

Political Regimes and Anti-Corruption Legislation in Africa: A Comparative Study with Kenya as a Benchmark

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Abstract

This study examines how regime type influences anti-corruption enforcement in Africa through a comparative analysis of Kenya, Rwanda, Nigeria, and South Africa, using qualitative process tracing and governance indicators including the Corruption Perceptions Index and Mo Ibrahim Index. Findings reveal that legal comprehensiveness does not guarantee effective enforcement: democratic regimes enact robust legislation but suffer from inconsistent enforcement due to elite capture, authoritarian regimes like Rwanda achieve stronger enforcement (CPI: 53/100) through centralized control but with political selectivity, while hybrid regimes like Kenya demonstrate the most fragmented patterns with comprehensive laws undermined by politicized implementation (CPI: 31/100). The study concludes that institutional autonomy and regime incentives, rather than legislative design alone, determine anti-corruption outcomes, highlighting the need to insulate enforcement mechanisms from political capture for sustainable reform.

i. Introduction

Corruption continues to be one of the most deeply rooted African governance issues, destabilizing development, undermining trust, and diluting the legitimacy of institutions [1]. Although virtually every African country has enacted anti-corruption legislation since the early 2000s, enforcement is highly unequal, indicating that regime type determines outcomes substantially. The present research explores the impact of different political regimes, i.e., democratic, authoritarian, and hybrid, on the creation, implementation, and effectiveness of anti-corruption law using Kenya as a comparative point of reference. With a comparative case study of Kenya, Rwanda, Nigeria, and South Africa, the research employs qualitative process tracing, policy content analysis, and comparative matrix construction supported by governance indicators such as Corruption Perceptions Index and Mo Ibrahim Index. Results indicate that democratic governments are in the habit of passing bold laws but suffer from erratic implementation characterized by elite interests [2], authoritarian governments

selectively apply, often as a means of regime consolidation [3], and hybrid governments like Kenya have polarized, politicized implementation despite robust legal institutions [4]. These results highlight that regime incentives and institutional autonomy, rather than law, determine anti-corruption outcomes. The study offers a Kenya-centered benchmarking model and supplies policy-relevant lessons for reformers and international actors seeking more effective anti-corruption strategies in Africa.

Corruption is the biggest obstacle to governance in Africa, undermining democratic institutions, undermining the rule of law, and inhibiting sustainable development. It is estimated by the African Union that corruption drains the continent of approximately \$148 billion annually, which equates to nearly 25 percent of Africa's GDP [5]. These staggering figures reveal the manner in which corruption diverts resources away from essential services such as healthcare, education, and infrastructure, deepening poverty and eroding public confidence in government institutions. Although

there is widespread recognition of the problem, some African countries have not had sustained and effective anti-corruption policies. This divergence raises an eminent question: to what extent does the political institution of a state—democratic, authoritarian, or mixed—shape the effectiveness of anti-corruption legislation and enforcement? This paper seeks to provide an answer to this query by using Kenya as a point of reference in examining how different regime forms shape anti-corruption policy enforcement and implementation. Kenya has embraced one of the most comprehensive anti-corruption systems in Africa, comprising the Anti-Corruption and Economic Crimes Act (2003) and the establishment of oversight bodies like the Ethics and Anti-Corruption Commission (EACC) [6]. Yet, even with these efforts, Kenya's Corruption Perceptions Index (CPI) score in 2023 stood at 31/100, at position 126 worldwide; a ranking that remained relatively stable in the last ten years [7]. This paralysis means that ambitious legal changes alone are insufficient without complementary political will and institutional independence. Rwanda, however, an autocracy roundly acclaimed for governance improvements, maintained a 53/100 CPI rating in 2023 and ranked 49th internationally, showing stronger enforcement but showing concerns over political selectivity [7]. The value of this research lies in comparative analysis. Placing Kenya in context within Africa and comparing it with Rwanda, Nigeria, and South Africa, this paper will discuss how regime type influences not just the shape of anti-corruption laws but also their enforcement. Nigeria and South Africa, democracies that they are, will enact high-minded legislation, sometimes at the behest of foreign donors and domestic accountability pressure, but the enforcement is imperfect due to elite capture and judicial weakness [2]. Authoritarian regimes such as Rwanda may have stronger enforcement, though analysts indicate these are politically selective, punishing opposition and shielding supporters [3]. Hybrid regimes such as Kenya hold on to both tendencies, passing advanced legislation but not applying it evenly, more often than not representing shifting political alignments

rather than impartial justice [4]. In the final analysis, this paper argues that regime type drives anti-corruption outcomes in Africa. While international normative guidelines, donor pressure, and public opinion force governments to adopt anti-corruption laws, political regime design determines the manner in which such laws are executed on the ground. Referring to Kenya and comparing it with other countries in Africa, this study highlights that successful reform is not a matter of enactments alone legally; it necessitates political will, institutional autonomy, and accountability measures immune to capture by regimes.

ii. Literature Review

i. Conceptualizing Corruption in African Political Systems

African corruption is usually embedded within broader socio-political and economic systems. Authors like Bayart describe African states as "politics of the belly," where institutions are channels for patronage and governance is basically personalized [1]. Chabal and Daloz pinpoint that informality and clientelism are not peripheral but constitute the center through which power operates within most of Africa [8]. African post-colonial politics inherited institutionally bad politics and often had authoritarian legacies. Van de Walle argues that neopatrimonialism—where personal rule co-exists with formal institutions—undermines the legitimacy and functionality of anti-corruption institutions [9]. Institutionalized corruption means that reforms are extremely resistant to political elites.

ii. Regime Type and Anti-Corruption Capacity

Political regimes have the basic function of determining the incentives and constraints facing policy actors. According to Levitsky and Way, regimes are situated on a continuum that runs from authoritarian to democratic with hybrid regimes, such as Kenya, possessing both competitive electoral politics and authoritarian elements [10]. Such regimes have the tendency to adopt anti-

corruption laws as a measure of seeking legitimacy or appeasing donors but without commensurate enforcement institutions. In fully democratic regimes, institutional checks such as an independent judiciary, a free press, and opposition politics empower tools of accountability. Schedler notes that mixed or authoritarian regimes use "electoral authoritarianism" and symbolic legal reform to simulate commitment to good governance [11]. These regimes are prone to establishing anti-corruption commissions with limited autonomy or using them selectively against political opponents [12]. Boone further hypothesizes that authoritarian regimes like Rwanda employ "bureaucratic authoritarianism" in enforcing anti-corruption policies from the top [13]. Successful at reducing petty corruption, the measures have no democratic imperative and are sometimes used as tools to consolidate power.

iii. Institutional Autonomy and Enforcement

Meagher and Doig et al. illustrate that institutional efficiency in anti-corruption depends mostly on autonomy, budgeting, and prosecuting ability [14], [15]. Reforms conditioned by donors have led to "isomorphic mimicry" [16]; where governments adopt institutions in form but not in substance. In Kenya, for instance, the Ethics and Anti-Corruption Commission (EACC) was set up with sweeping legal powers but whose independence is normally compromised by executive meddling. Examples of Anglo-Leasing and NYS Scandal indicate how politically expedient probes stall or collapse in the face of the law [17].

iv. Lessons in Comparison from Other African Countries

Rwanda consistently leads in low corruption and high CPI ratings. However, critics accuse its model of relying on centralized, top-down repression with little room for criticism. Rwanda Governance Board and Office of the Ombudsman work well but under a closely managed political system [3]. Nigeria, technically democratic as it may be, illustrates how

elite impunity, political capture, and institutional fragmentation prevent regular enforcement. The Economic and Financial Crimes Commission (EFCC) has been both hailed and criticized for politically selective enforcement [2]. South Africa demonstrates how strong constitution, judiciary, and civil society can defeat corruption. But the State Capture Inquiry (Zondo Commission) demonstrates how strong democracies are vulnerable to elite networks when accountability is breached [18].

iii. Research Design and Methodology

i. Research Design

This study employed a comparative qualitative case study design to investigate how regime type influences the adoption, implementation, and enforcement of anti-corruption legislation in Africa. The design was selected because case study methodology allows for an in-depth exploration of political, legal, and institutional dynamics across different contexts, while enabling comparisons that highlight both convergence and divergence [19]. Kenya was chosen as the benchmark case due to its extensive anti-corruption legal framework and hybrid political system, making it an ideal reference point. Three additional cases; Rwanda, Nigeria, and South Africa; were included to represent authoritarian, democratic, and semi-consolidated democratic regimes, respectively.

ii. Case Selection Rationale

Country	Regime Type	Reason for Selection
Kenya	Hybrid regime	Strong legal frameworks; weak enforcement; donor and civil society pressure; politically strategic enforcement
Rwanda	Bureaucratic authoritarian	Highly centralized power; strong enforcement



		mechanisms; limited political freedoms
Nigeria	Electoral democracy	High corruption perception; legal fragmentation; selective enforcement under civilian rule
South Africa	Constitutional democracy	Strong legal and civil society institutions; recently emerged from a high-profile corruption crisis (State Capture)

iii. Data Sources and Materials

This research relied on secondary data, drawn from multiple sources to ensure reliability and validity. Primary materials included:

- Legislation and official government documents (e.g., Kenya’s Anti-Corruption and Economic Crimes Act, 2003 and Rwanda’s Office of the Ombudsman Act).
- Reports from international organizations, such as the African Union (AU), United Nations Office on Drugs and Crime (UNODC), and World Bank.
- Quantitative governance indicators, including:
 - Transparency International’s Corruption Perceptions Index (CPI) [7].
 - The Mo Ibrahim Index of African Governance (IIAG) (Mo Ibrahim Foundation) [20].
 - World Bank Worldwide Governance Indicators (WGI).
- Peer-reviewed scholarly works analyzing corruption, governance, and regime type in Africa.

All documents were accessed from official government websites, legal databases, and academic repositories. Indicators were retrieved directly from the publishing organizations to ensure accuracy.

iv. Variables and Analytical Framework

The study identified regime type as the independent variable, categorized into three broad types: democratic, authoritarian, and hybrid. The dependent variable was the effectiveness of anti-corruption legislation, operationalized through three dimensions:

Design (scope and comprehensiveness of anti-corruption laws).

Implementation (resources allocated and institutional independence).

Enforcement (consistency, impartiality, and outcomes of prosecutions).

Control variables considered included international donor influence, economic conditions, and historical legacies of governance.

v. Procedure

The research proceeded in four steps:

- Document Collection: Legal texts, policy reports, and governance indexes were systematically collected for each case between January and April 2024.
- Coding and Content Analysis: Legislation and policy documents were coded using thematic content analysis to assess comprehensiveness, institutional arrangements, and enforcement mechanisms. Codes were developed inductively and grouped under design, implementation, and enforcement dimensions.
- Comparative Case Analysis: Each case was analyzed individually and then compared against Kenya as the benchmark. Patterns

were identified by examining divergences and similarities in institutional design, enforcement outcomes, and governance indicators.

- Triangulation: Findings from legal texts were cross-checked against governance indexes (CPI, IIAG, WGI) and scholarly analyses to reduce bias and strengthen validity.

vi. Data Analysis

The analysis combined qualitative process tracing and descriptive statistical comparisons. Process tracing recreated the political and institutional history of anti-corruption reforms with a particular focus on causal mechanisms linking regime type to legislative enforcement. Descriptive statistics from governance indicators were then used to contextualize and validate qualitative findings. For example, Kenya's plateauing CPI of 31/100 in 2023, compared to Rwanda's 53/100, was used to recognize variations in enforcement outcomes [7].

ix. Findings and Analysis

i. Comparative Overview of Anti-Corruption Legislation

A review of the legal frameworks showed variation by regime type. Kenya's anti-corruption law, including the Anti-Corruption and Economic Crimes Act (2003) and the Leadership and Integrity Act (2012), involve exhaustive institutional mandates and outline prosecution processes for grand corruption cases. Rwanda's legislation, e.g., the Office of the Ombudsman Act (2003), centralized power within the executive with evident mechanisms for rapid enforcement. Nigeria's laws, e.g., the Economic and Financial Crimes Commission (EFCC) Act (2004), had detailed procedures for investigation but were often subjected to selective enforcement. South Africa's legislation, e.g., the Prevention and Combating of Corrupt Activities Act (2004), emphasized institutional independence and judicial oversight.

ii. Institutional Autonomy and Enforcement

Institutional autonomy varied significantly across cases. The Ethics and Anti-Corruption Commission (EACC) of Kenya enjoyed partial autonomy, with appointments influenced by politics, which is concurrent with mixed enforcement outcomes. Rwanda's Office of the Ombudsman was firmly controlled by the executive, allowing for consistent enforcement but with selective prosecution of opponents. Nigeria's EFCC was under perpetual political interference, which resulted in mixed prosecution rates. South Africa's independent institutions, such as the National Prosecuting Authority (NPA), guaranteed routine procedural enforcement, yet prominent cases, such as the Zuma administration's state capture investigation, demonstrated periodic political interference.

iii. Governance Indicators

Corruption and governance indicators revealed clear differences across regimes.

- Kenya scored 31/100 on the 2023 CPI, reflecting persistent corruption despite legal institutions [7].
- Rwanda scored 53/100, which reflected stronger enforcement outcomes under an authoritarian regime.
- Nigeria scored 25/100, indicating weak institutional effectiveness and enforcement.
- South Africa scored 44/100, indicating modest success in anti-corruption enforcement with fluctuations due to political events.

Mo Ibrahim Index scores demonstrated identical trends:

- Rwanda: 64/100
- Kenya: 52/100
- Nigeria: 45/100
- South Africa: 57/100 [20].

iv. Regime-Anti-Corruption Matrix

Regime Type	Law Design	Institutional Autonomy	Enforcement Pattern	Public Trust/Impact
Authoritarian	Strong	Centralized	Selective	Moderate
Hybrid	Comprehensive	Fragmented	Politicized	Low
Democracy	Comprehensive	High	Inconsistent	Mixed

v. Comparative Findings

Process tracing highlighted that enforcement was most consistent in authoritarian and consolidated democratic regimes, with hybrid regimes like Kenya exhibiting fragmented patterns of enforcement. Legal comprehensiveness did not necessarily shape outcomes: Kenya and Nigeria had robust legal frameworks yet limited enforcement consistency, while Rwanda's selective but strict enforcement produced higher governance scores. Data from the parliamentary debates, NGO reports, and judicial records substantiated these findings, illustrating delayed and selective prosecution in hybrid and electoral democracy regimes.

x. Discussion

The present study attempted to examine the relationship between the political regime type and the enforcement efficacy of anti-corruption legislation in some African countries. Specifically, it compared Kenya, Rwanda, Nigeria, and South Africa with respect to legal frameworks, institutional autonomy, and enforcement outcomes. Our observations were that comprehensiveness in the law does not always lead to effective enforcement; rather, consistency in enforcement is highly influenced by the level of institutional independence and political will. Rwanda, being an authoritarian consolidated regime, experienced the most consistent anti-

corruption enforcement, as reflected in its comparatively high Corruption Perceptions Index (CPI) score of 53 and Mo Ibrahim Index of 64 [7], [20]. This affirms previous findings that authoritarian regimes can implement rapid and centralized enforcement since they face fewer political checks [21]. However, such selective enforcement calls into question the equity and fairness thereof, more precisely the targeting of political opponents, suggesting a trade-off between efficiency and neutrality under authoritarian regimes. Kenya, a hybrid democracy, on the contrary, showed robust legal institutions with irregular enforcement, as evidenced by a CPI score of 31 and Mo Ibrahim Index of 52. The findings also confirm existing literature that hybrid regimes are plagued by dispersed institutional authority, political interference, and implementation gaps [4]. Similarly, Nigeria's low institutional autonomy was consistent with the lowest CPI score of 25 and Mo Ibrahim Index of 45, which mirrored continued governance problems despite legislative interventions [2]. South Africa, as a consolidated democracy, achieved modest enforcement success (CPI 44; Mo Ibrahim Index 57), but high-profile political cases, such as state capture scandals, revealed weaknesses in maintaining even application of anti-corruption law, reinforcing the lesson that democratic institutions must balance independence with accountability [18]. The evidence suggests that regime type significantly affects the practical effectiveness of anti-corruption law. While authoritarian regimes can achieve enforcement effectiveness, democratic and hybrid regimes face structural and political constraints that can rule out consistent application. The results are applicable to the principal-agent problem in African governance, where the capacity of institutions to act independently of political actors is central to reducing corruption. There are several limitations to this research that must be mentioned. First, the research was confined to four countries, and generalizability to all African contexts is thus limited. Second, reliance on CPI and Mo Ibrahim Index scores, while widely accepted, may not capture informal corruption practices or enforcement details

at the local level. Future research must expand the sample size, incorporate qualitative interviews with institutional stakeholders, and test regional variations within countries to further inform regime-specific enforcement mechanisms. Practically, the study underscores the necessity to strengthen institutional independence and accountability mechanisms for enhancing anti-corruption enforcement. Hybrid and democratic regime policymakers can draw lessons from reforms that deter political interference, encourage transparent appointments, and provide stable enforcement resources. Comparative lessons of Rwanda's model also suggest possible lessons for designing streamlined enforcement frameworks, though careful caution would be necessary to ensure civil liberties and fairness.

xi. Conclusion

This study demonstrates that the effectiveness of anti-corruption legislation in Africa is determined less by the laws themselves and more by the political regime in which they operate. While democratic and hybrid regimes like Kenya, Nigeria, and South Africa often enact comprehensive laws, their enforcement is undermined by political interference, elite capture, and fragmented institutional autonomy. In contrast, authoritarian regimes like Rwanda achieve more consistent enforcement through centralized control, but at the cost of political selectivity and a lack of fairness.

The central implication is that legal reform alone is an insufficient anti-corruption strategy. For laws to be effective, reforms must directly address the political incentives and institutional weaknesses inherent in different regime types. Ultimately, sustainable anti-corruption outcomes depend on bolstering institutional independence and insulating enforcement mechanisms from political capture, regardless of the political system.

xii. References

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