Advanced Journal of Corruption Research (AJCR) ISSN: 1239-1131, Vol. 1(1), pp. 001-011, August, 2025.
Available online at www.advancedscholarsjournals.org © Advanced Scholars Journals

Review Research Paper

Global Dynamics of Corruption: analysis of the regional bodies to build integrity and effectiveness to fight against

Dr. Saphy Lal Bullu,

Faculty of Law-Private Department, Open University of Tanzania,
Corresponding Author's Email: saphy.bullu@out.ac.tz, phone number +255 713 214 274

Accepted 17th February, 2025.

Corruption is a persistent problem that manifests itself differently in society with disastrous consequences on economic development. Different approaches are identified to fight against corruption but in vain. It is suggested that a huge amount of its sources lie due to the weakness of the legal framework. This article aims to examine the global dynamics of selected regional bodies in fostering integrity and combating corruption. Through qualitative and quantitative literature study, the study recognises the existence of similarities and differences across bodies in anti-corruption strategies such as UNCAC, UNTOC, and the AU Convention.Three questions were raised by the author and these are: Does the establishment of multiple regional bodies suffice the need to fight against corrupt activities? how do the introduced articles on preventive measures, criminalization, and punishment meet the target of controlling corruption? and to what extent do the part members manage to enforce the established instruments to eliminate corrupt activities? Findings reveal that while these bodies have made significant steps incriminalising corruption, definitional ambiguities, inadequate preventive measures, and enforcement inconsistencies hinder their effectiveness. The article highlights the need for international regional bodies to increase monitoring units to make sure written laws are well enforced, and established institutions perform their duties as opposed to*harmonised frameworks to strengthen global anti-corruption efforts." Methodology: This article adopts qualitative and quantitative methods to review the existing literature to generate data and to analyse the role of theexisting regional bodies to see the extent of building integrity and its effectiveness in fighting against corruption.*

Keywords: Corruption, Criminalisation, Illicit activities, Preventive measures, regional bodies.

DOI: Orcid.org/0000-0002-4915-2764

INTRODUCTION

The word "corruption" has been used to present different connotations based on their field of study, [1]And it tends to possess a twofold nature for its existence. Not all kinds of corruption are condemned by society as an illicit act. For instance, the SADC Protocol against Corruption[2] Corruption is defined as any act that includes bribery or any other behaviours towards a person entrusted with responsibilities in the public and private sectors that violate their duties and are *aimed at obtaining undue advantages of any kind for themselves or others*.[3] Meanwhile, the AU Convention on Prevention and Combating Corruption[4] The Oxford Dictionary defines corruption as the acts and practices, including related offences, prescribed therein. It also defines corruption as dishonest or illegal behaviour, especially for *people in authority, typically involving bribery*.[4]On the other hand, scholars also contribute to defining corruption. For instance, Wathne[4] Defines corruption as 'one of the most common definitions of corrupt

1 Saphy B.,The Genesis of Corruption and Its' Perception; National Journal of Criminal Law. (2019). P.1. Available at www.researchgate.net

2 SADC Protocol against Corruption, 2000. available at www.sadc.int/document

3 Art. 1 of the SADC Protocol against Corruption, (2000). available at www.sadc.int/document

tion is 'the misuse of entrusted power for private gain'. With a similar view, Kibwana[4]defined it as "*an act of omission perpetrated by an individual or group of individuals which goes against the legitimate expectation and hence the interests of society. Such acts of omission take place in all spheres of human endeavour:in government offices, corporate bodies, and private institutions*". Also, Riara[5]Says that *corruption is often said to be immoral, unjust and repugnant to the ideals of humanity; corruption has different definitions to different people, but there is one view that is collective in society, that corruption is a wrong and immoral act; and whoever indulges in corruptive behaviour should, without a doubt be frowned upon by society*.[6] Generally, corruption is understood as the behaviour of a person who derails another one from his/her way, customs or duties through the promise of money, honours or security.[7]

Historical Perception of Corruption

Corruption is not a new phenomenon, and it has been recognised as a limp in the walk of human evolution and is as old as the history of manhood.[8] The history of corruption has been manifested since ancient times in different cultures and societies.[9] and has been described even in the holy books, including the Quran[10] and the Bible[11], by providing some scriptures to address and prohibit human beings from engaging in bribery. Subsequently, a war against corruption was assumed as a matter at the national level to introduce initiative measures to prevent and combat corruption in their own country, and every established framework presented a loophole that facilitated its existence. This is a period where corruption is nourished since there is no single institution with the mandate to enforce a legal framework to fight against it, and that is a reason to date that corruption remains a significant challenge to the stability, development, and well-being of economic development worldwide.[12]In 2000, the world came to realise that corruption is a broad-based crime where international cooperation is needed to enforce international law to ensure that the measures to prevent its development have to be consistent, fair, and foster international relations and economic efficiency with the mandate to create the adequate legal framework for international relations as to ensure the governments provide all the means to tackle their national problems.[13]In 2001, the Transparency International Global Report examined the current 'state of corruption' around the world and concluded that the international dimension of corruption gained currency, particularly in the 90s because of the growing globalisation of services, goods and people, accompanied by the internationalisation of illegal activities.[13] Similarly, in 2006, the OECD report admitted that corruption is becoming an international phenomenon in scope, substance and consequences as it directly impedes progress towards the common poverty-reduction objectives of both donor agencies and aid recipient countries.As a result, regional and international institutions have been hyperactive in drafting and adopting legislation to combat corruption. Based on such problem several regional and international conventions, including the UNCAC, The OECD, The AU Convention, and The SADC Protocol (to mention a few) established to harmonise the best approach to fight against corruption. Although the aforementioned instruments developed it has been noted that the scopes of the established instruments increase strength in their completeness by introducing preventive measures, creating offences that may be explored for their indifferent during the process.[13]Yet, findingsshow that corruption exists, and there is a growing consensus about corruption as it represents one of the main obstacles to effective social service delivery worldwide.[13]A report of the Corruption Perception Index of 2023 showed that corruption still thriving across the world, 180 coun

---

4 Kibwana K., *Initiatives against Corruption in Kenya: Legal and Policy Interventions* Clari Press, Nairobi. (2001): p.14). Available at https://www.openlibrary.org; see also Uhl, A., Herrmann, C. & Treiber, K.H. Corruption: A situational action view. *Theor Soc* (2025). https://doi.org/10.1007/s11186-024-09590-3

5Riara B., *Grand Corruption as a Crime Against Humanity* (2014): p. 2. Available at *www.kenyalaw.org*

6See also Barafi, J., Alkrisheh, M. A., Al-Obeidi, A. H., Alsaadi, S., and Mahameed, W. F. (2022). Anti-corruption mechanisms: A study in the light of international law and national regulation [Special issue]. Journal of Governance & Regulation, 11(4), 224–236.

7 See also International Conference Notes: forms of corruption in history and contemporary society: origins, continuity, evolution (CORHICS) Paris 1 Sorbonne University 2011. Available at http://corruptionresearchnetwork.org

8 See Saphy L.B., The Genesis of Corruption and Its' Perception. National Journal of Criminal Law. Volume 1, Issue 1. (2018) p32. Available at www.stmjournals.com

9 See also International Conference Notes: Forms of Corruption in History and Contemporary Society, Origins, Community (CORHICS) Paris 1 2011. Available at www.wikicfo.com

10 The Quran; Surat Baqarah (chapter 2:188).

11 The bible (Mathew 26:14-16) and (Mark 14:10-11).

12 See also Lau, C. Advancing the Anti-corruption cause through International Cooperation: lessons from the Hong Kong experience. *GPPG* **4**, 298 (2024). https://doi.org/10.1007/s43508-024-00091-8; See also International Law Editorial: International Law and Anti-Corruption Measures. A global overview 2024. Available at www.worldjurispunce.com/International-Law-and-Anti-Corruption-Measures/ Accessed on 18/02/2025.

tries and territories around the globe by their perceived level of the public sector is highly corrupt.[13]

The Impacts of Corruption

Corruption has been highlighted withits deleterious effects on society. The World Bank Report of 2008 states that corruption *is the single greatest obstacle to economic and social development*.[14]Correspondingly, Transparency International (TI) views corruption as one of the greatest challenges of the contemporary world since *it undermines good governance, fundamentally distorts public policy, leads to the misallocation of funds, harms private sector development and particularly hurts the poor*. Similarly, the Prevention and Combating of Corruption Act of Tanzania[15] views corruption as an*obstacle to principles of democracy, good governance and human rights and poses a threat to peace, tranquillity and security in the society.*To date, it has been concluded that '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'.[16]

According to the introduction, meaning, and impacts demonstrated above, it is clear that the existence of corruption brings a global dynamic to fight against corrupt activities although various regional bodies are established, corruption can alter public expenditure decisions and weaken the quality of public funds and results in insufficient structure and bypass the regulatory systems for quality, environmental control and safety.[17]

Forms of Corrupt Activities:

Corruption has been noticed to exist in all societies around the world in various forms such as 'petty corruption' and 'grand corruption', 'passive corruption' and 'active corruption', and 'passive bribery' and 'active bribery'. These forms deliberate the action of an official who directly or indirectly, through an intermediary, requests or receives advantages of any kind whatsoever for himself or a third party or accepts the promise of such advantages, except that performance is not that of an official but of anyone ('whosoever').[18] However, it is remarkable that each form seems to present nearly the same action. Even though many forms have been mentioned, save for this article, only the two well-known and famous forms, namely grand and petty corruption, are selected as it would seem that they are the most likely to be conducted by public and private officials who improperly and unlawfully enrich themselves for personal gain' and caused to its nourishment. The following demonstrate forms of corruption to explore people's participation and engagement in corrupt activities:

Grand corruption

This is a form of corruption used to describe large-scale deals involving senior public officials and companies trading or investing on an international basis, and it is caused largely by the greed of those who are already well off by local and often by international standards.[19] In this form, corruption takes place at high levels of the political organisation when representatives and state representatives are permitted to create and impose regulations in the name of the people and use this power to entrench their supremacy, status and wealth.[19]

Petty corruption

This is another form of corruption that refers to uncertain sums of money and has also been called 'low level' and/or 'street level' corruption. This kind of corruption points out that people's participation is more or less daily and come across public management services such as hospitals, schools, local licensing authorities or police or taxing authorities, among others.[19] This form of corruption is often referred to as 'speed' or 'grease' moneyand describes facilitation or grease payments sought and obtained by junior officials who are actually or ostensibly rendering a service to the public and occurs in smaller increments by lower-level officials, often in exchange for speeding up a legitimate process.[19]
With this form of corruption, it is understood that public officials undertake dishonest transactions with officials to obtain services of one kind or another.[19] In most cases, it

13The Corruption Perception Index Of 2023. Available at www.transparency.org/en/cpi/2023.

14See also a World Bank Report of 2008.

15 Cap 329 R.E 2022. Available at https://www.perliament.go.tz/polis/upload/bills/act accessed on 18/02/2025.

16 The United Nations Convention Against Corruption (2003) p. iii.

17 See also The Impact of Corruption on Sustainable Development. Available at httsp://www.unodc.org/the-Impact -of-Corruption-on-Sustainable-Development/ accessed on 19/02/2025.

18 Art. 2 of the EU Conventions on the Fight against Corruption of 1997.

has been noted that this form of corruption is made through the provision of services, which should be a free public good.However, with this form, a person may often condemn corruption concerning official rules and ideal conceptions of public management while at the same time legitimising corrupt practices concerning more practical prevailing norms, such as 'everyone is doing it' or 'it is needed to survive'.[19]

International and Regional Bodies' Inception Against Corruption:

In the 20th century, substantial devotion to the fight against corruption emerged, and the institutional and anti-corruption bodies enlarged to address the issues of corruption worldwide.[20]In 1997, the UN adopted the Convention against Corruption (hereinafter referred to as 'UNCAC')[21]Specifically to condemn corruption in the public and private sectors. In 1999, the OECD adopted the Convention against Bribery of Foreign Public Officials in International Business Transaction to criminalise bribery of foreign public officials to obtain or retain international business deals.[22] Later on, in 2000, SADC and ECOWAS followed and established the protocols to govern their memberstates to eliminate and control corruption in 2001. To provide similar support to African countries, in 2003, the AU adopted its own Convention on Preventing and Combating Corruption, with powers to prevent and eliminate corrupt transactions in public and private sectors.[23]The following are leading instruments selected to demonstrate the purposes of its establishment, powers, and mandatein eliminating corrupt activities.

United Nations Convention against Corruption (UNCAC):

The United Nations recalled for the resolution 55/61 to establish an ad hoc committee for the negotiation of an effective international legal instrument against corruption and requested the Secretary-General to convene an intergovernmental open-ended expert group to examine the question of illegally transferred funds and prepare draft terms of reference for the negotiation of such an instrument.[24]In 2000, the United Nations Convention against Corruption (UNCAC) was adopted and entered into force in 2003.[25] This is the first international instrument to be established to fight against organised crime, including corruption.[26] This is the organisation's first foray into creating a legally binding instrument that addresses corruption;[26]The UNCAC also signals the transition from regional to global initiatives in this field as established in response to international calls to address global organised crime by closing major loopholes that hinder international enforcement efforts and allow organised crime to flourish.[26]

The implementation of the Convention is denoted as a notable landmark instrument as it reflects a comprehensive commitment to fight against corruption. The establishment of UNCAC has three major purposes, and these are: firstly, to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; secondly, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and lastly to promote integrity, accountability and proper management of public affairs and public property.[26]

The scope of the Convention application is stipulated as follows: one, this Convention shall apply, by its terms, to the prevention, investigation and prosecution of corruption and the freezing, seizure, confiscation and return of the proceeds of offences established by this Convention. Secondly, the Convention insist that to implement this Convention, it shall not be necessary, except as otherwise stated herein, for the offences outlined in it to result in damage or harm to state property.[26]

United Nations Convention against Transnational Organized Crime (UNTOC)

IN 1998, the General Assembly of the United Nations recalled resolution 53/111 and decided to establish an open-ended intergovernmental ad hoc committee to elaborate a comprehensive international convention against transnational organised crime. 2000, a Convention against Transnational Organized Crime was established and came into force in 2005 It isremarkable as a new framework for effective action and international cooperation in fighting against corruption. The instrument was established in response to international calls to address and control global organised crime by closing major

19 Blundo and Olivier de Sardan., *The Popular Semiology of Corruption*. (2006): p.218. see also Adeyemi O.O. The Concept of Corruption: a Theoretical Explosion (2021). The Journalish: Social and Government available at https://researchget.net/publication accessed on 18/02/2025

20 See also Theobald R., *Corruption, Development, and underdevelopment*(Basingstoke Hampshire UK: Macmillan. (1990).

21 The United Nations Convention against Corruption [UNCAC].

22 The Convention Against Bribery of Foreign Public Officials in International Business Transactions to criminalise any bribery of foreign public officials of 1999

23 The African Union Convention on Preventing and Combating Corruption in 2003.

24 The General Assembly Resolution 58/4 of 31 October 2003.

25 The General Assembly (53/111 of 1998).

loopholes that hinder international crime control efforts and prevent organised crime from flourishing.[26]It has been noted that the Convention further presented a major step forward in the fight against transnational organised crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international co-operation to tackle those problems.[27] The UNTOC also supplement a comprehensive set of standards, measures and rulesfor all countries to adopt to strengthen their legal and regulatory regimes to fight corruption.

The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

In 1994, the Organisation for Economic Cooperation Development Council (OECD) issued non-binding recommendations to call upon member states to establish effective measures for preventing and combating corruption by officials of foreign transactions. In 1999, The OECD established the international initiative to fight against corruption, namely the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.[28]In particular, the Convention's significance lies in the prompt criminalisation of such bribery in an effective and coordinated manner and in conformity with the agreed common elements set out in that recommendation and with the jurisdictional and other basic legal principles of each country.[29]The main objectives of the Convention are to create domestic law to combat the bribery of foreign public officials and to establish offences of bribery to foreign public officials by providing a unilateral approach to deal with both active and passive bribery. The Convention emphasises that all state members as may be necessary and possible to issue transactions including offering, giving, and accepting (to mention a few) to be treated as criminal offences.[30]According to the demonstration above, it is clear that the Convention intend to emphasise that any person who offers or promises and is ready to assist others intentionally commits such offence either directly or indirectly to foreign public officials. Further to that, the Convention insist that the state shall establish necessary measures that show that involvement in activities such as incitement, aiding and abetting, or authorisation of an act of bribery of a foreign public official falls under criminal offences.

African Union Convention on Preventing Corruption

The African Union Convention on Preventing and Combating Corruption[31] (here after referred to as the 'AU Convention') was adopted in 2000 and came into force in 2003. The AU Convention came into force after it had been acknowledged that accountability and transparency in the management of public affairs and socio-economic development on the continent had been undermined, which was caused by corruption.[31] The AU Convention was adopted after realising the need to address the roots and causes of corruption in Africa. From there, the African Union convinced African countriesto formulate and pursue, as a matter of priority, a common penal policy aimed at protecting society against corruption. For that,the common policy emphasises the adoption of appropriate legislative and adequate preventive measures to build partnerships between governments and all segments of civil society, the media and the private sector to fight the scourge of corruption.[31]The adopted measure intended to criminalise certain actions conducted, including illicit enrichment, concealment of one's ill-gotten gains, and participation in various inchoate crimes, which include conspiracy and attempt.[31]The AU Convention describes actions which automatically fall under corruption transactions, and these actions should be prevented and criminalised to control corruption within African countries.[31]The objectives of the AU Convention are stipulated under Art. 2 as promoting and strengthening mechanisms that are efficient in facilitating adequate regulations among member states.[31]And ensuring that the effectiveness of the measures and actions taken are adequate as required by the AU Convention to prevent, detect and eradicate corruption and related offences perpetrated in public and private sectors.[31] Art. 4 of the AU Convention provides for the activities conducted by public and private officials and individuals that amount to corruption.

SADC Protocol Against Corruption

The SADC Protocol against Corruption[31](hereafter referred to as 'the SADC Protocol')was established after the AU had confirmed that there is a need to eliminate the scourge of corruption through the adoption of effective, preventive and deterrent measures and by strictly enforcing legislation against all types of corruption and fostering

26See also Nagle (2003): p. 26.

27Similarly, Art.1 of the Convention provides that *the purpose of the Convention is to promote cooperation to prevent and combat transnational organised crime more effectively.*

28 Preamble of the Organisation for Economic Co-operation and Development, 1997.

29 The OECD Anti-Bribery Convention.

30 See also Art. 1 of the OECD Convention.

public support for these initiatives.[31] Furthermore, the SADC Protocol acknowledges that corruption undermines good governance, which includes the principles of accountability and transparency, and recognises that demonstrable political will and leadership are essential ingredients to wage an effective war against the scourge of corruption.

The purpose of this Protocol is established under Art. 2, which is to give powers to member states to develop legal mechanisms by promoting and strengthening legal provisions to fight corruption in the public and private sectors.[32] Additionally, the SADC Protocol provides various powers and mandates for the member states to adopt to implement its establishment.[33] The SADC Protocol provide further that all member states are required to adopt efficient and adequate preventive measures into their domestic legislation to fight against corruption, and also binds even the State Parties who have not yet established preventive measures in their domestic legislation.

ECOWAS Protocol against Corruption

The ECOWAS Protocol came into force in 2001 after the state parties had realised that there was a need to adopt preventive and suppressive measures to combat corruption and, more particularly, to take appropriate measures against persons who engaged in acts of corruption in the exercise of their public or private sector duties.[34]

The ECOWAS Protocol was established to promote, strengthen and develop effective mechanisms in the prevention, suppression and eradication of corruption by reviving cooperation between and among states parties to provide effective anti-corruption measures.[35] The ECOWAS Protocol, despite establishing acts that amount to corrupt activities, provides some of the measures and mandates to be adopted, established and consolidated within domestic laws, ethical guidelines, regulations, and codes of conduct with powers to eradicate conflicts of interest and makes it possible to provide transparency and efficiency in the recruitment of personnel into the public service.[36]

FINDINGS AND DISCUSSION:

The Effectiveness of Regional Bodies to Fight against Corruption:

Based on the established articles demonstrated above, this part presents findings and discussion, and it has to be into two folds, and these are effectiveness and integrityto explore and highlight the extent of regional bodies in fighting against corruption worldwide. The nourishment of corruption and its impacts on societies calls for international and regional bodies to be established to fight against it. In doing so, many articles were introduced to provide necessary provisions with mandates,including preventive measures, criminalisation of acts of corruption, law enforcement/sanctions, and mechanisms for implementation to make sure that the acts of corruption are eliminated globally. Even though the selected instruments managed to establish preventive measures to be taken into consideration when it comes to the fight against corruption, it has been noted that the lack of uniformity in implementation reduces the effectiveness of the intended motives. To alleviate the same, this part anticipates the insight of the aforementioned regional bodies to explore the progressive approach as to whether they aresufficient to fight against corruption. The UNCAC, The UNTOC, The OECD Convention against Bribery, The AUC Against Corruption, the SADC Protocol, and the ECOWAS Protocolhave to be in place as the selected instruments which call for the criminalisation of a wide range of offences. The following are some of the selected provisions which demonstrate the role played by selected regional bodies and their applicability in terms of powers and mandates to fight against corruption.

Preventive Measures

Chapter 2 of the UNCAC emphasises the need of each member state to develop and implement effective and preventive anti-corruption measures. In doing so, each state party has to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency, and accountability.[37] In addition to that, each state party shall endeavour to periodically evaluate relevant legal instruments and administrative measures to determine their adequacy to prevent and fight corruption and also to make sure that there is a collaboration between each state member and relevant international and regional organisations in promoting and developing the measure, and all these steps are under the fundamental principles of its legal system practices as aimed at the prevention of corruption.[37]. In support of Art. 5, Art. 6 states that each state party shall create organisations and implement where appropriate, overseeing and coordinating the implementation of those policies to ensure the existing body/bodies, as appropriate, prevent corruption by following the fundamental principles of its legal system specifically to fight corruption.[37] Additionally, Art. 7 of the Con

31 Preambles of the SADC Protocol.

32Art. 2 of the SADC Protocol.

33 Available at http://www.sadc.int.

34 ECOWAS Protocol. .

35Art. 3 of the Protocol.

36 Art 5. of the ECOWAS Protocol.

vention. The UNCAC gives power to member states to make sure that public servants are subject to protection and to promote integrity, transparency and accountability among civil servants on efficiency and merit.[37]
Similarly, Art. 8 of the UNTOC Convention calls for andinitiates preventive measures against corrupt activities in both public and private sectors. The UNTOC emphasizes that each state should set some measures to the extent where appropriate and consistent with its legal system and adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punishpublic officials who engage themselves in corruption.[38] The Convention further insists that each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.[39]
Comparable to other international and regional bodies, Art.2 of the SADC Protocol established mandatory preventive measures that state parties need to take to create, maintain and strengthen the elimination of, and control over, corruption among themselves by providing a standard of conduct for public functions; government control systems over revenue; strict regulations and legislation; the establishment of legal institutions that are responsible for implementing a mechanism to prevent, detect, punish and eradicate corruption, including the deterrents of bribery from domestic public officials and officials of foreign states. Also, to enforce its implementation, the SADC Protocol established mandatory preventive measures that state parties need to create, maintain and strengthen the elimination of corruption among themselves by providing a standard of conduct for public functions, the establishment of legal institutions that are responsible for implementing a mechanism to prevent, detect, punish and eradicate corruption, including the deterrents of bribery from domestic public officials and officials of foreign states.[40]Similarly, the ECOWAS Protocol, despite establishing acts that amount to corrupt activities, provides some of the measures and mandates to be adopted, established and consolidated within domestic laws, ethical guidelines, regulations, and codes of conduct with powers to eradicate conflicts of interest and makes it possible to provide transparency and efficiency in the recruitment of personnel into the public service.[41]

Criminalisation of Corrupt Activities

Art. 16 of the UNCAC provides for the offences and acts of corruption under the bribery of foreign public officials and officials of public international organisations. Art. 16 gave mandates to each member state to adopt legislative and other measures purposely to punish all public officials who are employed by international organisations when they participate in corrupt activities.[42] According to the UNCAC, criminalisation of corruption based on the offences includes the promise, offer or giving to a foreign public official or an official of a public international organisation either directly or indirectly for an undue advantage of himself or herself or another person or entity to act or refrain in the exercise of his or her official duties concerning the conduct of international business.[42]
Art. 8. of the UNTOC outlaws the acts of corrupt activities and prominences for the state party to adopt legislative and other measures as may be necessary to establish as criminal offences when committed intentionally: the acts include the promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, so that the official act or refrain from acting in the exercise of his or her official duties.[42] In doing so, the UNTOC emphasises the state party has to consider the establishment of criminal offences and other forms of corruption.[42]
Art. 3 of the SADC Protocol establishes offences that may be perpetrated through acts of corruption to control public officials and official foreign states. Acts of corruption are key issues to be dealt with in the Protocol since the problem of corruption internationally; [42]These acts include *any public officer or a person who is willing to solicit for himself or herself to offer or grant a promise to assist either directly or indirectly any goods or monetary value in terms of a gift with a promise in exchange for any act during office tenure, and that conduct is for the benefit of either that person or another person or entity is guilty of an offence.*[42]The ECOWAS protocol establishes some of the acts as a *public official or any person who demands, accepts, promises to offer, grants, offers or gives a public official anything that would benefit the employee unduly will be participating in corrupt activities, and any public official who engages in this kind of activity is guilty of the offence of corruption.*[42]
Even though regional bodies tried to establish offences related to acts of corruption, it is still hard to accuse a

37 Art 7 of the UNCAC.

38see also Art. 9 (1) of the UNITOC, 2004.

39 Art. 9(2) of the UNITOC, 2004.

40 Available at http://www.sadc.int; See also a Handbook of Institute of Security Study (2004): p. 12.

41 Art 5. of the ECOWAS Protocol.

person who engaged in such motive meanwhile, a clear definition is not available. Most of the accused persons escaped from the cases instituted against established accusations because there is no appropriate definition. The definition of the terms used does not provide sufficient content of the crime committed. This was deliberated in the case of ***Commissioner of Customs (Import), Mumbai v. Dilip Kumar & Co***.,[42] the court stated that *the interpretation must consider the genuine import of the words, taken in their usual sense*, and rejected the Respondent's claim that Deemed to be a university being separately defined under the University Grants Commission Act, 1956 and not explicitly covered by PC Act, cannot be assumed under the latter. The court further observed that *technical definition under one Act could not be imported into another if it is not parimateria with the former.* Such cases indicate the ineffectiveness of the established bodies in fighting against corrupt activities since the interpretation of the words does not tally with the offence' established.

Law Enforcement, Prosecution and Sanctions

The UNCAC articulate effective methods to stimulate and provide punishments to public officials who engage in corrupt activities. In addition, Art. 8 of this Convention emphasises for the state members to detect and punish the corruption of public officials. The UNCAC further provide that *each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.*[43]Moreover, Art. 11(2) of the UNCAC provides for the ability of state parties to prosecute and adjudicate any offences under its domestic law as covered by the Convention. The Convention provides that *each state party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of the person for offences covered by this Convention are exercised to maximise the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences*.[44]

In the same way, Art. 11 of the UNTOC provides for the Prosecution, adjudication, and sanctions by asking for the state party to make the commission of an offence established following articles 5, 6, 8 and 23 of this Convention liable to sanctions that take into account the gravity of that offence. Additionally, the Convention provide that each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences covered by this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.[45] Also, in case of offences established in the Convention, each State Party shall take appropriate measures, by its domestic law and with due regard to the rights of the defense, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to guarantees the presence of the defendant at subsequent criminal proceedings.[45]Art. 6 of the Protocol enunciates that *subject to its domestic law, each State Party shall prohibit and punish the offering or granting, directly or indirectly, by its nationals, persons having their habitual residence in its territory, and businesses domiciled there, to an official of a foreign State, of any Article of monetary value, or other benefit, such as a gift, favour, promise or advantage, in connection with any economic or commercial transaction in exchange for any act or omission in the performance of that official's public functions*.[45]

Also, the SADC Protocol stipulates that *among those State Parties that have established offences, such offence shall be considered as an act of corruption for this Protocol, and any State Party that has not established such an offence shall, insofar as its laws permit, provide assistance and co-operation for this offence as provided in this Protocol.*[45]The Protocol further stipulate that *by their domestic law and applicable treaties, States Parties shall afford one another the widest measure of mutual assistance by processing requests from authorities that, in conformity with their domestic law, have the power to investigate or prosecute the acts of corruption described in this Protocol, to obtain evidence and take other necessary action to facilitate legal proceedings and measures regarding the investigation or prosecution of acts of corruption.*[45]

Further to the power provided by other regional bodies, the ECOWAS also instruct its state parties *to control and punish foreign public officials who offer, give or promise a favour or a reward for an act or an omission in the performance of their duties on any object of pecuniary value either directly or indirectly*.[45] And also for its state parties to *adopt and implement necessary measures to provide powers to the appropriate authority to adjudicate all mat*

42(2018) 9 SCC 1].

43Art. 9(2) of the UNCAC, 2003.

44 Art 11(2) of the UNCAC, 2003.

ters following their domestic legislation, treaties and other relevant instruments;[45]Further,*each member state is entitled to assist in investigations and judicial proceedings to another*.[46] In considering the aim and objectives to fight corruptionsuccessfully and to sustain cooperation assistance in criminal matters, the ECOWAS Protocol makes provision to develop joint law enforcement assistance within member states and with other parts of Africa; this includes assistance and cooperation concerning the offences of illicit enrichment and foreign bribery.[47] Art. 15 (3) also states that *this protocol has no power to affect any mutual legal agreement entered into to govern cooperation in criminal matters entered into by the state parties as contained in their domestic legislation and any other relevant legal authorities to deal with another state party*.[48]

Nevertheless, member states failed to accommodate the established articles for the same. People engaged themselves in corrupt activities, and they are aware of the loopholes facilitated by the provisions. Having a huge para with many points to deliberate the action automatically, such style in one way or another, introduces a room to escape from one action to another, naturally will misdirect the move and reduce the punishment for the accused ones.

As it has been narrated above, it is clear that the scope, aim, and objectives of the regional bodies provide similar measures to eliminate and control corrupt activities worldwide. As it has been addressed, the above-selected provisions of the selected regional bodies indicate powers and mandates that confer countries to fight against corruption and oblige each state party to adopt measures to prevent, explore what illicit offences are, and provide law enforcement and sanctions to underline the magnitude and seriousness to provide a unit to ensure that all state parties have uniform legislation and stand as one-to-eliminate and control corruption globally.Variousauthors,including Mbao,[49]Jatto,[50]Nagle,[51]Webb, [52]Dell,[53]Cloots[54]*et al.*(to mention a few), consistently argue on the established regional bodies and support their purposes of its establishment.[55]

Likewise, the establishment of adopted measures to criminalise certain actions, including illicit enrichment, concealment of one's ill-gotten gains, and participation in various inchoate crimes, indicate the need to have effective measures to fight against.[55] Although criminalisation acts of corruption are well established in each instrument, their effectiveness relies on interpretation and enforcement. For instance, failure to properly interpret the acts of bribery brings challenges to the fight. Such an incident occurred in the case of ***Sounderajan vs State.***[55]*Where the Supreme Court of India reiterated that proving a demand for gratification is integral under Section 7 of the Prevention of Corruption Act, the Supreme Court emphasised that mere solicitation for money is insufficient; it must be for 'gratification,' as defined in the statute. The court explained that if the demand for gratification and its acceptance is proven, a presumption under Section 20 can be invoked*.Similarly, in the case of ***State of Gujarat v. Mansukhbhai Kanjibhai Shah,***[55]The judge interprets the definition of public duty as stipulated under sec. 2(b) of the Prevention of Corruption Act. The judgementstates that *any duty performed where the State, public, or community at large has an interest constitutes a public duty.* According to that position, it is clear that broad interpretation ensures a wide range of officials and their activities fall under the purview of the Act, reinforcing public accountability and strengthening anti-corruption measures.

In addition to that,Jatto[55]Says that the adoption of the holistic and pragmatic approach to combating both foreign and domestic corruption. That move seeks to engender and reinforce the development of mechanisms necessary for the prevention, detection, punishment, and eradication of corruption and related offences in the public and private sectors, as well as to establish conditions necessary for ensuring transparency and accountability in the management of public affairs.[55]Failure to introduce a uniformity principle in such a move must cause problems in fighting since there is no connection between strengthening the mechanism in combating both foreign and domestic corruption. Mbaku[55]Agrees with what has been

45Art. 13 (1) of the Protocol.

46 Art 13 of the ECOWAS Protocol.

47 Art 15 of the ECOWAS Protocol.

48 Art 15 (3) of the ECOWAS Protocol.

49Mmbao (2011): p. 285.

50Jatto (2010): p. 88.

51See also Nagle., The *Challenges of Fighting Global Organized Crime in Latin America*. (2003): p. 26.

52 Webb (2005): p. 203.

53 Dell G.,Anti-Corruption Conventions in Africa: What Civil Society Can Do to Make Them Work (2006): p. 24.

54 Cloots *et al*., the International Legal Framework against Corruption: Achievements and Challenges (2013): p. 218.

stated by Jato and says that those principles are mentioned, taking into consideration and cognizant of the need to arrest corruption's pernicious impact on African societies. Yet the procedures are cumbersome since there is a hindrance to reinforcing the development of appropriate mechanisms.

According to the demonstration above, it is evident that the established regional bodies aim to achieve some objectives, including the promotion and strengthening of legal mechanisms to build effective means to regulate acts of corruption and to remove obstacles when it comes to fighting against corruption.

CONCLUSION AND RECOMMENDATIONS:

As demonstrated from the beginning of this article, since the late 1990s, the world engaged itself in establishing effective instruments to eliminate and control acts of corruption and bribery. Since then, many international initiatives have been introduced, and most of them address the global and multi-faceted challenges posed by corruption. Efforts are being made to promote comprehensive instruments to prevent and prohibit some of the activities by providing rules and regulations, including the adoption of necessary mechanisms to address the fight against.

Since corruption had been noted as a global issue, regional bodies as leading instruments decided to introduce legal provisions to be adopted by its member states with extensive international participation to eliminate and prohibit corruption. With such a move, various articles promote and empower facilitation, support international cooperation and provide technical assistance between its member states. States parties were forced to develop and implement better policies, including the participation of civil societies as the best move to eliminate corruption in society, the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

Likewise, it has been noted that regional bodies insist that their State Parties should also have a unification code of international cooperation within their legal instrument to handle all matters related to the bribery by foreigners of public officials under the umbrella of international business transactions. That entity has to criminalise the bribery activities by providing necessary measures to provide effective guidance related to corrupt activities that are influenced by trade, yet corruption exists.

Even though all the established instruments intend to eliminate corrupt activities, it is proved that most of the introduced legal instruments provide provisions, including obligations upon the member states to institute adequate and reliable provisions to fight against corruption fail to provide sufficient move in fighting against.

To date, the issues of corruption persevere and provide a dynamic problem globally. Regional bodies must refine the established instruments, especially on the interpretation/definitions, and criminalisation acts of corruption as they have been noticed the extent of facilitating loopholes for the accused to escape from the accusations. Also, there is a need to introduce serious sanctions and punishment for the accused ones.

REFERENCES:

A., Herrmann, C. & Treiber, K.H. Corruption: A situational action view. *Theor Soc* (2025). https://doi.org/10.1007/s11186-024-09590-3

Alatas, S., Corruption, Its Nature, Causes and Functions. Aldershot: Brookfield, Bergstein & Elliott K (Eds) Corruption in The World Economy 1997 Washington: Institute for International Economics; (1990).

Babu ., The United Nations Convention against Corruption: A Critical Overview. (2006).

Barafi, J., Alkrisheh, M. A., Al-Obeidi, A. H., Alsaadi, S., and Mahameed, W. F. (2022). Anti-corruption mechanisms: A study in the light of international law and national regulation [Special issue]. Journal of Governance & Regulation, 11(4), 224–236.Blundo and Olivier de Sardan., *The Popular Semiology of Corruption*. (2006).

Carr I.,Corruption, legal solutions and limits of the law. (2007). available at www.cambridge.org

Carr I., Fighting Corruption Through Regional and International Conventions: A Satisfactory Solution? (2006). available at https://amazon.com

Corr, C.F., & Lawler, J. (1999). Damned If You Do, Damned If You Don't? the OECD Convention and the Globalization of Anti-Bribery Measures. *Vanderbilt Journal of Transnational Law, 32*, 1249. available at www.semanticscholar.org

Cloots S.A., Ryngaert C., and Wouters J., The International Legal Framework against Corruption: Achievements and Challenges. (2013).

Dell G.,Anti-Corruption Conventions in Africa: What Civil Society Can Do to Make Them Work. (2006).

Doig and Theobold (eds)., *Corruption and Democratization*. (2000).

Elaine P.,*Moral and Legal Development of Corruption: Nineteenth and Twentieth Century Corruption in Ireland. (*2007).

Euben, J.P. Corruption. In Ball, T., Farr, J. and Hanson, R.L. (eds), Political innovation and conceptual change. Cambridge: Cambridge University Press. (1989).

Hassan H., and Placek M (2022). Corruption and Social Human Rights in Developing Countries (eds). The Palgrave Handbook of Global Social Problem. Palgrave Macmillan, Cham. Available at https://doi.org/10 .1007/978-3-2-193-1.

Hope K.R and Chikulo B.C, (eds) (2000). Corruption and Development in Africa: Lesson from Country Case Study

Jatto L.B .,(2010). *Africa's Approach to the International War on Corruption: A Critical Appraisal of the AfricanUnion Convention on Preventing and CombatingCorruption*.

International Law Editorial: International Law and Anti-Corruption Measures. A global overview 2024. Available at www.worldjurispunce.com/International-Law-and-Anti-Corruption-Measures

Kibwana K., (2001). *Initiatives against Corruption in Kenya: Legal and Policy Interventions* Clari Press, Nairobi.

Klitgaard R., (1988). *Controlling Corruption* Berkeley (University of California Press).

Lau, C. Advancing the Anti-corruption cause through International Cooperation: lessons from the Hong Kong experience. *GPPG* **4**, 298 (2024). https://doi.org/10.1007/s43508-024-00091-8;

Mbaku J.P., (2007). *Corruption in Africa Causes, Consequences, and Clean-ups*.

Nagle L.E., (2003). The Challenges of Fighting Global Organized Crime in Latin America.

Palmer R., (2012). Combating Grand Corruption in Africa: Should it be an International Crime?

Pillay P., (2004). *Corruption – The Challenge to Good Governance: A South African Perspective*.

Pillay P., (2016). Ethics and accountability in South African municipalities: The struggle against corruption. African Journal of Public Affairs, Vol. 9 No. 2. Available at www.re-pocitory.up.ac.za

Riara B., (2014). *Grand Corruption as a Crime Against Humanity* available at *kenyalaw.org*

Rose-Ackerman *Democracy and GrandCorruption* (2000).

Rosenvinge D.A., (2009). *Global Anti-Corruption Regimes: Why law schools may want to take a multi-jurisdictional approach*.

Sall A., (2014)—fighting Corruption in Africa: A Tremendous challenge.

Spyromitros, E, and Panagiotidis, M (2022). The Impact of Corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators. Cogent Economics & Finance, 10(1). Available at https://doi.org/10.1080/23322039.2022.2129368.

Tanzi V., (1998). Corruption around the World: Causes, Consequences, Scope and Cures.

Theobald R., (1990). *Corruption, Development, and under development* (Basingstoke Hampshire UK: Macmillan.

Saphy B., (2019). The Genesis of Corruption and Its' Perception; National Journal of Criminal Law. Available at www.researchgate.net

Wathne, C., (2021). Understanding corruption and how to curb it. Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute. Available at www.u4.no/publications

Webb P., (2005). The United Nations Convention against Corruption Global Achievement or Missed Opportunity?

Woods, G. and Mantzaris, E.A. (2012). The anti-corruption reader. ACCERUS, School of Public Leadership, Stellenbosch University. Stellenbosch.

International Conference Notes/ Report:

A Handbook of Institute of Security Study (2004:12).

Forms of Corruption in History and Contemporary Society, Origins, Community (CORHICS) Paris 1 2011.

General Assembly Resolution (53/111 of 1998)

General Assembly Resolution 58/4 of 31 October 2003.

Resolution AHG-Dec 126(XXXIV).

World Bank Opinion (2023). Corruption is a Global Problem for Development. To Fight It, We All Have a Role to Play. Available at www.worldbank.org

Transparency Index of Report (2023).

Transparent Index Report (2001).

The Transparency International Global Corruption Report (2000).

International Instruments/ Regional Bodies:

United Nations Convention Against Corruption, 2004.

The Convention Against Bribery of Foreign Public Officials in International Business Transactions criminalised any bribery of foreign public officials in 1999.

Organisation for Economic Co-operation and Development, 1997.

African Union Convention on Preventing and Combating Corruption, 2003.

Southern Africa Developing Countries Protocol against Corruption, 2000.

Economic Community of West African States Protocol on the Fight Against Corruption, 2001.

Holly books:

The Quran.

The Bible.

Dictionary:

Oxford Advanced Leaner's Dictionary, 8th Edition, International Student's Edition Oxford University Press (2010).