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Corruption, Democracy and the Rule of Law in Selected African Countries: A Human Rights Perspective

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ABSTRACT

This article explores the impact of corruption on democracy and the rule of law in selected African countries through a human rights lens. In so doing, the article focuses on South Africa, Nigeria, Kenya, and Uganda. Despite the formal adoption of democratic systems and constitutional frameworks designed to uphold the rule of law, these countries continue to grapple with systemic corruption that undermines democratic governance and erodes the protection of human rights. Drawing on a comparative analysis of legislative frameworks, legal institutions, governance practices, and civil society engagement, the article critically examines how corruption distorts democratic processes, weakens accountability mechanisms, and impairs the realisation of human rights. It is argued that anti-corruption efforts often fail due to challenges such as political interference, weak enforcement mechanisms, and limited civic engagement, among others. The article concludes by advocating for a human rights-based approach to anti-corruption strategies that focuses on accountability, transparency, participation, empowerment, and the rule of law as prerequisites for curbing corruption and reinforcing democratic governance and the rule of law in Africa.

Keywords: *Corruption, democracy, rule of law, human rights, human rights-based approach.*

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1. INTRODUCTION

A lot has been said and written about the impact of corruption on human rights. Similarly, the relationship between corruption, democracy and the rule of law has become an urgent focus of academic and civil society attention, particularly in the African context where the level of democratic consolidation remains low, state institutions are often fragile, and proper governance is yet to be fully realised. Corruption not only undermines democratic systems and institutional structures but also constitutes a profound assault on "basic principles and fundamental values such as equality, non-discrimination, human dignity and social justice".[1] The former Secretary-General of the United Nations, Kofi Annan, once stated:

> Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organised crime, terrorism and other threats to human security to flourish. This evil phenomenon is found in all countries – big and small, rich and poor – but it is in the developing world that its effects are most destructive.[2]

Across the African continent, the entrenchment of corruption has undermined electoral integrity, weakened the rule of law, and compromised the protection and realisation of fundamental rights. This article examines these interlinked dynamics, arguing that corruption in Africa must be understood not merely as a governance failure and a structural impediment to democratisation but also as a violation of human rights.

The concepts of corruption, democracy and the rule of law will be properly conceptualised further below. Suffice here to say that, for the purpose of this paper, corruption is defined expansively to include both legal and extra-legal practices by which public power is abused for private gain, whether through bribery, embezzlement, patronage, or systemic state capture.[3] Similarly, democracy involves much more than periodic electoral

1 See Mubangizi JC (2024) "Corruption and Human Rights" in Mubangizi JC (ed) *Corruption in South Africa: A Legal Perspective* Cape Town: Juta and Company at 72-73.

2 Annan K (2004) *Foreword to the United Nations Convention against Corruption*, available at https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf (visited 15 May 2025).

3 Williams A (2021) "Corruption Definitions and their Implications for Targeting Natural Resource Corruption" *Targeting Natural Resource, Topic Brief,* available at https://www.cmi.no/publications/file/7849-corruption-definitions-and-their-implications-for-targeting-natural-resource-corruption.pdf (visited 30 April 2026).

rituals; it entails a substantive political order grounded in the rule of law, the separation of powers, and the protection of civil and political liberties.[4] The rule of law, a foundational pillar of constitutional democracy, requires that legal norms be applied consistently, independently, and without arbitrariness. It presupposes an independent judiciary, a professional civil service, and an accountable executive.[5] Corruption erodes these conditions by allowing wealth and political connections to substitute for legal merit and due process. When justice is commodified and institutions are subverted, the rule of law becomes a façade, selectively applied and inequitably enforced. The result is not merely institutional dysfunction but a delegitimisation of the legal order itself.[6]

The article adopts a human rights perspective because it provides a critical lens through which to explore the impact of corruption. The article also adopts an integrated analytical approach that situates corruption at the intersection of democracy, rule of law, and human rights. It focuses on four countries, namely, South Africa, Nigeria, Kenya, and Uganda, to demonstrate both common patterns and comparative aspects in the relationship between corruption, democracy, and human rights. The choice of the four countries is based on several reasons.

First, these countries offer a broad geographical representation of Sub-Saharan Africa – South Africa from the south, Nigeria from the west, Kenya from the east, and Uganda from the Great Lakes region. This diversity allows for comparative analysis across different political, legal, and socio-economic contexts within the African continent. Secondly, each country features distinct experiences with constitutional democracy, the rule of law, and human rights enforcement. South Africa, for instance, is known for its progressive constitution and independent judiciary; Nigeria operates a federal system with a history of military rule; Kenya has undergone significant constitutional reform, while Uganda has experienced long-term presidential rule with shrinking civic space. Thirdly, all four countries have grappled with systemic corruption and have implemented various legislative and institutional reforms to

4 Tommasoli M (2012) "Rule of Law and Democracy: Addressing the Gap between Policies and Practices" 49(4) *UN Chronicle* 29-31.

5 United Nations (n.d). "What is the rule of law?" available at https://www.un.org/ruleoflaw/whatis-the-rule-of-law/ (visited 30 April 2026).

6 Carothers T (1998) "The Rule of Law Revival" 77(2) *Foreign Affairs* 95-106.

combat it. Their choice provides fertile ground for analysing both the persistence of corruption and the effectiveness (or otherwise) of anti-corruption frameworks in different political environments. Fourthly, Nigeria and South Africa are Africa's largest economies and wield significant influence in continental politics, while Kenya and Uganda are key players in East Africa. Their political and economic trajectories have considerable implications for regional stability, governance norms, and human rights trends. Finally, there exists a relatively rich body of academic literature, policy reports, and legal documentation on corruption, governance, and human rights in these countries, enabling robust, evidence-based analysis.

These case studies are examined, focusing on a comparative analysis of legislative frameworks, legal institutions, governance practices, and civil society engagement. This entails a discussion on the impact of corruption on democratic institutions and electoral processes, the extent to which legal and constitutional mechanisms provide accountability, and the implications of corruption for the protection and enforcement of human rights.

The article first provides a conceptual context of corruption, democracy, the rule of law, and human rights. This is followed by a general overview of how corruption undermines democratic consolidation, impacts the rule of law and violates human rights. The third part focuses on the four case studies, identifying both country-specific dynamics and broader structural constraints. It adopts a comparative approach in discussing similarities and divergences in anti-corruption landscapes of the four countries. The final part proposes a set of recommendations aimed at enhancing accountability, strengthening democratic institutions, and advancing the protection of human rights. The recommendations are rooted in a human rights-based approach to fighting corruption, focusing on accountability, inclusivity, participation, empowerment, and the rule of law as prerequisites for sustainable democracy and the rule of law in Africa.

2. CONCEPTUAL CONTEXT

For the purpose of analysing the interplay between corruption, democracy, the rule of law and human rights in the identified countries, it is important to first contextualise these concepts.

2.1 Corruption

As with most terms, there is no universally accepted definition of corruption. Most international and regional treaties on corruption lack an explicit definition of the term but rather list the offences that should be criminalised as corrupt conduct. These include bribery and embezzlement in the public and private sectors, trading in influence, and abuse of functions, among others.[7] However, it has been argued that defining corruption in terms of specified acts disregards "broader issues of morality and justice, and neglects important political values such as leadership, citizenship, representation, deliberation, and accountability".[8]

The World Bank's definition of corruption as "the abuse of public office for private gain",[9] which is often referred to in literature, is similar to Transparency International's definition of corruption as "the abuse of entrusted power for private gain".[10] The term "entrusted power", however, is problematic in countries where power has been usurped, for example.[11] Another popular definition is that of Joseph Nye, who describes corruption as "behaviour which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence".[12] Charles Fombad and Madeleine Fombad propose a similar definition, namely, "where an individual or group of individuals abuse a position of trust in which they are placed or find themselves, subverting existing rules whether legal or extra-legal, and generate undeserved benefits for themselves".[13]

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7 Williams (2021). See also, for example, Chapter III of the United Nations Convention against Corruption (adopted 31 October 2003, entered into force 14 December 2005) UN Doc A/58/422.

8 Johnston M (2005) *Syndromes of Corruption* Cambridge: Cambridge University Press at 11.

9 World Bank (1997) *Helping Countries Combat Corruption: The Role of the World Bank* Oxford: Oxford University Press at 8.

10 Transparency International (n.d.) *What is Corruption?* available at https://www.transparency.org/en/what-is-corruption (visited 30 May 2025).

11 Andersson S & Heywood P (2009) "The Politics of Perception. Use and Abuse of Transparency International's Approach to Measuring Corruption" 57 *Political Studies* 746-767 at 748-749.

12 Nye JS (1967) "Corruption and Political Development: A Cost-benefit Analysis" 61(2) *The American Political Science Review* 417-427 at 419.

13 Fombad CM & Fombad MC (2015) "Rethinking Anti-corruption Strategies in Africa: Constitutional Entrenchment as Basis for Credible and Effective Anti-corruption Clean-ups" in Jalloh CC & Elias O *Shielding Humanity. Essays in International Law in Honour of Judge Abdul G Koroma* Leiden: Koninklijke

Although all these definitions are broad enough to cover a range of illicit activities, they exclusively address passive corruption (such as the solicitation or acceptance of a bribe), as opposed to active corruption (such as conduct related to bribing a person in an entrusted or public position).[14] Aled Williams further notes that the focus is on individual actions and disregards corruption as a "broader, systemic phenomenon".[15] Moreover, Leonie Hensgen and Kolawole Olaniyan concur that any appropriate definition should reference the negative impact of corruption on society.[16] Arguments advancing cultural relativism in comparative studies (i.e. what might be seen as corruption in one society can be deemed acceptable in another)[17] further muddy the waters in search of a generally accepted definition. However, each definition discussed in this section aids in elucidating the concept of corruption, especially if one also takes into account the critiques raised in each respect of what should be included in an applicable and comprehensive definition. For the purpose of this article, corruption is defined expansively to include both legal and extra-legal practices by which public power is abused for private gain, whether through bribery, embezzlement, patronage, or systemic state capture.

2.2 Democracy

In its rudimentary form, democracy is regarded as "rule by the people".[18] However, despite the simplicity of this formulation, several ambiguities arise. For example, who are "the people"? How should the ambit of rule be defined, bearing in mind that not all will be able to impose their will directly? Is this definition in line with the model of liberal representative democracy that has emerged over the centuries?[19] Although various and more nuanced

Brill NV at 731.

14 Rose C (2021) "Corruption and Global Security" in Geiß R & Melzer N *The Oxford Handbook of International Law of Global Security* Oxford: Oxford University Press at 142.

15 Williams (2021).

16 Hensgen L (2013) "Corruption and Human Rights: Making the Connection at the United Nations" 17 *Max Planck Yearbook of United Nations Law* 197-219 at 204; Olaniyan K (2014) *Corruption and Human Rights Law in Africa* Oxford: Hart Publishing at 20-21, 51.

17 See Rose-Ackerman S (1999) *Corruption and Government. Causes, Consequences and Reform* Cambridge: Cambridge University Press at 5.

18 Birch AH (2007) *The Concepts & Theories of Modern Democracy* 3 ed London; New York: Routledge at 109.

19 Birch (2007) at 111; Held D (2006) *Models of Democracy* 3 ed Oxford: Polity Press at 1-2.

definitions of the term can be found in literature, people and the expression of their will are the focal point of the majority of definitions. This is in contrast to, for example, an authoritarian regime where the will of a few prevails.[20] As noted by the United Nations Development Programme (UNDP), "the equal concern for all people in the formation of governance structures" is the most basic democratic ideal.[21] The UNDP further defines democracy as "a system with institutionalised procedures for open and competitive political participation, competitively elected chief executives and substantial limits on the powers of the chief executive".[22]

A generally accepted scholarly definition of democracy is the "inclusive, collective…will formation and decision making, aiming at political responsiveness – in the sense of effective transformation of citizens' preferences into policies and outcomes – while ensuring political rights and liberties via constraints of the will of the people".[23] This is in line with Brian Roper's view of democracy as "a form of governance (or self-governance) that provides meaningful avenues through which the majority of citizens can exert a significant degree of influence over government decision-making and policy-making".[24]

In the Universal Declaration on Democracy,[25] it is noted that "[d]emocracy is both an ideal to be pursued and a mode of government".[26] The declaration emphasises that democracy, based on shared values, is a universally recognised ideal and a form of government that protects human rights, fosters social justice, and strengthens social cohesion. It highlights the importance of human dignity, equality, and participation of all citizens in the decision-making processes. Clearly, upholding democracy depends on well-functioning institutions, including an independent judiciary and oversight mechanisms, a

20 Mubangizi JC (2023) "Democracy and the Rule of Law: Comparative Lessons between Uganda and South Africa" 27 *Law, Democracy & Development* 468-490 at 470.
21 UNDP (2002) *Human Development Report 2002. Deepening Democracy in a Fragmented World* New York; Oxford: Oxford University Press at 54.
22 UNDP (2002) at 36.
23 Müller-Rommel F & Geißel B (2020) "Introduction: Perspectives on Democracy" 61(2) *Politische Vierteljahresschrift* 225-235 at 227.
24 Roper BS (2013) *The History of Democracy. A Marxist Interpretation* London: Pluto Press at 1.
25 Adopted by the Inter-Parliamentary Council at its 161st session (Cairo, 16 September 1997).
26 Article 2 of the Universal Declaration on Democracy.

functioning legislature, an active and capacitated civil society, and a free and independent media.

2.3 Rule of Law

The rule of law is probably among the most widely accepted concepts across political ideologies.[27] Yet its precise content remains contested.[28] In basic terms (or as commonly referred to in literature as a "thin" interpretation), the rule of law denotes that "government officials and citizens are bound by and abide by the law".[29] The essential elements of this minimal definition include that law must a) be prospective, clear, stable and certain, b) generally known, c) stated in general terms, d) not require the impossible, e) applied equally to everyone according to its terms, and f) mechanisms and institutions must be in place to enforce legal rules.[30]

On the other hand, more elaborate definitions have been proposed (referred to as "thick" interpretations, where additional moral principles such as democracy and human rights are incorporated). For example, the United Nations adopted a view of the rule of law as referring to

> a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.[31]

27 Hutchinson AC & Monahan P (eds) (1987) *The Rule of Law: Ideal or Ideology* Toronto: Carswell at ix; Tamanaha BZ (2012) "The History and Elements of the Rule of Law" *Singapore Journal of Legal Studies* 232-247 at 232.

28 See Tamanaha BZ (2004) *On the Rule of Law: History, Politics, Theory* Cambridge: Cambridge University Press, for a comprehensive discussion on difficulties in defining the rule of law.

29 Tamanaha (2012) at 233.

30 Tamanaha (2012) at 233; Tamanaha BZ (2009) "A Concise Guide to the Rule of Law" in Palombella G & Walker N (eds) *Relocating the Rule of Law* Oxford: Hart Publishing at 3.

31 United Nations Security Council (2004) "The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies" *Report of the Secretary-General* para 6.

Similarly, the World Justice Project defines the rule of law as "a durable system of laws, institutions, [and] norms" grounded in four principles: a) all are accountable under the law; b) law is clear, known and consistent, and protects fundamental rights; c) "processes by which the law is adopted, administered, adjudicated, and enforced are accessible, fair, and efficient"; and d) competent, ethical and capacitated justice mechanisms are accessible to all.[32] Cheryl Saunders and Kathrine Le Roy note that central to all the varying definitions is that the rule of law is seldom a "discrete legal principle in its own right but rather is an approach to governance on which the efficacy of law, and constitutionalism, rests".[33] Accordingly, a central function of the rule of law is to impose limits on government power and to maintain social order.[34]

As the focus of this article is on the impact of corruption on the rule of law, not only as a stand-alone concept, but also in combination with democracy and human rights, a "thick" conception of the rule of law is preferred. Moreover, as argued by Brian Tamanaha, in practice, it is not the variations in the meaning of the rule of law that are of note, but rather that different societies have different "manifestations" of the concept, each with its strengths and weaknesses.[35] Whether a society adheres to the rule of law should be seen within the respective political, economic, cultural and social circumstances, all of which have a bearing on the subject of this article.

2.4 Human Rights

Human rights are generally regarded as rights possessed by all human beings, simply because they are human. This is referred to as the naturalistic conception of human rights.[36] Although human rights are a popularly accepted framework of values, what the term inherently entails,

32 World Justice Project (n.d.) *What is the Rule of Law*, available at https://worldjusticeproject.org/about-us/overview/what-rule-law (visited 2 June 2025).

33 Saunders C & Le Roy K (2003) "Perspectives on the Rule of Law" in Saunders C & Le Roy K (eds) *The Rule of Law* Sydney: Federation Press at 5.

34 Tamanaha (2009) at 4-7.

35 Tamanaha (2012) at 247.

36 See Cruft R, Liao SM & Renzo M (2015) "Philosophical Foundations of Human Rights: An Overview" in Cruft R, Liao SM & Renzo M (eds) *Philosophical Foundations of Human Rights* Oxford: Oxford University Press at 4.

and its philosophical foundations have elicited much debate.[37] The United Nations Children's Fund (UNICEF) defines human rights as "standards that recognise and protect the dignity of all human beings… [They] govern how individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them".[38] The primary objective of human rights law is to protect against the arbitrary use of state power.[39] The human rights framework thus provides agreed-upon standards to measure the functioning of government.

The value of human rights is well established. The Universal Declaration of Human Rights recognises rights as "the foundation of freedom, justice and peace in the world".[40] Referring to both Rawls' theory of justice and Unger's radical typology of rights, Alicia Ely-Yamin posits that human rights constitute "the building blocks of a culture of respect, of a just society" and aims to ensure an equal distribution of power between individuals and government actors.[41] Human rights are grounded in several core principles.[42] All people across the globe are entitled to human rights. The only qualification to possess human rights is to be human. As moral demands, human rights exist, regardless of their enactment into domestic law.[43] Moreover, rights cannot be taken away through any law or act of state.[44] However, rights can be limited, but only under specific circumstances and according to due process. Furthermore, all people are entitled to rights on an equal basis and without discrimination based on, for example, gender, race, ethnicity, age, national or social origin, or disability.[45]

37 See Nussbaum M (2000) "Women's Capabilities and Social Justice" 1(2) *Journal of Human Development* 219-247 at 237; Fagan A (2012) "Philosophical Foundations of Human Rights" in Cushman T (ed) *Handbook of Human Rights* London; New York: Routledge at 9-22.

38 UNICEF (n.d.) *What are Human Rights*, available at https://www.unicef.org/child-rights-convention/what-are-human-rights (visited 3 June 2025).

39 Beitz CR (2009) *The Idea of Human Rights* Oxford: Oxford University Press at 29-30.

40 Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) Preamble.

41 Ely-Yamin A (1993) "Empowering Visions: Toward Dialectical Pedagogy of Human Rights" 15(4) *Human Rights Quarterly* 640-685 at 668, 683.

42 See UNICEF (n.d.).

43 Langlois AJ (2013) "Normative and Theoretical Foundations of Human Rights" in Goodhart M (ed) *Human Rights. Politics and Practices* 2 ed Oxford: Oxford University Press at 17.

44 Mubangizi JC (2004 a) "Towards a New Approach to the Classification of Human Rights with Specific Reference to the African context" 4 *African Human Rights Law Journal* 93-107 at 94.

45 See articles 1 & 2 of the UDHR.

Rights are indivisible and of equal importance in protecting human dignity.[46] Respective rights are also interrelated and interdependent. The "full and meaningful enjoyment" of one right depends on the realisation of other rights, wholly or in part.[47] Furthermore, under human rights law, rights have corresponding obligations. Duty-bearers are required to respect, protect and fulfil rights.[48] These duties primarily rest on states, but all individuals are obliged to respect the rights of others. Where duty-bearers fail to fulfil their obligations, rights-holders can institute proceedings to obtain redress.

Although the concepts of democracy, the rule of law and human rights denote distinct meanings, there are key interlinkages. For example, democracy is grounded on the primacy of the law, equality before the law and the protection of human rights.[49] Similarly, the rule of law underpins respect for human rights, whilst protecting human rights is crucial for upholding democratic values and the rule of law.[50] Corruption stands at the opposite end of the values underpinned by democracy, the rule of law and human rights. It is to the impact of corruption on these areas that we now turn our attention.

3. GENERAL OVERVIEW OF THE IMPACT OF CORRUPTION ON DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS

The impact of corruption on democracy is not limited to corruption at the polls. A strong consensus has emerged that corruption erodes the "meanings and mechanisms of democracy".[51] Referring to political corruption specifically, Mark Warren argues that, by abusing their control over public resources and favouring those who support their corrupt activities, the corrupt ensure the "duplicitous" exclusion of people from influencing the

45 Johnston (2005) at 11.
46 See Vienna Declaration and Programme of Action (adopted 25 June 1993) art 5.
47 Mubangizi JC (2004 b) *The Protection of Human Rights in South Africa: A Legal and Practical Guide* Landsdowne: Juta at 4.
48 For a detailed explanation of these obligations see Eide A (1984) "The International Human Rights System" in Eide A et al (eds) *Food as a Human Right* Tokyo: United Nations University.
49 Article 7 of the Universal Declaration on Democracy.
50 United Nations (n.d.) *New Vision of the Secretary-General for the Rule of Law*, available at https://www.un.org/ruleoflaw/wp-content/uploads/2023/07/New-Vision-of-the-Secretary-General-for-the-Rule-of-Law.pdf (visited 7 July 2025).
51 See Warren ME (2006) "Political Corruption as Duplicitous Exclusion" 39(4) *Political Science and Politics* 803-807 at 803.

decisions that affect them.[52] Ultimately, people's power to have their will reflected in the governance of a country is diminished.[53] The choice of the majority is undermined in favour of a privileged few, leading to "a specific kind of unjustifiable disempowerment".[54] Accordingly, corruption subverts the process through which fair and equitable outcomes are achieved within all three branches of government.[55]

Within the executive branch, corruption distorts the allocation of public resources towards select preferences and activities most advantageous for rent-seeking. Favouritism, the arbitrary implementation of laws and government ineffectiveness compound to diminish the public's trust in the legitimacy of government institutions and democratic mechanisms.[56] Within the legislature, "democratic choice" is undermined when, for example, bribes are paid to enact laws favourable to a specific group. Legislative corruption breaks the linkage between expressing interest through voting, deliberations and decision-making.[57] Moreover, insufficient party and campaign funding regulation creates footholds for the wealthy, including foreign actors and multinational companies, to control domestic political decision-making.[58] Judicial corruption, conversely, impedes independent and impartial decision-making when judges and prosecutors are bribed, the appointment of judges is unduly influenced, or the judiciary is deceitfully under-capacitated to perform its functions effectively.[59]

Corruption within any of the three branches of government can "weaken the basic foundations both of the representative mechanisms underlying the separation of powers and of human rights".[60] Moreover, to conceal illegitimate and corrupt activities, it is common for

52 Warren (2006) at 804.
53 Warren (2006) at 803.
54 Warren ME (2004) "What does Corruption mean in a Democracy" 48(2) *American Journal of Political Science* 328-343 at 329.
55 Warren (2004) at 337.
56 Papada E, Pavlova M & Lindberg SI (2022) *The Case for Democracy: Can Democracy Limit Corruption?* V-Dem Institute Policy Brief 2, available at https://www.v-dem.net/media/publications/pb_36.pdf (visited 7 July 2025); Arnone M & Borlini LS (2014) *Corruption. Economic Analysis and International Law* Cheltenham: Edward Elgar Publishing at 172.
57 Warren (2004) at 337-338.
58 Transparency International (2021) *Addressing Corruption as a Driver of Democratic Decline* at 10.
59 UNDP (1997) *Corruption and Good Governance* New York: UNDP at xii.
60 Arnone & Borlini (2014) at 170.

civil society and the media to be stifled through rights violations. Various forms of corruption distort open, equal and competitive political participation as citizens cannot vote freely and form organisations and associations of their choosing.[61] As a result, individuals lose their sense of security in exercising their civil and political rights related to effective citizen and political participation.[62] Compounded with a lack of trust, citizens disengage from legitimate political processes and costly democratic activities or compete in further illicit ways.[63] Furthermore, the loss of political legitimacy has been shown to lead to violent riots and protests.[64]

Beyond the descriptive account above, empirical governance indicators provide a clearer picture of the relationship between corruption, democracy, the rule of law and human rights. Comparative data from Transparency International's Corruption Perceptions Index, the World Justice Project Rule of Law Index, Freedom House scores, and the Varieties of Democracy (V-Dem) dataset reveal a consistent pattern: countries with stronger rule of law and higher levels of democratic accountability tend to exhibit lower levels of corruption, while high corruption environments correlate with weaker institutional performance and diminished rights protection. For example, countries that score higher on judicial independence and constraints on executive power in the V-Dem dataset tend to report lower perceived corruption levels, suggesting that institutional checks play a critical preventative role.[65] Conversely, weak rule of law environments enable corruption by reducing the likelihood of detection and punishment.

This relationship is, however, not strictly linear or unidirectional. While improvements in democratic governance and rule of law can reduce corruption, persistent corruption can equally undermine democratic consolidation by eroding electoral integrity, weakening accountability institutions, and diminishing public trust. Empirical studies demonstrate that

61 Johnston (2005) at 29.
62 Olaniyan (2014) at 109; Warren (2006) at 805.
63 Rivera E, Seira E & Jha S (2024) "Democracy Corrupted: Apex Corruption and the Erosion of Democratic Values" *Stanford University Graduate School of Business Research Paper No. 4166* at 42-43; Johnston (2005) at 29.
64 Rose-Ackerman S (2012) "Corruption and Government" in Cheng CS & Zaum D *Corruption and Post-Conflict Peacebuilding* Abingdon: Routledge at 51.
65 Papada, Pavlova & Lindberg (2022).

corruption reduces citizens' confidence in democratic institutions and discourages political participation, thereby weakening democratic legitimacy.[66] Similarly, high corruption levels correlate with lower protection of civil liberties and socio-economic rights, as public resources are diverted and governance becomes exclusionary.

Importantly, the interaction between these variables is mutually reinforcing. Weak rule of law facilitates corruption; corruption in turn further weakens the rule of law and democratic accountability. This cyclical relationship creates a vicious cycle in which corruption, institutional weakness, and rights violations perpetuate one another. Breaking this cycle requires not only legal reforms but also strengthening institutional integrity, enhancing transparency, and ensuring meaningful accountability.

The impact of corruption on the rule of law is not dissimilar to that on democracy. Marco Arnone and Leonardo Borlini have noted that "[c]orruption is likely the most effective challenge to the [rule of law]".[67] Corrupt acts go hand in hand with an arbitrary application of legal rules. This can occur through, for example, the co-option of accountability processes, adoption and application of favourable laws to only a select few, unjustifiably limiting access to public services and institutions, and non-enforcement of criminal laws (especially anti-corruption legislation). This subverts the basic rule of law principle that all are equal before the law.

Judicial corruption significantly affects the rule of law, subverting legal merit and due process. The independent and ethical adjudication of laws is undermined, creating unfairness within the legal system. Corrupt acts cause citizens to be excluded from the civil and political legal protections to which they are entitled. Furthermore, when judicial processes and decisions are unduly influenced, the value and legitimacy of legal arguments upon which decisions are made are compromised. Legal certainty is eroded as compliance and fair adjudication of rules are no longer guaranteed.[68]

As for the impact of corruption on human rights, the United Nations Committee on Economic, Social and Cultural Rights has concluded in several observations that "corruption

66 Rivera, Seira & Jha (2024).
67 Arnone & Borlini (2014) at 170.
68 Warren (2006) at 805; Arnone & Borlini (2014) at 173.

has a negative impact upon the (equal) enjoyment, implementation, realisation, or (full) exercise of economic, social and cultural rights".[69] Corrupt acts, such as embezzlement or misappropriation, divert the resources available for social services. This results in a decrease in the availability and quality of public services, impeding the realisation of socio-economic rights related to these services. Due to the interrelatedness of rights, hindrances to realising socio-economic rights will also impact people's ability to exercise their civil and political rights.

The African Union has also highlighted the link between corruption and the lack of fulfilment of human rights on the African continent.[70] The International Council on Human Rights Policy (ICHRP) and Transparency International have identified three causal links between corruption and human rights: direct, indirect and remote violations. Direct violations occur "when a corrupt act is deliberately used as a means to violate a right".[71] For example, a person has to pay a bribe for a child to be admitted to a public school. An indirect violation occurs where "corruption will be an essential factor contributing to a chain of events that eventually leads to a violation of a right".[72] This can occur, for example, where public officials allow environmental harms to occur in return for a bribe, which can ultimately affect the rights to health and life. Lastly, remote violations occur where corruption plays a distant and remote role in consequent human rights violations.[73]

The impact of corruption on human rights can be seen by considering the three primary human rights obligations that rest on states, namely, the duties to respect, protect, and fulfil human rights. There are several avenues through which human rights and related obligations can be violated. The right to equal political participation can be violated where wealthier opponents buy votes. Electoral malpractices can violate the rights to associate and vote in free and fair elections.[74] The rights to a fair trial and an effective remedy can be violated when law enforcement, prosecutors and judges are bribed to handle a case in a

69 Boersma M (2012) *Corruption: A Violation of Human Rights and a Crime under International Law* Antwerp: Intersentia at 116-120.

70 See African Union (2018) *Fighting Corruption and Advancing Human Rights: Our Collective Responsibilities* Department of Political Affairs, African Union Commission.

71 ICHRP & Transparency International (2009) *Corruption and Human Rights: Making the Connection* Versoix: ICHRP at 27-28.

72 ICHRP & Transparency International (2009)at 27-28.

73 ICHRP & Transparency International (2009) at 27-28.

74 Olaniyan (2014) at 232.

particular manner.[75] Moreover, states that fail to investigate and prosecute credible allegations of corruption that possibly violate rights will breach their duty to protect the enjoyment of rights.

Corruption undermines the state's obligation to progressively realise socio-economic rights by diverting resources meant for public services. When bribes are required for access to services like healthcare or housing, or when funds intended for education, food aid, or health infrastructure are misappropriated, the rights to health, adequate housing, food, and education are directly compromised. The United Nations OHCHR has confirmed that corruption undermines the right to an adequate standard of living,[76] and the United Nations Special Rapporteur on the right to food (2001) identified corruption as a major obstacle to realising this right.[77] Ultimately, corruption that prevents individuals from meeting basic needs infringes on their right to dignity.

The possible rights violations mentioned above are only some examples of how the enjoyment of rights and related obligations can be impeded. It is further recognised that corruption disproportionately impacts the vulnerable and marginalised in society due to their limited economic and political power and reliance on social services.[78] Corrupt acts that impede the fair distribution of resources and the ability of the state to deliver public services perpetuate inequality and discriminatory outcomes, undermining the right to equality. Corruption is, therefore, not only an impediment to the realisation of rights per se, but it also compromises the core human rights and democratic principles of "transparency, accountability, non-discrimination, and meaningful participation".[79] As discussed earlier, the foundational elements of democracy, the rule of law, and human rights are mutually reinforcing and interrelated, and, therefore, so too is the impact of corruption on those tenets. The empirical and analytical relationships identified above are further illustrated in

75 See ICHRP & Transparency International (2009) at 36-39; 42-43.
76 OHCHR (2007) *Good Governance Practices for the Protection of Human Rights* New York; Geneva: United Nations Publications at 65-66.
77 OHCHR (2013) *The Human Rights Case against Corruption* at 3.
78 Boersma (2012) at 3; Olaniyan (2014) at 19.
79 OHCHR (2013) at 8-9. See also Olaniyan (2014) at 65-66.

the case studies that follow, which demonstrate how these dynamics manifest in specific national contexts.

4. IMPACT OF CORRUPTION ON DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS IN SOUTH AFRICA, UGANDA, NIGERIA AND KENYA

It can be seen from the foregoing discussion that corruption has a significant impact on democracy, the rule of law and human rights. In South Africa, Nigeria, Kenya, and Uganda, pervasive corruption has deeply affected democratic processes, the rule of law, and the realisation of human rights for a long time. These countries have all ratified international anti-corruption conventions and adopted extensive anti-corruption laws, yet the entrenchment of corrupt practices continues to threaten democratic accountability and socio-economic development. This section critically examines how corruption over the past decade has impacted democracy, rule of law, and human rights in the four countries, highlighting both similarities and divergences. The discussion focuses on legislative frameworks, legal and oversight institutions, governance practices, and civil society engagement. A comparative lens is applied throughout, with country-specific insights illustrating the unique context of each nation.

4.1 Legislative Frameworks and Legal Institutions

Over the past decade, numerous laws and constitutional provisions in South Africa, Nigeria, Kenya, and Uganda have ostensibly equipped authorities with the tools to prevent and punish corruption. On paper, the anti-corruption legal frameworks are strong and largely adequate, and indeed the general consensus is that no major new laws are needed.[80] South Africa's Prevention and Combating of Corrupt Activities Act[81] is a comprehensive statute that explicitly recognises the negative impact of corruption on "constitutionally protected rights, sustainable development and the rule of law", and criminalises a wide range of corrupt acts.[82] The South African Constitution, while not mentioning "corruption" explicitly, embeds

80 See 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* 225-247 at 240.

81 Prevention and Combating of Corrupt Activities Act 12 of 2004.

82 Mubangizi (2020) at 232.

principles of accountable governance. For example, it empowers the Auditor-General and Public Protector to expose maladministration and enshrines the right to information and just administrative action.[83]

Like South Africa, Nigeria has an array of anti-corruption laws and agencies. The Independent Corrupt Practices Commission Act (2000) and the Economic and Financial Crimes Commission Act (2004) provide broad mandates to investigate and prosecute graft, and a Code of Conduct Bureau is constitutionally charged with enforcing asset declaration by public officials. In Kenya, Chapter 6 of the 2010 Constitution on leadership and integrity requires public officials to uphold ethical standards and provides for their removal upon breaching public trust.[84] The Leadership and Integrity Act[85] and the Ethics and Anti-Corruption Commission (EACC) Act[86] have their genesis in that constitutional context, existing alongside older laws such as the Anti-Corruption and Economic Crimes Act[87] and a newer Bribery Act[88] targeting private-sector bribery. Uganda's legal arsenal includes the Anti-Corruption Act[89] which defines offences from bribery to embezzlement and constitutional bodies such as the Inspectorate of Government (IGG) tasked with "eliminating and fostering the elimination of corruption, abuse of authority and public office…",[90] among other things.

All four countries have also ratified regional and international instruments such as the African Union Convention on Preventing and Combating Corruption[91] and the United Nations Convention against Corruption (UNCAC) and enacted corresponding domestic measures. Despite the existence of strong legal and institutional frameworks, a significant gap remains between law and enforcement. In reality, anti-corruption bodies have faced serious challenges such as political interference, limited capacity, and insufficient backing from senior leadership. These challenges have hindered the effective implementation of anti-corruption

83 Mubangizi (2020) at 235.
84 The Constitution of Kenya, 2010.
85 The Leadership and Integrity Act 12 of 2012.
86 The Ethics and Anti-Corruption Commission (EACC) Act 22 of 2011.
87 The Anti-Corruption and Economic Crimes Act 3 of 2003.
88 The Bribery Act 47 of 2016.
89 The Anti-Corruption Act 6 of 2009 (amended 2019).
90 Mubangizi (2020) at 235.
91 Adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo, Mozambique 11 July 2003.

laws. What becomes readily apparent is a comparative paradox, namely, legal frameworks that are robust on paper, but whose enforcement remains weak in practice. In Kenya, for example, the EACC and related bodies have one of the most progressive legislative and institutional frameworks in Africa, yet they have been unable to achieve a single high-profile conviction of grand corruption.[92]

Similarly, in Nigeria, there are specialised anti-corruption agencies such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) which operate within the legislative framework of legislation in the form of the Economic and Financial Crimes Commission (Establishment) Act[93] and the Corrupt Practices and Other Related Offences Act.[94] 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. Moreover, successive governments have established new policies such as the Treasury Single Account to curb graft in public finances and a whistleblowing policy to encourage reporting.[95] Yet "Nigeria has regrettably and consistently, remained on the negative corruption perception index, regionally and internationally assessed".[96] The Nigerian anti-corruption campaign's impact has been blunted in part by perceptions of selectivity with enforcement often seen as targeting political opponents while impunity persists for many in the ruling networks, leading to "opinions of Nigerians [being] tendentiously divided along ethnic, religious and political party lines"[97] regarding the sincerity of the anti-corruption war.

In Uganda, too, enforcement is sporadic: laws exist to prosecute embezzlement, bribery, nepotism and even "sectarianism" in public office,[98] and on occasion mid-level officials have been convicted – for example, the 2016 pension fund scandal saw three top

92 Daud YM (2024) "A Review of Effectiveness of Anti-Corruption Strategies and Institutions in Kenya" 4(4) *African Journal of Commercial Studies* 303-318 at 308.
93 The Economic and Financial Crimes Commission (Establishment) Act 1 of 2004.
94 The Corrupt Practices and Other Related Offences Act 5 of 2000.
95 Akpan MJD (2020) "When You Fight Corruption, Corruption Will Fight Back, Who Will Win the War: Reviewing President Buhari Administration Anti-Corruption War in Nigeria" 5(1) *American Journal of Public Policy and Administration* 23-47 at 27
96 Akpan (2020) at 23.
97 Akpan (2020) at 23.
98 Mubangizi (2020) at 236.

bureaucrats jailed for siphoning billions of shillings.[99] However, high-level perpetrators linked to the political elite are rarely held to account, reflecting a deficit of political will. By contrast, South Africa's institutions have shown greater independence in some cases – its courts and prosecutors have pursued difficult cases such as *S v Shaik and others*[100] and the long-running corruption case against former president Jacob Zuma and the French arms company Thales (the arms deal case).[101] Even so, South Africa's law enforcement capacity was severely tested during the "state capture" era (2009–2018), when prosecution and investigative agencies were deliberately weakened by patronage appointments.

Across all four countries, the core problem is not the absence of laws but the failure to enforce them impartially and consistently. As one comparative study notes, "Why is the enforcement of the anti-corruption laws so poor that corruption remains one of the biggest threats…to democracy, sustainable development and human rights?"[102] The answers range from "weak enforcement agencies to poor governance and lack of political will",[103] the study suggests. In short, entrenched interests often subvert the very institutions meant to uphold the rule of law, preventing the legal framework from translating into accountability for corruption.

While all four countries exhibit relatively robust legal frameworks on paper, the reasons for enforcement failure differ in analytically significant ways. In South Africa, enforcement deficits have been linked to institutional capture and executive interference; in Nigeria, to politicised enforcement and selective prosecution; in Kenya, to institutional fragmentation and weak prosecutorial follow-through; and in Uganda, to executive dominance and limited institutional autonomy. These differences reveal that the persistence of corruption is not merely a legal problem but is rooted in broader variations in political accountability and institutional independence. As opined by David Jackson, "[t]he relationship

99 See *Uganda v Lwamafa Jimmy & 3 others* (Criminal Session Case No. 0003 of 2016) [2018] UGHCACD 11 (21 December 2018).
100 *S v Shaik and others* 2008 (5) SA 354 (CC).
101 Mubangizi (2020) at 240.
102 Mubangizi (2020) at 240.
103 Mubangizi (2020) at 240.

between the undermining of broader accountability institutions and more systemic forms of corruption is well-established in the literature…"[104]

4.2 Impact on democracy and the rule of law

In all four nations under discussion, corruption has distorted electoral and governance processes, weakening the healthy competition and accountability that democracy requires. Elections themselves are often tainted by corrupt practices: vote-buying, diversion of public funds to finance incumbents' campaigns, and the misuse of state resources to reward loyalists are frequently reported. In Nigeria and Kenya, for instance, patronage networks use state coffers to maintain political machines, blurring the line between ruling party and state. Such practices create an uneven playing field and erode citizens' faith that leaders are chosen on merit rather than money. In Uganda, the linkage between corruption and authoritarian entrenchment is especially stark – President Yoweri Museveni's regime has for decades used state resources and "brown envelope" patronage to secure political loyalty.[105] As one commentator noted, corruption in Uganda has become so normalised that "giving out envelopes" (slang for cash bribes) is seen as part of the political culture, openly defended by the president as reflecting local "norms".[106] This cynical normalisation of graft is fundamentally at odds with democratic governance.

Beyond elections, corruption attacks the rule of law by subverting justice and accountability. In South Africa, the Zuma presidency (2009-2018) provided a vivid illustration of how high-level corruption can corrode a democracy from within. The phenomenon of "state capture" under Zuma involved a "sprawling network of corrupt procurement" where powerful individuals "sought to undermine the institutions designed to keep [abuses] in check", through tactics like disabling independent investigators, firing uncooperative officials, and packing oversight bodies with loyalists.[107] A similar dynamic can be seen in the other countries: in Kenya, numerous high-level corruption scandals have gone largely unpunished,

104 Jackson D (2026) "Systemic corruption as a meso-level phenomenon: Severe abuse and strategic gain" *Public Integrity* 1–13.
105 Mubangizi (2020) at 227.
106 Mubangizi (2020) at 227.
107 Rod A & Pitcher A (2019) "Resisting State Capture in South Africa" 30(4) *Journal of Democracy* 5-19.

causing public outrage, yet few consequences for the politically powerful. In Nigeria, despite some headline prosecutions, many officials suspected of grand corruption navigate around the justice system by exploiting delays, political connections, or even switching political parties to avoid charges.[108]

Concrete examples across the four countries further illustrate how corruption distorts democratic governance and undermines the rule of law. In South Africa, the Judicial Commission of Inquiry into Allegations of State Capture (Zondo Commission) documented extensive irregularities in public procurement involving state-owned enterprises, revealing how politically connected actors manipulated state institutions for private gain, thereby weakening accountability mechanisms and eroding public trust.[109] In Nigeria, the so-called *Dasukigate* scandal exposed the diversion of billions of dollars intended for national security procurement, highlighting how corruption within the executive not only compromises governance but also undermines the state's ability to fulfil its primary security obligations.[110] In Kenya, recurrent procurement scandals, including the Anglo Leasing affair, demonstrate how entrenched networks of corruption continue to distort public financial management and legislative oversight.[111] Similarly, in Uganda, the Office of the Prime Minister aid scandal involving the misappropriation of donor funds intended for post-conflict reconstruction underscores the extent to which corruption weakens administrative accountability and the rule of law.[112] These examples demonstrate that corruption is not merely systemic in the abstract but manifests in concrete institutional failures that directly impair democratic governance.

One of the clearest indicators of corruption's impact on democracy is the erosion of public trust. In all four countries, citizens have grown cynical about public institutions due to

108 Akpan (2020) at 23.

109 South African Government (2022) *Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, Report*, available at https://www.statecapture.org.za (visited 30 April 2026).

110 See Salau AO (2025) "Prosecuting Arms Procurement Fraud and Related Money Laundering Offences in Nigeria: A Legal Cul-de-sac?" l 9(1) *Journal of Anti-Corruption Law* (JACL) 80–107

111 Kempe RH (2014) "Kenya's Corruption Problem: Causes and Consequences" 52(4) *Commonwealth & Comparative Politics* 493-512.

112 Office of the Auditor General October (2012) *Special Investigation Report on the Allegations of Financial Impropriety in the Office of the Prime Minister,* Kampala, Uganda.

relentless scandals. Trust in democratic institutions is fragile when corruption is rampant. South Africa saw a marked decline in voter turnout and civic trust in the late Zuma era, as citizens became disillusioned by revelations of grand corruption and "wasted years" of governance.[113] In Nigeria and Kenya, surveys (e.g. Afrobarometer and Transparency International's barometers) repeatedly find that a majority perceive most or all public officials as corrupt, and that the government is failing to address the issue. In Uganda, where open contestation is limited, corruption contributes to apathy and disengagement among a populace that sees the political system as fundamentally predatory. The overall pattern is clear: corruption undermines democratic accountability by shielding leaders from consequences and by breeding public disillusionment with democratic institutions.

Despite shared challenges, notable differences emerge in how South Africa, Nigeria, Kenya, and Uganda experience and respond to corruption. South Africa's democracy, though shaken, has shown resilience: its robust civil society, free press, and independent judiciary combined to expose and resist state capture, eventually forcing the corrupt president to resign before his term ended,[114] illustrating how institutional independence enables democratic resistance. Nigeria and Kenya have seen peaceful transfers of power, reflecting popular demand for accountability, yet entrenched patronage continues to undermine reform. Uganda, in contrast, remains a hybrid regime where corruption is fused with long-standing authoritarian rule.

A clearer comparative pattern emerges when these country experiences are considered together. In South Africa, corruption has primarily taken the form of institutional capture within a formally democratic system, allowing for eventual institutional resistance. In contrast, in Uganda, corruption is more closely intertwined with long-term executive dominance, limiting the possibility of effective institutional challenge. Nigeria and Kenya occupy an intermediate position, where competitive electoral politics coexist with entrenched patronage networks that continue to undermine accountability. These distinctions demonstrate that while corruption undermines democracy across all four

113 Rod & Pitcher (2019).
114 Rod & Pitcher (2019).

contexts, its institutional effects and the prospects for accountability vary significantly depending on the strength of political competition and institutional independence.[115]

4.3 Impact on Human Rights

The impact of corruption on human rights generally was discussed earlier. It is also generally acknowledged that corruption does not only have an adverse impact on the enjoyment of human rights, it is itself a violation of human rights.[116] South Africa's constitution enshrines justiciable socio-economic rights, but corruption during the state capture period drained billions from state coffers – hurting service delivery and "undermining the quality of goods and services delivered".[117] In Nigeria, vast oil revenues have been lost to embezzlement and kleptocracy, contributing to chronic under-investment in hospitals, schools, and electricity for the populace. The result is a failure to progressively realise rights to health, education, and an adequate standard of living despite the country's wealth. Kenya's experience, particularly after the devolution of government in 2010, likewise illustrates how corruption sabotages socio-economic rights at the local level. A 2015 national survey in Kenya found that "63% of Kenyans [reported] paying bribes to access county health facilities, 59% to access water and sanitation, 58% to access markets, and 57% to get trade licences".[118] In Uganda, a country with high levels of poverty, corruption has similarly meant that funds intended for health clinics, schools or infrastructure often vanish, and citizens are routinely asked to pay bribes for services that should be free. The siphoning of public funds directly translates into drugs not delivered to clinics and textbooks not reaching students – concrete deprivations of the rights to health and education. As one commentator has noted, "the abuse of public funds meant for the provision of socio-economic goods constitutes a violation of socio-economic rights".[119]

115 Papada, Pavlova & Lindberg (2022).
116 Mubangizi (2024) at 76.
117 Mubangizi (2020) at 229.
118 Mwangi J & Muna W (2024) "Slaying the Dragon of Corruption: Application of Multiple-Streams Framework in Anticorruption Policy Processes in Devolved Systems of Government in Kenya" 6(3) *International Review of Public Policy* 1.
119 Mubangizi (2020) at 229.

The link between corruption and human rights violations is further evidenced by specific incidents across the four countries. In South Africa, the *Life Esidimeni* tragedy, in which vulnerable mental health patients died following their transfer to unlicensed facilities, has been widely associated with governance failures and maladministration, illustrating how corruption and mismanagement can result in violations of the rights to health, life and dignity.[120] In Nigeria, corruption in the oil sector has contributed to environmental degradation in the Niger Delta, with severe consequences for the rights to health, livelihood, and a clean environment.[121] In Kenya, the prevalence of bribery in access to public health services, as noted earlier, directly undermines the right to health by conditioning access on the ability to pay illicit fees.[122] In Uganda, the diversion of public funds intended for essential services such as education and healthcare has resulted in chronic under-provision, thereby impairing the realisation of socio-economic rights.[123] These examples underscore that corruption operates not only as a governance failure but as a direct and indirect driver of human rights violations.

Corruption also undermines civil and political rights by weakening institutions that are meant to protect those rights and by fostering a culture of impunity. The right to equal protection of the law is fundamentally breached when justice can be bought or sold. For example, in Nigeria and Kenya, police corruption and bribery are widespread, which not only means perpetrators of crimes can pay to escape consequences but also leads to human rights abuses: police officers extorting money often resort to arbitrary detention, torture or extrajudicial violence against those who cannot pay. In the judiciaries, when judges or court clerks accept bribes to tilt decisions, the right to a fair trial is subverted. All four countries have struggled to some extent with judicial corruption, although South Africa's court system has largely maintained a high level of integrity. In Uganda, the judiciary's independence has

120 Makgoba MW (2017) *Report into the Circumstances Surrounding the Deaths of Mentally Ill Patients: Gauteng Province*, available at https://ohsc.org.za/wp-content/uploads/2017/09/FINALREPORT.pdf (visited 30 April 2026).

121 United Nations Environment Programme (UNEP) (2011) *Environmental Assessment of Ogoniland*, available at https://wedocs.unep.org/items/a1f5690c-5501-4a08-bdc7-6548590fa48c (visited 30 April 2026).

122 Mwangi & Muna (2024).

123 Mubangizi (2020) at 229.

been compromised at times by political interference tied to corruption. Whistleblowers, journalists, and civil society activists who speak out against corruption frequently face harassment or worse. Moreover, activists holding anti-corruption protests have been met with arrests,[124] an indication of how the corrupt establishment may crack down on citizens exercising their rights to assembly and expression to demand accountability. In Kenya and Nigeria, journalists who investigate corruption have at times been threatened or attacked, and whistleblowers have often lacked adequate protection.

Judicial recognition of the link between corruption, the rule of law and human rights further reinforces this position. In *Glenister v President of the Republic of South Africa*,[125] the Constitutional Court affirmed that the state has a constitutional obligation to establish effective anti-corruption mechanisms grounded in the rule of law and South Africa's international obligations, and emphasised that corruption poses a serious threat to constitutional democracy and the protection of fundamental rights.[126]

A comparative perspective also reveals variation in the nature and intensity of rights violations. In South Africa, corruption has significantly affected socio-economic rights through failures in service delivery, particularly in health and public procurement. In Nigeria, the impact is more pronounced in environmental and livelihood rights, especially in resource-rich regions affected by governance failures. In Kenya, corruption most visibly affects access-based rights, such as healthcare and public services, through systemic bribery. In Uganda, the effects are both socio-economic and civil-political, as corruption is linked not only to service delivery failures but also to constraints on civic space and accountability. These variations underscore that corruption does not produce uniform human rights outcomes, but rather context-specific patterns of rights impairment.[127]

124 See Amnesty International (2024) *Amnesty International Report – Uganda 2024/2025*, available at https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/uganda/report-uganda/#:~:text=Human%20rights%20in%20Uganda%20,other%20towns%2C%20following%20mounting (visited 7 July 2025).

125 *Glenister v President of the Republic of South Africa*,2011 (3) SA 347 (CC).

126 *Glenister v President of the Republic of South Africa*, Para 175.

127 ICHRP & Transparency International (2009).

4.4 Similarities and Divergences in Anti-Corruption Landscapes

Examining South Africa, Nigeria, Kenya, and Uganda side by side reveals both common patterns and sharp contrasts in their struggles against corruption. A key similarity is that all four countries exhibit a gap between robust anti-corruption frameworks and the continued prevalence of corruption in practice. Each nation has created laws, agencies, and formal procedures that align with global "best practices", yet none has eliminated high-level corruption or fully stemmed the abuse of public office. The lack of consistent enforcement and political will emerges as a universal problem.[128] Furthermore, all four countries struggle with a political culture that, to varying extents, tolerates corruption. This cultural normalisation of corruption means that reformers in those countries face not only institutional hurdles but social ones, requiring a shift in public attitudes to truly uproot corruption.

Despite these similarities, there are also important divergencies. In terms of democratic governance, South Africa and Kenya maintain pluralistic systems with regular (and relatively credible) elections and judicial checks, whereas Nigeria's democracy, though functional, is marred by higher levels of electoral irregularities and a history of military rule that still casts a shadow. Uganda has effectively crossed into semi-authoritarian rule. These political differences affect how corruption manifests and is addressed. In South Africa, Kenya and Nigeria, multi-party competition means opposition parties often highlight ruling party corruption as a campaign issue; Uganda's lack of alternation in leadership means corruption is entwined with regime stability.

Institutional robustness varies notably. South Africa's judiciary and independent constitutional bodies (so-called chapter 9 institutions) have proven relatively robust, asserting their authority to uphold the rule of law even amid executive interference.[129] Kenya's judiciary underwent reforms after 2010 that increased its independence. Nigeria's judiciary is more of a mixed bag – it has pockets of integrity and has convicted some officials but is also seen as susceptible to corruption or intimidation. Uganda's judiciary, while it has some

128 Mubangizi (2020) at 240.
129 Mubangizi (2020) at 238.

independent voices, largely lacks the autonomy to rule against the interests of the Museveni regime on sensitive matters; any judges who do so face severe pressure. Similarly, anti-corruption agencies themselves show divergence in effectiveness and independence: Nigeria's EFCC has a strong legal mandate and has handled many cases, but it has also been accused of being influenced by the executive's agenda; Kenya's EACC is hamstrung by frequent leadership turnover and prosecutions that ultimately depend on the public prosecutor and courts; Uganda's IGG is appointed by the President and has limited political clout; South Africa, interestingly, has no singular anti-corruption commission, but multiple bodies and a very active civil society fill that space.

Another divergence lies in the role of the press and public discourse. South Africa's media is free and has relentlessly investigated corruption, contributing to a broad public consensus that state capture was unacceptable and had to be confronted. Kenyan media has also created national conversations around corruption scandals, even if follow-up action lags. The Nigerian media is free on paper, but journalists operate in a more precarious security environment. Uganda's tightly controlled media means many corruption stories either never come to light or lack sustained coverage to mobilise the public; the narrative is often dominated by the government's framing, which may deny or downplay corruption at the top.

The comparative analysis demonstrates that similarities in legal frameworks mask significant differences in institutional performance and accountability. The key distinguishing variables across the four countries include the degree of judicial independence, the strength of political opposition, the level of media freedom, and the capacity of civil society to demand accountability. Where these elements are relatively strong, as in South Africa, corruption is more likely to be exposed and contested. Where they are weak or constrained, as in Uganda, corruption tends to be more deeply entrenched. Nigeria and Kenya illustrate hybrid scenarios in which formal democratic structures coexist with persistent governance deficits. The significance of these distinctions lies in demonstrating that effective anti-corruption strategies must be tailored to specific institutional and political contexts rather than assumed to operate uniformly across jurisdictions.[130]

130 Rothstein B & Teorell J (2008) "What Is Quality of Government? A Theory of Impartial Government

5. Conclusion and Recommendations

The foregoing discussion demonstrates that corruption in South Africa, Nigeria, Kenya, and Uganda has gravely undermined democracy, the rule of law, and the enjoyment of human rights. Tackling this challenge calls for a holistic, human rights-based approach. This approach requires that the fight against corruption is regarded as integral to fulfilling states' human rights obligations and empowering citizens as rights-holders to demand honest governance.[131] This approach is underpinned by five key human rights principles, namely, participation; accountability and transparency; non-discrimination and equality; empowerment of rights holders; and legality.[132] The recommendations outlined below are rooted in these principles, which together seek to realign anti-corruption initiatives with the imperatives of human rights and democratic governance.

Firstly, all four countries must reinforce the accountability of public officials at every level, ensuring that no individual is above the law. Secondly, the four countries should institutionalise mechanisms for meaningful participation of civil society and communities in anti-corruption efforts. Thirdly, to ensure non-discrimination and equity, anti-corruption strategies in the four countries must explicitly aim to protect the poorest and most marginalised, who often suffer the worst effects of corruption. Fourthly, transparency is one of the most powerful antidotes to corruption and is a cornerstone of a rights-based approach. Although all four countries have some form of freedom of information law,[133] implementation is uneven. These laws must be strengthened and proactively applied. In addition, appointment processes for key offices (judges, electoral commissioners, agency heads) should be transparent and merit-based so as to help prevent those positions from being "sold" or filled through patronage. Undoubtedly, transparency bolsters accountability by

Institutions" 21(2) *Governance* 165–190.

131 Mubangizi (2020) at 245.

132 These principles are espoused by the European Network of National Human Rights Institutions (see ENNHRI *Human Rights-Based Approach*, available at https://ennhri.org/about-nhris/human-rights-based-approach/#:~:text=Principles,the%20enjoyment%20of%20their%20rights (visited 7 July 2025).

133 South Africa's Promotion of Access to Information Act 2 of 2000, Nigeria's Freedom of Information Act 2011, Kenya's Access to Information Act 31 of 2016, and Uganda's Access to Information Act 6 of 2005.

arming citizens and oversight bodies with the information needed to detect and deter corruption.

Empowerment of right-holders requires access to justice and availability of remedies. From a human rights perspective, victims of corruption – which includes the public at large – have the right to seek justice and remedies for the harm caused. This means creating accessible channels for individuals to report corruption, witness wrongdoing, and claim redress. Whistleblower protection is crucial: all four countries should review and strengthen their whistleblower laws to ensure confidentiality, protection against retaliation, and meaningful incentives for reporting corruption. Access to justice also means that ordinary citizens who have been asked for bribes or denied services have somewhere to lodge complaints that will be taken seriously. Finally, the principle of legality in a human rights-based approach implies aligning anti-corruption laws with human rights standards – ensuring due process in anti-corruption proceedings while delivering justice. Special attention should be given to recovering and returning stolen assets: funds recovered from corruption cases ought to be transparently managed and channelled into programmes that fulfil citizens' rights, thus directly remedying some of the harm.

In conclusion, this article has explored the complex interplay between corruption, democracy, the rule of law, and human rights in South Africa, Uganda, Nigeria, and Kenya. Drawing on a human rights-based framework, it has shown that corruption is not merely a governance failure, but a fundamental impediment to democratic consolidation and the realisation of human rights. While the four countries exhibit distinct political trajectories and institutional configurations, they also share structural challenges such as weak accountability mechanisms, politicised anti-corruption bodies, and uneven enforcement of the law, which undermine reform efforts. The comparative analysis reveals that meaningful progress depends not only on legal and institutional reforms, but also on political will and civic empowerment. This article advances both a theoretical and empirical contribution. Theoretically, it conceptualises the relationship between corruption, democracy, the rule of law and human rights as a mutually reinforcing and cyclical governance dynamic, in which corruption both results from and deepens institutional weakness. Empirically, through comparative analysis of South Africa, Nigeria, Kenya and Uganda, supported by governance

indicators and concrete case studies, it demonstrates how these interlinkages manifest in practice and generate patterned outcomes across different political contexts. A human rights-based approach – anchored in the key human rights principles of transparency, participation, non-discrimination, accountability and legality – offers a sustainable and people-centred path to curbing corruption and reinforcing democratic governance and the rule of law in Africa.