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Case Study

PROSECUTING CORRUPTION IN AFRICA: CASE STUDY OF KENYA, ZAMBIA, NIGERIA AND SOUTH AFRICA

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Abstract: Corruption prosecution in Africa continues to face difficulties, even though many more laws and institutions are being put in place. Although the majority of nations in Sub-Saharan Africa have enacted legislation against corruption and formed organizations aimed at tackling corruption, there have been very few prosecutions in cases of high-level corruption. It therefore becomes necessary to consider the reasons why corruption prosecution remains difficult and what could make the process more effective. In this paper, I will look at some of the underlying issues behind ineffective corruption prosecution. Using a qualitative analytical approach involving the review of key sources and comparative case analysis, I will assess the issues and factors involved in corruption prosecution in Africa, paying particular attention to corruption prosecution involving politically exposed persons. It emerges from the analysis that the biggest problem in corruption prosecution is not the lack of laws or organizations aimed at tackling the problem, but the political and institutional environment within which corruption prosecution takes place. Political and institutional challenges, like interference in judicial processes and fragmentation, affect the effectiveness of corruption prosecution. Other factors that contribute to this include complex and lengthy procedures associated with the corruption process, as well as evidence-gathering problems. The analysis reveals that corruption prosecutions are not only limited but also selective in nature. There is also a keen look into suggestions for a robust conceptual model framework to make sense of these dynamics. Reform strategies, including transparency measures, forensic auditing, and information systems, provide a possible way of improving the situation. However, their effectiveness largely depends first and foremost on political goodwill and secondly on whether there is alignment among different organizations involved in the process. Future research needs to develop an integrated framework to analyze the issue of corruption prosecution in Africa.

Keywords: Corruption Prosecution, Sub-Saharan Africa, Political Governance, Legal Institutions, Elite Capture.

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INTRODUCTION

Prosecution of corruption in Africa constitutes a consistent paradox for governance on the continent. Despite developing a robust architecture of laws, institutions and commitments to combating corruption internationally, the prosecution of corruption among politically exposed persons has been largely weak and inconsistent. This can be understood through empirical data. For instance, Sub-Saharan African countries lose up to US$150 billion per year due to corruption (Villar & Papyrakis, 2017) while most of them receive scores of less than 50 on the Corruption Perception Index due to systemic deficiencies in governance (Transparency International, 2015; 2025). At the national level, countries like Kenya have undertaken many legal and institutional reforms, including the enactment of the Anti-Corruption and Economic Crimes Act and special institutions such as the National Intelligence Bureau tasked with investigating crimes related to corruption, but prosecution of corrupt leaders takes a long time and occurs rarely (Odhiambo & Odek, 2022). Given this situation, one might ask why there is so much corruption on the continent despite the development of strong formal institutions.

However, other literature highlights how these conditions are determined by more complex political-economic realities, including elite capture and lack of executive oversight mechanisms (Mbaku, 1998; Yeh, 2011). Furthermore, empirical studies demonstrate how prosecution as an institution is far from impartial. For instance, according to Mills (2017), high-profile prosecutions in Sub-Saharan African states tend to be highly selective, targeting political opponents and ex-political leaders instead of entrenched elites. Taylor (2006) further demonstrates that high-profile prosecutions in Africa, for example, in Zambia and Kenya, are driven by political transition and donor pressure instead of pure legal imperatives. This point is supported by other literature focusing on the institutional limitations of the prosecution of corruption. According to Budhram & Geldenhuys (2018), South Africa's various anti-corruption agencies have difficulties with coordination and visibility of conviction, while other literature emphasizes such limitations as limited capacity, political intervention, and corruption networks enabled by external factors (Daud, 2024; Momoh, 2015).

In this paper, the prosecution of corruption in Africa will be analyzed by reviewing relevant scholarly literature and examining modern trends in governance. The paper will argue that the key challenge to effective prosecution of corruption is the nature of the political and institutional context in which such prosecution operates as an instrument in the struggle for power. First, the conceptual framework and background for the prosecution of corruption will be discussed in the paper. Second, the global, regional, and national frameworks for anti-corruption policies and laws will be outlined. Finally, the key scholarly debates, case studies, and analysis of structural challenges and reforms will be presented.

SUGGESTING A CONCEPTUAL MODEL

To analyze corruption in Africa, one must go beyond describing the policies and institutions that address it. Instead, there is a need for a systematic consideration of the interplay of the relevant legal, political, and economic frameworks, which not only determine the emergence of corruption cases but also affect the possibility of their successful prosecution. Indeed, as noted in the literature, corruption cannot be described solely in terms of the absence of relevant laws and policies, as it emerges in the context of broader systems of power, shaping how laws are interpreted, applied, or avoided altogether (Mbaku, 1998; Yeh, 2011). This is precisely the type of complexity that calls for an analytical approach. Thus, this paper suggests a conceptual model informed by the existing literature, focusing on corruption prosecutions as a multi-level, politically mediated process rather than a purely legal procedure.

The first layer of the suggested framework is the combination of global, continental, and national policies and laws related to corruption control. On a global level, conventions like UNCAC impose on states the responsibility to criminalize bribery, embezzlement, illicit enrichment, and money laundering as well as promote international cooperation in matters of asset recovery, extradition, and mutual legal assistance (United Nations, 2003). Additional tools for combating corruption in the region include the OECD Anti-Bribery Convention and anti-corruption programs promoted by organizations such as the World Bank and International Monetary Fund (IMF). Such programs typically rely on the promotion of deregulation and good governance as mechanisms of curbing corruption (Abed & Gupta, 2002). Further support for such a framework is provided by initiatives aimed at increasing transparency, such as EITI and SDG 16 (peace, justice, and strong institutions). Research shows that such initiatives can bring positive changes in the short term, e.g., leading to improvements in relevant indicators of governance, as in the case of Zambia (Villar & Papyrakis, 2017).

On the other hand, such a model has been heavily criticized by Africanist researchers. In particular, Yeh (2011) highlights the problematic assumptions that underpin many global approaches toward addressing corruption, which tend to overstate the effectiveness of institutional and market reforms as measures for addressing corruption. Similarly, Rose-Ackerman (1996, 1999) emphasizes that even though effective legal frameworks are essential for combating corruption, the effectiveness of the latter depends more on the conditions under which the former are implemented than on the legal framework itself. Finally, Mills (2017) offers empirical support for the claim about the selectiveness of corruption prosecutions, suggesting that international donors who implement global approaches are often satisfied by merely securing compliance from corrupt states. As a result, global models can be treated as a normative framework that needs to be implemented rather than a determinant of the outcome.

Continental Frameworks

Continental frameworks try to implement the global approach at the level of individual countries in Africa, as reflected in the African Union Convention on Preventing and Combating Corruption (AUCPCC). This convention extends the scope of the anti-corruption agenda to areas such as governance, human rights, and socio-economic development. Similar efforts are made by organizations such as ECOWAS and SADC, which promote cooperation and harmonization among countries. Additionally, the African Peer Review Mechanism encourages the practice of accountability through peer evaluation and assessment. Nevertheless, as in the case of global frameworks, the implementation of continental measures is inconsistent due to the inherent characteristics of corruption in the region. According to Momoh (2015), the problem of corruption has the character of duality, since the latter is sustained not only by the power of the domestic political elites but also by the transnational corporations and financial institutions involved in illicit operations. Consequently, even though continental frameworks can be present, they might not always prove to be effective.

National Frameworks

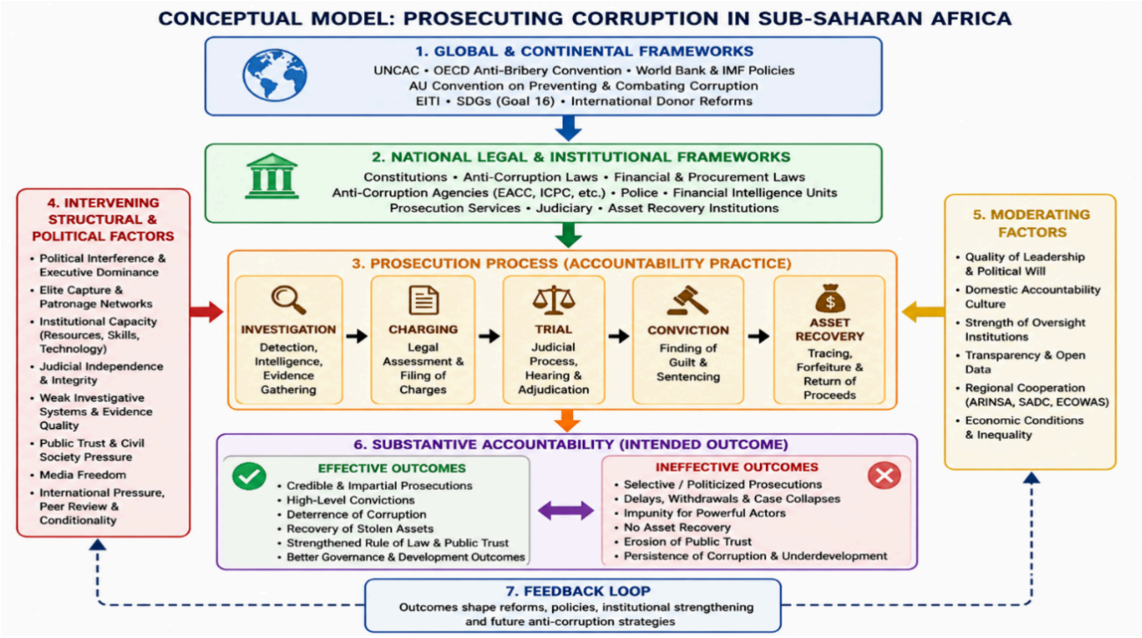
In turn, continental influences are adopted by individual states to create national frameworks that address corruption, which comprise the second layer of the conceptual model. In **Kenya**, for instance, a series of acts has been passed to address corruption (the Anti-Corruption and Economic Crimes Act of 2003, the Ethics and Anti-Corruption Commission Act of 2011, and the Public Finance Management Act of 2012). There are several institutions, such as the Ethics and Anti-Corruption Commission, the Office of the Director of Public Prosecutions, and financial intelligence units, that help in enforcing these laws (Odhiambo & Odek, 2022). Similarly, **South Africa** has established bodies such as the National Prosecuting Authority, the Directorate for Priority Crime Investigation, and the Special Investigating Unit, while **Botswana** works with the Directorate on Corruption and Economic Crime. In accordance with classical corruption control theory, the above institutions should minimize discretion in decision-making, thus decreasing the amount of corruption (Klitgaard, 1988; Rose-Ackerman, 1999).

Nevertheless, as evidenced by a number of studies, such frameworks often prove to be formally present without being truly effective in reducing corruption. Specifically, according to Mbaku (1998), in many cases, national institutions are vulnerable to being captured by political and economic elites, thus undermining their potential effectiveness. In line with this idea, Daud (2024) shows that the proliferation of anti-corruption frameworks in recent years has not brought any improvement in terms of successful prosecutions of corruption cases. In Kenya, for instance, the process is hampered by a lack of sufficient evidence, procedural delays, and political interference, leading to a very low conviction rate (Odhiambo & Odek, 2022). Mutonyi (2002) identifies similar problems, while Ogwang (2007) emphasizes the need for a culture of enforcement as the key to achieving effectiveness. By Comparing South Africa and Botswana, Budhram and Geldenhuys (2018) find that the presence of several anti-corruption agencies is of little help when there is no coordination among them.

Operating within the above frameworks and legal frameworks, the process of prosecuting corruption takes place. Following the theoretical model based on the idea of deterrence, the process should include investigation, charging, trials, conviction, and asset recovery (Collier, 2000; Klitgaard, 1988). The significance of successful corruption prosecution in this context is that it sends the message that even politically powerful individuals cannot violate the law. The importance of such messages was emphasized in the study by Mills (2017). However, empirical evidence indicates that this process tends to be anything but unbiased. For example, according to Mills (2017), the decision to initiate a case and start the prosecution process is often political. Taylor (2006) found that corruption prosecutions become more frequent after political changes. Also, as Odhiambo and Odek (2022) note, while initiating a case might not be difficult, successfully bringing it to a conviction proves to be a problem due to a lack of evidence and procedural mistakes. Similar conclusions were reached by Budhram and Geldenhuys (2018) in relation to South Africa.

It is against the background of this legal framework that the structural and political factors operating to shape outcomes become evident. As discussed above, these factors make the implementation of the same legal frameworks **effective in some countries but not in others**. Specifically, they include the control of political elites over relevant institutions, patronage networks, insufficient investigative capabilities, lack of judicial independence, and low public trust. In this regard, Yeh (2011) argues that political and economic elites have the ability to influence or directly control anti-corruption institutions, thus preventing their proper operation. Similarly, Mbaku (1998) attributes such differences in outcomes to the legacy of colonial rule that leads to centralization of power and reduces the autonomy of anti-corruption agencies. Finally, Momoh (2015) mentions another aspect, which is the transnational dimension of corruption, involving foreign parties and financial institutions.

However, alongside the above-mentioned negative factors, there are also moderating factors that contribute to greater success in prosecutions. The list includes political will, culture of relevant institutions, transparency initiatives, and regional cooperation. Among the latter, one should mention, first of all, ECOWAS, SADC, and the Advisory Board on Corruption. Transparency measures such as EITI can also be helpful. As Villar and Papyrakis (2017) showed, however, such measures can work only temporarily if there is no political will behind them. Finally, it should be stressed that political will is seen as the primary determinant of whether an anti-corruption law will be implemented or ignored (Daud, 2024; Masibo, 2021).



CASE STUDIES.

Kenya

This section explores the practical reality of corruption prosecution in Africa via a targeted study of three representative cases from Kenya: the recent discussions of Eurobond, the Goldenberg scandal in the 1990s, and the Anglo Leasing scandal in the 2000s. These cases represent examples of grand corruption in which large sums were lost, high-level political actors were implicated, and formal prosecutorial processes occurred all provide an excellent analytical foundation for investigating the entire process of corruption prosecution, from investigation to charging, from trials to decisions, and for explaining why, despite the presence of a strong regulatory framework, formal mechanisms, and procedures, the results of the prosecution process do not lead to real consequences.

The Euro-bond Scandal.

The Euro-bond scandal represents a different angle in the context of Kenya's experience, where the problem of prosecutorial stagnation is illustrated when a large-scale financial issue leads to auditing and parliamentary hearings but does not result in criminal charges. In 2014, Kenya issued its first sovereign bond of approximately USD 2 billion (around KS 213-250 billion depending on the exchange rate conversion), and the proceeds were aimed at funding the country's budget and infrastructure, as well as repaying foreign debt (National Treasury, 2014; World Bank, 2015). The scandal became evident when it was alleged that some of the funds were not fully accounted for in the government's consolidated account and distributed through parliament-approved channels. The report of the Auditor-General and parliamentary oversight raised questions about the lack of documentation among the relevant government ministries, as there were indications that a considerable amount of money was not documented in the expenditures (Office of the Auditor-General, 2015; Public Accounts Committee, 2016). In response, the Ethics and

Anti-Corruption Commission initiated an investigation and examined documents from the Central Bank and the Ministry of Finance, but found no convincing evidence of the responsibility of the officials (EACC, 2016). Nevertheless, the issue led to a special audit, which showed that the money had indeed entered the budgeting process and was used for offshore payment to foreign creditors (National Assembly, 2019).

When placed within the general process of prosecution, the Euro-bond scandal demonstrates a break point different from other Kenyan cases like Goldberg and Anglo Leasing. Indeed, while there was an active investigation phase, during which the auditing, parliamentary, and anti-corruption bodies were involved, there was no clear conclusion reached in this process. The second step, charging, never took place since no high-ranking politician or bureaucrat was put on trial despite the size of the issue and the number of people involved. Thus, the trial and conviction phases never came. Overall, this situation corresponds to the findings of Odhiambo & Odek (2022) that many high-profile corruption cases in Kenya do not move forward from the initial stages of investigation, mostly due to issues related to evidentiary problems, fragmented processes, and political pressure, especially in cases dealing with macroeconomic issues rather than procurement scams. Furthermore, Daud's (2024) analysis confirms that the anti-corruption legal framework in Kenya, while abundant, does not help to achieve the desired results and obtain guilty verdicts for high-profile suspects. Finally, the Eurobond scandal fits into the general theoretical pattern discovered by Yeh (2011), in which the process of accountability becomes a part of the political and institutional framework without leading to enforcement. Mills (2017) demonstrates that non-prosecution is often used in politics as a means of controlling the anti-corruption process. From the standpoint of these theories, the Eurobond case is important not because it resulted in the collapse of prosecution, but because the whole process of prosecution did not start, despite the scale of the problem and the participation of government bodies.

The Goldenberg Scandal.

One of the most salient examples of grand corruption in Kenya is provided by the Goldenberg scandal. The structure of the scandal can be effectively analyzed by means of the corruption profile, considering the following factors. With regard to who, the corruption scheme was initiated by Kamlesh Pattni acting through Goldenberg International Limited (GIL), aided by top-tier officials from the Central Bank of Kenya (CBK), the Treasury, and powerful elites affiliated with President Moi. According to the Bosire Commission, there were numerous state agencies, as well as private individuals, including bankers and government bureaucrats, involved in facilitating illicit transactions associated with Goldenberg (Judicial Commission of Inquiry into the Goldenberg Affair, 2005; AfriCOG, 2011). As for the what, the scheme consisted of submitting false export compensations on gold and diamond exports that never took place in reality. Based on evidence obtained during the inquiry, the Bosire Commission reached a conclusion that Goldenberg had no exports at all; moreover, documents that could prove the existence of any exports were forged to obtain money (AfriCOG, 2011). With respect to how much, Goldenberg-related export compensations alone amounted to more than KES 1.4 billion, while other financial manipulations, which included foreign exchange claims and abuses related to pre-export financing, caused losses worth millions and even billions of shillings, thus imposing heavy macroeconomic pressure, including inflation, currency depreciation, and economic instability (Judicial Commission of Inquiry into the Goldenberg Affair, 2005). Finally, as far as the when dimension is concerned, it should be noted that the fraudulent activity had been going on in the time frame of 1990–1993, yet its ramifications stretched into the 2000s via the Bosire Commission investigation process conducted in 2003–2005.

As can be observed when applied to Goldenberg, the analysis of the prosecution process shows a tendency of structural failure characteristic of the entire political economy of corruption prosecutions in Sub-Saharan Africa. The initial investigation phase in Goldenberg is exemplary due to the sheer amount of documented evidence collected by the Commission, as well as over 100 witnesses who gave testimony about the fraudulent scheme (AfriCOG, 2011). Yet, this stage was succeeded by selective and politically driven charges because many people were implicated in the scam, yet the Commission recommended further investigation as opposed to direct prosecution; thus, decisions were to be made by politically sensitive departments, such as the Office of the Attorney General (AfriCOG, 2011). As to the trial phase, the main problems that arose were associated with constant withdrawals, lengthy procedures, multiple trials, and extensive use of the judicial system by the defendant as an instrument to delay the process; according to the report, the prosecution strategy was "lethargic" and "haphazard," thus leading to an endless cycle of litigation (AfriCOG, 2011). The end result of the entire process, the outcomes, confirmed that the system broke down, as none of the high-profile cases ended in conviction; thus, corroborating the theory that prosecution is hindered in Kenya not because of the absence of laws but due to the institutionalized political environment (Mills, 2017; Odhiambo & Odek, 2022; Yeh, 2011).

Anglo-Leasing Scandal

Occurred in the early 2000s, involving 18 fraudulent security contracts valued at over Kshs 6 billion dollars awarded to non-existent companies by the Kenyan government. It involved excessive overpricing for items like police forensic labs and passports, with key figures including senior officials and the Kamani family,y according to John Githongo's report released in 2004.

The lengthy trajectory of Anglo Leasing court hearings illustrated how time itself becomes a tool of impunity. Court proceedings lasted for almost two decades and included multiple evidentiary disputes, inconsistencies in witnesses' testimony, and repeated procedural interruptions. For instance, in one of the largest cases, totaling almost KSh 9.5 billion, the Kenyan court released the accused in 2023 on the grounds that the prosecution could not prove its case due to a lack of evidence. Although some appeals have sometimes opened new venues for discussing cases, the overall effect of delays, fragmentation, and procedural attrition was the erosion of the accountability process. This example shows that there is another element of prosecutorial weakness in corruption cases, which is often overlooked in traditional analyses, i.e., the difference between the existence of prosecution and its effectiveness. Indeed, in the case of Anglo Leasing, the process was not absent, but prolonged, contested, and neutralized by legal means, thereby undermining its initial purpose. Thus, this situation matches Yeh's (2011) concept that in environments of concentrated elites, legal institutions are not bypassed but shaped and constrained in a way that prevents them from threatening the ruling group.

CASE STUDY OF SOUTH AFRICA AND ZAMBIA.

South Africa.

Careful analysis of corruption prosecution data across Africa reveals a major structural problem of inequality between the scope of the problem and the frequency of successful prosecution, especially regarding politically-exposed individuals. Based on continental estimates, Africa currently loses $148-150 billion annually to corruption, representing about 25% of its GDP according to some studies (African Union, 2018; UNECA, 2016). The macro level of the problem contrasts starkly with the results obtained during prosecution. According to Mills (2017), in his data set of cases of corruption prosecutions across Sub-Saharan Africa during 1996-2010, only 39 high-level ("big fish") prosecutions took place. Most crucially, these prosecutions tend to have a political component, with many of them taking place after regime changes or targeting weaker political figures. This empirical pattern of massive corruption problems versus rare elite prosecutions provides the analytical basis for the discussion of South African and Zambian cases.

The South African State Capture scandal serves as an example of a case with unusually strong investigative capacity followed by very low rates of closure, thus revealing an important weakness of the prosecution chain. The scandal revolves around former South African President Jacob Zuma's relationship with the Gupta family, which manipulated state-owned corporations like Eskom, Transnet, and Denel to extract rents through procurement channels (Public Protector, 2016; Zondo Commission, 2022). According to the findings of the Zondo Commission, over R500 billion (approximately USD 25-30 billion worth) of government funds were potentially exposed to corrupt or irregular activities (Zondo Commission, 2022; National Treasury South Africa, 2020). At the investigative level, the case represents the most extensive anti-corruption probe in Africa with a considerable amount of evidence gathered in the form of documentation, finances and witness testimonies (Zondo Commission, 2022). This fits well into the institutionalist expectation that modern bureaucratic systems will produce reliable information if provided sufficient resources for investigations (Abed & Gupta, 2002; Rose-Ackerman, 1999).

However, when transitioning to the next stage of prosecuting these crimes, certain limitations become apparent, which correspond to the insights gained in the Africanist political economy literature. Zuma himself faces corruption charges for participating in the 1999 Arms Deal, where he allegedly received bribes of about R500, 000 annually from the French arms company Thales (National Prosecuting Authority, 2020; BBC News, 2021). Despite the corruption being investigated in the KwaZulu-Natal High Court in

Pietermaritzburg, numerous lawsuits and legal arguments over the legitimacy of the prosecution and the validity of the evidence were filed (National Prosecuting Authority, 2023; Reuters, 2023), delaying the procedure for over two decades. As Budhram and Geldenhuys (2018) predicted earlier, coordination and management problems in the process of prosecution may undermine its efficiency even in an institutional setting. Empirically, long-lasting trials make conviction much less likely to happen due to weakening of the evidence and shifting political conditions (Yeh, 2011). For instance, Zuma's imprisonment in 2021 for contempt of court due to refusal to testify before the Zondo Commission (Constitutional Court of South Africa, 2021) did not result in any conviction regarding the actual corruption charges against him, thus confirming Mills' (2017) point about politically visible yet substantively inefficient prosecution in Africa.

Zambia.

A closer look at the prosecution process of former Zambian President Frederick Chiluba illustrates another type of difference between domestic and international efforts in holding politically-exposed persons accountable. Chiluba was charged with misappropriating approximately $46 million through offshore accounts and shell companies (Attorney General of Zambia v. Chiluba, 2007). The investigative part of this case included a thorough examination of financial evidence and cooperation with foreign countries. In 2007, Chiluba faced a High Court decision in Queen's Bench Division in London ordering him to repay stolen money (Attorney General of Zambia v. Chiluba, 2007; World Bank, 2011). Thus, international legal frameworks proved themselves effective in handling financial crimes, especially if they operate under a relatively independent set of rules.

On the other hand, the prosecution process in Zambian courts resulted in the acquittal of the former president in 2009 due to insufficient evidence (Reuters, 2009; Taylor, 2006). Analytically, this case shows the discrepancy in outcomes that cannot be explained by evidentiary differences. Instead, Mbaku (1998) described the situation where institutions are captured by political elites and, as such, are unable to provide meaningful accountability. Evidence in this direction is presented by Villar and Papyrakis (2017), who showed that the early success of Zambia in improving CPI and other corruption indicators after joining the EITI program was not maintained in the following years. Therefore, institutional reforms without necessary systemic changes lead to only temporary improvements.

Nigeria

The country possesses an elaborate set of anti-corruption enforcement institutions, such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC), as well as adhering to international frameworks like the United Nations Convention Against Corruption. Nonetheless, as is commonly discussed in the literature, the proliferation of institutions does not guarantee consistent results in terms of the effectiveness of prosecutorial processes in the high-level cases (Mbaku, 1998; Yeh, 2011). The particular value of the Nigerian experience lies in Momoh's framework, which identifies the interaction of internal and external factors as key elements in sustaining corruption in Africa through internal political structures and transnational finance and business networks (Momoh, 2015). This perspective helps us understand why many of the most prominent examples of successful corruption prosecutions involving Nigeria occur abroad. The cases of Halliburton (TSKJ) bribery scandal and the James Ibori case, in particular, provide excellent illustrations because they feature large-scale corruption, clear evidentiary trail, politically exposed figures, and parallel processes in national and foreign jurisdictions. These cases allow for an examination of the whole prosecution process, from investigation to conviction and asset recovery, in order to test Mills' (2017) hypothesis that the prosecutions of "big fish" in Africa are rare, selective, and politically contingent.

In the example of the Halliburton scandal, it was the investigation stage that proved to be particularly strong due to external factors, while the outcome of the domestic process remained comparatively weak. The scandal involved a consortium of multinational companies, including Kellogg Brown & Root (KBR), Technip, Snamprogetti, and JGC, that had been granted contracts worth USD 6 billion for the construction of liquefied natural gas plants in Nigeria (U.S. Securities and Exchange Commission [SEC], 2009a). U.S.-based investigation showed that over the period of 1994 to 2004, the consortium paid approximately USD 180 million in bribes to Nigerian officials using intermediaries and shell companies (SEC, 2009a). Consequently, an extensive evidentiary record was built up with confessions, financial trails, and mechanisms of bribes, camouflaged as consultancy agreements (U.S. Department of Justice [DOJ], 2009; SEC, 2008). Following the results of these investigations, KBR and Halliburton agreed to pay millions in fines and disgorgements, exceeding USD 500 million in total, with individuals receiving additional punishment (DOJ, 2009; SEC, 2009a). Analytically speaking, the stage confirms the importance of anti-corruption enforcement through institutions that possess forensic and legal capacity to investigate. Nevertheless, in Nigeria, this stage led to weaker outcomes, since although the EFCC started an investigation and raised public awareness about the scandal, the relevant political elites were not brought to justice in the process. This difference clearly shows that even the presence of institutions alone does not guarantee the success of prosecution because of concentrated political power in Africa, which may override formal enforcement structures, as suggested by Yeh (2011). The example also proves Mills' (2017) argument that the prosecution of elite actors in Africa is often politically contingent rather than evidence-based.

Even more clearly, the James Ibori case shows how domestic acquittal can coexist with a foreign conviction in the light of identical evidence. As a governor of Delta state (1999-2007), Ibori was charged with embezzlement of public funds, which he then laundered via various offshore bank accounts and properties, particularly in the United Kingdom. The EFCC started a prosecution against him in Nigeria; however, in 2009, the Federal High Court in Asaba dismissed the charges, thus formally acquitting Ibori (EFCC, 2014). Such an outcome generated a lot of criticism, leading to the decision of the Court of Appeals that found he still had a case to answer (EFCC, 2014). From the prosecution model perspective, the problem occurred during the trial stage, when judicial processes did not result in accountability despite sufficient evidence. On the other hand, the identical structure of evidence, the trail of finances and associated networks, proved much more useful in the United Kingdom. Thus, in 2012, Ibori admitted his guilt regarding several counts of fraud and money laundering at the Southwark Crown Court and was sentenced to 13 years' imprisonment (The Guardian, 2012). Importantly, the presiding judge mentioned that the sum of proven financial loss in the sum of almost £50 million was likely to underestimate the total damage from corruption (The Guardian, 2012). The example is analytically valuable since it demonstrates that the collapse of prosecution was caused by the lack of institutional and political capacity to process the evidence rather than the evidence itself. It provides clear support to the thesis put forward by Odhiambo and Odek (2022), who state that high-profile cases of corruption in the African context fall apart during the stages of prosecution and adjudication due to systemic interference.

Finally, the asset recovery part of the Ibori case shows how this dimension remains challenging and incomplete despite the conviction. Namely, in 2021, under a bilateral agreement on asset return, the United Kingdom returned £4.2 million of the assets connected to Ibori to Nigeria (UK Government, 2021). Although this action exemplifies the potential of international cooperation, at the same time, it highlights the incomplete nature of recovery, since civil society organizations estimated the total sum of illegal wealth as much larger than the one recovered (Spotlight on Corruption, 2021). This fact emphasizes the reality that even after a conviction, the final stage of the prosecution process remains difficult, lengthy, and partial. From the perspective provided by Momoh (2015), this case shows the nature of corruption systems as transnational in the sense that illicit assets are scattered between countries. Therefore, their detection and recovery require international cooperation to overcome institutional limitations.

CONCLUSION

The analysis confirms that the primary obstacle to effective corruption prosecution in Sub-Saharan Africa is not the absence of legal frameworks, but the political and institutional context in which those frameworks operate. Across both the literature and case studies, a clear pattern emerges; extensive anti-corruption laws exist alongside prosecutions that are selective, delayed, or weakened, especially when politically exposed individuals are involved. Research by Mills (2017) and Taylor (2006) shows that high-profile prosecutions often follow political shifts rather than purely legal processes, while Yeh (2011) attributes this to the concentration of elite power that limits prosecutorial independence. Evidence from Kenya and South Africa (Odhiambo & Odek, 2022; Budhram & Geldenhuys, 2018) further demonstrates that even strong institutional systems can be undermined by procedural complexity, weak coordination, and evidentiary challenges. This leads to a key conclusion: prosecution is embedded within the same political and institutional systems that enable corruption, creating a persistent gap between formal accountability and actual enforcement.

This does not suggest abandoning existing anti-corruption frameworks, but rather shifting focus toward the conditions that make them effective. The literature indicates that meaningful progress depends on aligning institutional capacity with genuine autonomy, protecting prosecutorial processes from political interference, and addressing the transnational dimensions of corruption highlighted by Momoh (2015) and reflected in UNCAC frameworks. While reforms such as forensic auditing, financial intelligence systems, and transparency initiatives offer promising avenues, their effects are often short-lived without sustained enforcement, as shown by Villar & Papyrakis (2017). The central challenge, therefore, is not the creation of more institutions but ensuring that existing ones can operate independently and consistently apply the law, even against powerful actors. Until this alignment is achieved, corruption prosecution in Sub-Saharan Africa will remain formally robust but practically limited.

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