dk/our-work/human-rights-based-approach> (accessed 16 June 2025).

accountability, non-discrimination, participation, and empowerment – the same principles that lie at the heart of international human rights law.¹¹⁹

A human rights-based approach is not a new concept. Within the UN system, the concept was formally articulated in the 2003 *UN Common Understanding of a Human Rights-Based Approach to Development Cooperation*.¹²⁰ This foundational document maintains that all development initiatives must be grounded in fundamental human rights principles, including universality and inalienability, indivisibility, interdependence and interrelatedness, non-discrimination and equality, participation and inclusion, as well as accountability and the rule of law.¹²¹ Over time, these principles have been adapted by different institutions. For example, the European Network of National Human Rights Institutions (ENNHRI) defines a human rights-based approach as being rooted in five central principles: “participation; accountability and transparency; non-discrimination and equality; empowerment of rights holders; and legality.”¹²² According to the Scottish Human Rights Commission:

A human rights-based approach is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights ... It is about ensuring that both the standards and the principles of human rights are integrated into policymaking as well as the day to day running of organisations.¹²³

In relation to anti-corruption efforts, the Office of the United Nations High Commissioner for Human Rights (OHCHR) defines an HRBA to anti-corruption as:

putting the international human rights entitlements and claims of the people (the “right-holders”) and the corresponding obligations of the State (the “duty-bearer”) in the centre of the anti-corruption debate and efforts at all levels, and

119 See European Commission (n.d.) “Human Rights Based Approach” available at <https://wikis.ec.europa.eu/spaces/ExactExternalWiki/pages/50108948/Human+Rights+Based+Approach> (accessed 14 June 2025).

120 United Nations (n.d.) “The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies” available at <https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un> (accessed 14 June 2025).

121 Ibid.

122 See Mubangizi JC (2020) 241. See also ENNHRI (n.d.) “Applying a Human Rights-Based Approach” available at <http://ennhri.org/Applying-a-Human-Rights-Based-Approach> (accessed 15 June 2025).

123 SHRC (n.d.) “What is a Human Rights-based Approach?” available at <http://careaboutrights.scottishhumanrights.com/whatisahumanrightsbasedapproach.html> (accessed 15 June 2025).

integrating international human rights principles including non-discrimination and equality, participation and inclusion, accountability, transparency, and the rule of law.¹²⁴

And in relation to sustainable development, the Danish Institute for Human Rights opines that

[A] human rights-based approach to sustainable development fundamentally shifts the primary objective of development from charity to the duty to respect, preserve, and fulfil human rights.¹²⁵

One advantage of applying a human rights-based approach to fighting corruption and to sustainable development in Africa is that most, if not all African countries have constitutions – some of which have Bills of Rights. The provisions in these constitutions can be used not only to protect human rights but also to fight corruption and support sustainable development efforts. Another notable benefit of a human rights-based approach is its emphasis on empowerment. As has been observed, “it gives attention to ways of empowering individuals and communities, particularly marginalized groups, to understand and claim their rights.”¹²⁶ In doing so, “it emboldens and strengthens citizens to demand their rights.”¹²⁷ Within this framework, the role of civil society is indispensable. The values underlying an HRBA naturally position civil society organisations (CSOs) as central actors in anti-corruption efforts and sustainable development strategies. Their contributions span “education, research, monitoring, awareness-raising, advocacy, mobilization and organization, and the promotion of private prosecutions where possible.”¹²⁸

7. CONCLUSION

Corruption remains a formidable barrier to sustainable development and the enjoyment of human rights in Africa. The analysis in this article has shown how deeply corruption corrodes

124 OHCHR (n.d.) “The Negative Impact of Corruption on the Enjoyment of Human Rights” available at <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/Corruption/OHCHR.pdf> (accessed 15 June 2025).

125 See Danish Institute for Human Rights (n.d.).

126 OHCHR (n.d.) “A Human Rights-Based Approach to Health” available at https://www.ohchr.org/sites/default/files/Documents/Issues/ESCR/Health/HRBA_HealthInformationSheet.pdf (accessed 15 June 2025).

127 See JC Mubangizi (2020) at 242.

128 UNODC (n.d.) “The Role, Risks and Challenges of CSOs Fighting Corruption” available at <https://www.unodc.org/e4j/zh/anti-corruption/module-10/key-issues/the-role--risks-and-challenges-of-csos-fighting-corruption.html> (accessed 15 June 2025).

economies, social services, and governance structures – from siphoning off billions in development resources to undermining the rule of law and trust in institutions. It has also illustrated, through case studies, the dual reality of many African states: robust anti-corruption laws and institutions on the one hand, and persistent implementation gaps fuelled by political interests on the other. However, a key argument advanced here is that reframing corruption as fundamentally a human rights issue provides a powerful lens and leverage for combating it. A human rights-based approach demands accountability not as a technocratic ideal but as an obligation owed to the people, and it places those people at the centre of reform. It insists that transparency, participation, and equality are not optional niceties, but essentials for a society free of corruption.

While the challenge of corruption in Africa is enormous and deeply entrenched in some places, it is not insurmountable. The experiences of the case study countries offer glimmers of hope – whether it is a court bravely upholding justice, citizens uniting to protest abuses, or officials implementing reforms that enhance transparency. Ultimately, the fight against corruption is about building societies that respect human dignity, deliver on their development promises, and are governed by the rule of law. By adopting a human rights-based approach, African countries can move closer to a future where public resources truly serve the public good, and every African can live in a society that upholds their rights and aspirations without the hindrance of corruption. The path to sustainable development and full realization of human rights in Africa runs hand in hand with the path to victory over corruption. By upholding transparency, accountability, participation, and justice, African countries can break the cycle of corruption and unlock a future of equitable growth and human flourishing, truly honouring the letter and spirit of both the African Charter and the Sustainable Development Goals.¹²⁹

129 See Oppong C (2025) “Leveraging Governance and Accountability for Advancing Sustainable Development Goals in Africa” *Business Strategy & Development* 8: e70115 at <https://doi.org/10.1002/bsd2.70115> (accessed 15 June 2025).