

Monitoring and Evaluating the Independence of Anti-Corruption Agencies: Political Interference and Institutional Capture in Third World States — Malawi, Nigeria and Kenya

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ABSTRACT

This comparative research work investigated the issues of independence, political interference and institutional capture on anti-corruption agencies (ACAs) in Malawi, Nigeria and Kenya using a monitoring and evaluation (M&E) framework. Though the enabling legislation is strong in all the three ACAs, the results indicate that their practical autonomy is highly disenfranchised by structural, political and resource-related shortcomings. The Anti-Corruption Bureau (ACB) in Malawi has a strong investigative law enforcement mandate that still relies on the Director of Public Prosecutions to conduct a prosecution, which presents a standing susceptibility of being subject to political pressure. The Economic and Financial Crimes Commission (EFCC) in Nigeria has the broadest legal jurisdiction, including the ability to conduct internal investigations and prosecute, but is severely limited by the executive branch which dictates who gets leadership positions, which cases to prosecute and the severity of the prosecution. An advantage of the Ethics and Anti-Corruption Commission of Kenya (EACC) is that the country has a strong legal system; however, it is evident that the force and its agencies are spread across a chain of command which is disjointed making it slow and open to bargaining with politics. Political interference is found to be a characteristic drawback in all three nations and impacts case proceedings, investigation resolution and political stability. These are manifested in different ways-procedural interference in Malawi, overt executive influence in Nigeria and decentralised political pressure in Kenya, but the effects are the same weakened impartiality, selective enforcement and stalled high-profile cases. Political settlements, elite networks and bureaucratic fragmentation also give rise to institutional capture of each ACA. These dynamics have a significant adverse effect on performance in enforcing the functions and on trust by the population. The research finds that the legal systems are not sufficient as assurance of ACA autonomy. The performance against corruption requires the political insulation, stable budgets, simplified mandate and greater prosecutorial independence. The results are relevant to comparative studies of anti-corruption practices because they show that political and institutional environment affects ACA performance of states in the Third World.

Keywords: The anti-corruption agencies, Independence, political interference, institutional capture, monitoring and evaluation, Malawi, Nigeria, Kenya.

Background of the Study

Anti-corruption agencies (ACAs) came into existence in most states in the Third World with the aim of enhancing accountability, probe misconduct and protect the state resources. They are however very effective in their operations without political interference or undue influence. This has not worked in practice as far as independence has been concerned. In Malawi, Nigeria and Kenya, research indicates that ACAs are often put under pressure by political forces, budgetary limits and structural flaws which put them at the mercy of interference and (in some cases) institutional capture. An example is the Anti-Corruption Bureau (ACB) in Malawi, which has long been hampered by political influence in terms of appointments and sensitive investigations and thus is unable to prosecute cases of high profile (Camacho & Jenkins, 2022; Chinsakaso, 2019). According to research, the political interests continue to play a role in operational decision despite the legal reforms, which is in line with the results of previous U4 evaluations (Nawaz, 2012).

In the same manner, the Economic and Financial Crimes Commission (EFCC) of Nigeria is also a highly political state in which change of leadership, executive influence, and selective enforcement have influenced the performance of the organization (Bello and Adaran, 2022; Agu et al., 2024). Critical studies in the recent past indicate that although the EFCC has made notable recoveries, its autonomy is usually put to test whenever the investigations implicate the influential political elites (Udegbumam et al., 2025).

The anti-corruption bodies in Kenya are also faced with unending political interference and political will volatility. Research indicates that the legal foundation despite its robustness is undermined by the resource constraints and politics to achieve independence to implement credibly (Daud, 2024; Walter and Ghabon, 2025). Similar concerns are reflected in civil society decisions, according to which the autonomy and insufficient resistance to political pressure are weakened (Transparency International Kenya, 2025).

Considering these issues, monitoring and evaluation (M&E) provides an organizational approach to measure ACA independence through the examination of such indicators as legal autonomy, financial control, investigative powers and susceptibility to interference. An M&E lens in three countries allows making a comparison among the structural flaws, tendencies of political impact, and where changes can enhance institutional capacity to resist. This paper thus discusses the issue of ACA independence in Malawi, Nigeria and Kenya to come up with evidence that would be used to promote effective and stronger governance systems and anti-corruption institutions.

Problem Statement

Even though the anti-corruption agencies in Malawi, Nigeria and Kenya have been instituted to enhance accountability, their independence to operate is still restricted. The influence of politics in appointments, prosecution and investigation has continued to limit operational independence, the reliance on resources and loopholes in the law have also made the institutions more vulnerable to the capture by the institutions. The analysis of the three countries empirical research shows that there are common trends of selective enforcement, leadership pressure and inconsistent implementation of anti-corruption laws, all of which undermine the trust of the populace and the enforcement (Camacho and Jenkins, 2022; Agu et al., 2024; Daud, 2024).

Nevertheless, the number of studies that use a monitoring and evaluation method to systematically measure ACA independence, measures interference, or compares cross-country institutional performance is few. Lack of such M&E-based comparative analysis restrains the evidence that is needed to inform reform efforts. In this study, this gap is therefore filled by estimating ACA independence in Malawi, Nigeria and Kenya on a structured M&E indicators.

Objectives of the Study

Main Objective

To track and measure Malawi, Nigeria, and Kenya, whether their anti-corruption agencies are independent of political interference and institutional capture.

Specific Objectives

To determine the level of independence of the anti-corruption institutions in Malawi, Nigeria and Kenya based on monitoring and evaluation indicators like legal independence, fiscal control and fiscal neutrality.

To determine the impact of political interference in investigative and prosecutorial procedures of anti-corruption bodies in the three countries.

To investigate institutional capture forms and driver of the anti-corruption agencies in Malawi, Nigeria and Kenya and how these factors affect their overall performance.

Research Questions

How much do the anti-corruption authorities in Malawi, Nigeria and Kenya exhibit independence using some key M&E indicators like legal autonomy, control of finances and operational neutrality?

What role does political interference play in the investigation and prosecution roles of ACAs in the three countries?

Which types of institutional capture have an impact on ACAs in Malawi, Nigeria and Kenya and how they influence their effectiveness and general performance?

Significance of the Study

This study gives evidence that can be used to champion better governance reforms in Malawi, Nigeria and Kenya because ACA independence is evaluated using structured M&E indicators. The results are important to policymakers who are interested in developing legal and institutional frameworks that will shield ACAs on political power. The results can be used to enhance accountability mechanisms and to encourage institutional integrity through governance bodies, i.e. parliaments and oversight institutions.

To the civil society organisations and the media, the given study provides analytic information that may be used in the advocacy of more autonomous and resource-supported ACAs. Comparative data will be beneficial to development partners who in most cases fund anti-corruption programmes on where to focus on capacity-building and where to avoid. The findings can empower ACA leaders to reinforce internal systems and enhance operational decision-making and align strategies with best practices to attain institutional independence.

Scope and Delimitation

This paper dwells on three nations Malawi, Nigeria and Kenya chosen due to their varying political situations and known issues with ACA independence. The period of analysis will be 2022-2025, and it will be characterized by significant political events or the transition of leaders and the development of anti-corruption in the three states. The research is restricted to the secondary data and it focuses on three fundamental areas, ACA independence, political interference and institutional capture. It does not evaluate every institution of the public sector and does not hold a primary interview, but it is possible to pay more attention to the comparative evaluation of M&E institutions based on institutional assessment.

Justification

Comparative M&E method is a systematic means of assessing the ACA independence, detect the patterns of political interference and underline potential threats of institutional capture. The application of this lens in Malawi, Nigeria and Kenya produces evidence that can reinforce governance reform and complement the effort to establish more independent and functional anti corruption institutions.

LITERATURE REVIEW

Theoretical Framework

The proposed research is founded on three theories that contribute to the explanation of the mechanisms of functioning of anti-corruption agencies (ACAs) within political settings, which are limited by the autonomy restrictions, interference, and risks of institutional capture.

The first lens is the Principal-Agency Theory. It characterizes ACAs as agents (who are required to operate on behalf of citizens (principals) in order to check corruption in the public sector. Nevertheless, these institutions in most Third World states are in most cases influenced or controlled by political elites who ought to be the primary promoters of ACAs, which creates conflict of interests with them. The Malawi, Nigeria and Kenya evidence indicate that, in some cases, political principals interfere with agency independence due to appointments, funding, and prosecutorial discretion manipulation (Camacho and Jenkins, 2022; Bello and

Adaran, 2022; Daud, 2024). Such incompatibility between the people and the political apparatus is why ACAs often fail to put potent players to the task.

Institutional Theory describes the functioning of ACAs within the larger governance systems. It puts focus on organisational rules, norms and political expectations which influence the institutional behaviour. Legal independence may be formal, but informal norms (i.e. political patronage, elite agreements and administrative hierarchies) may prevail in terms of enforcing legal protections even where ACA has formal legal independence. Research indicates that the official independence of ACB in Malawi is accompanied by the informal crises on investigations (Chinsakaso, 2019). Similar informal practices in Kenya and Nigeria undercut the structural independence despite the robust legislation (Walter and Ghabon, 2025; Agu et al., 2024).

The third lens is Political Settlement Theory that fits the distribution of power among elites and how this distribution results in the level of ACA independence. When anti-corruption interferes with institutional capture, a political resistance is created and this leads to the interruption of institutional capture. In Malawi it has been reported that there was executive pressure on ACA leadership (GI ACE, 2024). The EFCC in Nigeria is experiencing fluctuation in political power relative to governing alliances (Udegbumam et al., 2025). Anti-corruption implementation in Kenya varies according to the change of politics, which implies that the elite bargains influence institutional conduct in the country (Transparency International Kenya, 2025).

Collectively, these theories can be used to understand why ACAs in the three countries tend to be constrained in their environment, and why monitoring and evaluation (M&E) are critical in evaluating their autonomy, resilience, and susceptibility to interference.

Empirical Investigation (Malawi, Nigeria, Kenya)

Malawi

Empirical research indicates that Malawi Anti-Corruption Bureau (ACB) has chronic issues of legal autonomy, operational autonomy and political pressure. According to Camacho and Jenkins (2022), despite the developed anti-corruption system in Malawi, politics in appointments, allocation of resources and prosecution approval still restrict the effectiveness of ACA. In the previous evaluations, it was noted that ACB has a limited operational environment due to governance systems that have vested prosecutorial capabilities with the Director of Public Prosecution (Nawaz, 2012).

Chinsakaso (2019) brings attention to a few instances when such high-profile investigations were hindered due to political influences, proving the role of informal interference in disrupting institutional operations. GI ACE (2024) also indicates that there is a tendency of leadership transitions in the ACB of Malawi to go hand in hand with political transitions, which consequently leads to the issue of institutional capture, particularly when the transition happens during a time of controversy.

Research also cites the disparities in resource avenues and bureaucracy bottlenecks that undermine performance delivery especially in the prosecution of sophisticated financial offenses. In a nutshell, the empirical history of Malawi shows that it can exercise limited autonomy and still be vulnerable to interference and capture.

Nigeria

The Economic and Financial Crimes Commission (EFCC), is among one of the most visible ACAs in Africa, but its autonomy has been doubted in Nigeria. Bello and Adaran (2022) demonstrate that the EFCC has the legal power, but the executive manipulation of appointments in leadership has led to the reoccurring pattern of interference, particularly in politically sensitive matters. Agu et al. (2024) note that the anti-corruption operations of the country include selective enforcement, unequal prosecution decisions and political influence of the high-ranking suspects as the challenges associated with the structural aspects of the anti-corruption practices in Nigeria.

Udegbumam et al. (2025) show comprehensive evidence to the fact that EFCC activities during the period of 2015-2023 were influenced by political factors, which determined the priorities when it comes to the

investigation and the outcome of cases. In the meantime, Adenigbagbe et al. (2025) suggest that the anti-corruption campaign in Nigeria continues to be limited by the systematic flaws in the governance and a lack of political will. Such controversies of EFCC activities are regularly reported by the media, including the works of Eboh (2024) and Ben Ezeamalu (2025). These results depict the ACA in Nigeria as one that is on the go, though its structure is highly vulnerable to political forces and institutional pressure.

Kenya

The anti-corruption climate in Kenya is typified by well established legal frameworks and low enforcement capacity alongside unstable political commitment. According to Daud (2024), though Kenya has several anti-corruption bodies, such as the Ethics and Anti-Corruption Commission (EACC), the autonomy of these bodies is undermined by political nomination, leadership changes and inefficiency in funding. Walter and Ghabon (2025) indicate that corruption cases are usually problematic to prosecute due to political interference, poor collaboration of investigations and insufficient resources of low level.

The county level research, including both Wasike and Mbirithi (2025) and Matiti et al. (2025) point to the prevalence of administrative issues that support institutional capture at national and subnational levels. Civil society ratings also show that political capture, elite bargains and disintegration of accountability agencies diminish the efficiency of the Kenya anti-corruption system (Transparency International Kenya, 2025; AfriCOG, 2024).

The survey by the EACC (nationally, 2023) to identify the level of corruption and the degree of its decrease confirms the presence of corruption and a drop in trust in the government as the indicators of poor performance in spite of the structural changes. It is thus empirically proved that political interference and system weakness undermine the ACA independence of Kenya.

Comparative Insights

In the three nations, structural autonomy is in paper, but can not be enforced due to the influence of politics, lack of consistent funding, and haphazard appointments. Criminal cases that are of high profile usually lead to a political response, where the investigations take longer before changing the leadership.

Institutional capture patterns- be it by executive influence, resource allocation or law- seem to be consistent. All in all, it can be seen that empirical research indicates that ACAs are functioning in politically charged settings where independence is partial and not assured, which emphasizes the necessity of an M&E-based comparative evaluation..

Operationalization of Variables

TABLE 1: Operationalization of Key Variables

VARIABLE	DEFINITION	INDICATORS	DATA SOURCES
ACA INDEPENDENCE (DV)	Ability of ACAs to operate without undue political influence or administrative restriction	Legal autonomy, appointment processes, financial independence, operational neutrality	Laws, ACA reports, civil society assessments
POLITICAL INTERFERENCE (IV1)	Direct or indirect actions by political actors that influence ACA decisions	Leadership changes, halted investigations, selective prosecution, political directives	Media reports, case studies, legislative records

INSTITUTIONAL CAPTURE (IV2)	Systematic control of ACAs by political or elite groups to influence outcomes	Patronage networks, budget manipulation, aligned appointments, weakened oversight	Civil society reports, governance diagnostics
ACA PERFORMANCE (OUTCOME)	Effectiveness in investigation, prosecution and enforcement	Number of cases filed, conviction rates, asset recovery, public trust indicators	ACA performance reports, surveys, court data

Summary of Gaps

The literature review indicates that much is done on corruption, ACA functioning and political manipulation in Malawi, Nigeria and Kenya. But the majority of the studies focus on these questions in the light of law, political or administrative approach but they are not implemented in a structured monitoring and evaluation framework (M&E). Current analyses either talk about independence or capture conceptually without conducting a systematic measurement of autonomy based on such indicators as legal protection, control of the budget, investigative authority and vulnerability to political interference.

There are also limited comparative studies done in the three countries. Current studies concentrate on national experiences, which creates a research gap in cross-national knowledge of the differing aspects of independence and the influence of politics in the resilience of ACA. Moreover, connection between political interference, institutional capture and performance of ACA is under-researched on using quantifiable criteria. This research addresses these gaps by providing a compare and measure M&E evaluation of ACA independence in Malawi, Nigeria and Kenya in indicators.

METHODOLOGY

Research Design

The research design of this study is a cross-country monitoring and evaluation (M&E) research design. The design will enable systematic evaluation of the autonomy of anti-corruption agencies (ACAs) in Malawi, Nigeria and Kenya through the application of a shared set of indicators that measures matters to do with autonomy, political interference and institutional capture. With an M&E lens, it will be possible to assess the difference in ACA structure, performance and vulnerability in various political situations. The design suits determining patterns, similarities and divergences and is suitable in generating evidence based information on the effectiveness of institutional safeguards that are meant to safeguard the ACA independence in the three countries.

Countries and Rationales of the Study.

Malawi, Nigeria and Kenya were specifically chosen as they are different governance settings and different stages of ACA development. The Anti-Corruption Bureau of Malawi functions in the political environment with a high degree of political sensitivity characterized by erratic independence. The Nigerian EFCC is the most noticeable anti-corruption agency in Africa but has continued to be dogged with politicians. The anti-corruption system in Kenya has good laws but is deteriorated by gaps in implementation and politics. These three countries offer a moderated view on the operation of ACAs in various institutional and political contexts and hence are appropriate in launching a cross-country M&E study of the independence, interference and capture.

Data Sources

The research is solely based on secondary data which comprised of official reports on ACA, national legislation, annual budgets, audit reports and policy documentation. Others are civil society evaluations, governance diagnostic reports, peer-reviewed articles, media investigations and overseas anti-corruption databases. There is the inclusion of case files and prosecution summaries of the ACB of Malawi, EFCC of Nigeria and EACC of Kenya where publicly available. These sources present abundant information regarding the ACA performance,

degree of independence, being subject to interference and systemic limitations. The secondary data are suitable in this research as it enables the cross-country comparison and acquisition of verified institutional data.

Data Collection Methods

The review of structured documents was used to gather data, which was guided by an M&E indicator matrix that was designed to measure the ACA independence. Documents were filtered in regards to legal autonomy, finances, politics, handling of cases and institutional integrity. Similar information in the three countries was extracted systematically, using a template. Triangulation of the sources was done to enhance reliability so that the reports made by the officials, civil societies findings and scholarly analyses should be complementary. The approach offers a uniform platform on which to gauge the extent of political interference, institutional capture and performance results based on the well-defined indicators.

Data Analysis

A thematic analysis and indicator based scoring methodology was used together. To start with, qualitative data were coded in themes of structural autonomy, interference, capture risks and performance. Second, qualitative ratings of each ACA were allocated based on the M&E indicators on such aspects as legal independence, financial control, and operational neutrality. These ratings were further compared between Malawi, Nigeria and Kenya in order to establish patterns, strengths and weaknesses. The cross-country comparison fosters deeper analysis by bringing out disparities in political environments and resilience in institutions and keeping the same level of consistency through a unified indicator framework.

Ethical Considerations

In this research, the publically available secondary data is used, which removes the risks of human subjects. However, ethical principles were followed by providing the right representation of data, objective interpretation and recognition of all sources. The research is not partisan or defamatory and includes no biased evaluations when it comes to politically sensitive matters. The analysis of institutional data was done in a responsible manner without misrepresenting the performance of agencies and ascribing intentions to individuals. The comparative characteristic of the study should be approached with the necessary care in order not to rank countries unfairly but to analyze the results through the prism of evidence-based evaluation based on the principles of M&E. The issue of confidentiality is not of interest because of using only the public-domain materials.

ANALYSIS, RESULTS AND DISCUSSION

Theme-Based M&E Findings

Autonomy of the Anti-Corruption Agencies.

According to the analysis, ACA autonomy in Malawi, Nigeria and Kenya is more legal than practical. Each of the three agencies has enabling Acts that give them the power to investigate but structural dependencies and political oversight mechanisms make these agencies lack autonomy.

ABC in Malawi is still limited by the fact that it needs to be approved by DPP to prosecute high-profile cases, which undermines functional independence. The EFRC of Nigeria is most powerful in terms of formal authorities, but it is susceptible to the changes in the executive power and the influence of the ruling party.

Kenya has an extensive legislation in its EACC, but lacks institutional cohesion among EACC, ODPP and DCI, which water downs operational independence. All in all, independence is only partial, encircled by governance circumstances as well as administrative restrictions.

TABLE 4.1: Aca Independence Assessment

Country	Strength	Limitation	Independence Rating
Malawi	Clear legal mandate	DPP prosecution consent	Low–Moderate
Nigeria	Strong legal powers	Executive influence	Moderate
Kenya	Comprehensive laws	Fragmented mandates	Moderate

Influence of Political Interference

In all the three countries, the effectiveness of examinations and prosecutes largely depends on the political interference. Malawi is affected by persecutor bottlenecks and change of leadership in tandem with change of political leadership, causing cases of high profile to be held. Nigeria displays the highest political power with selective enforcement trends that become more severe during periods of elections and change depending on interests of ruling parties.

Despite being more interfered with in a decentralised manner, Kenya has had an equally impactful effect particularly when it comes to processes involving prosecutors making decisions whose effects hinge on political factors, thus cases are either advanced or held back. In all the three settings, political players have a direct and indirect influence to the detriment of the enforcement of the law, compromising institutional morale and as a result of this, the citizens tend to lose their trust in anti-corruption campaigns.

TABLE 4.2: Political Interference Patterns

Country	Key Interference Point	Impact on Enforcement	Severity
Malawi	DPP approvals	Case delays	High
Nigeria	Executive influence	Selective prosecution	Very High
Kenya	ODPP–EACC interface	Withdrawal of cases	Moderate–High

Institutional Capture and ACA Performance

The comparison indicates that institutional capture is distinct in the three countries in its various forms, which influence the performance outcomes differently. The capture of Malawi is the consequence of the political settlements affecting the leadership stability, resources allocation and prioritisation of the cases. The EFCC in Nigeria suffers executive capture in which the level of enforcement is discriminated according to political allegiance, thus causing uneven prosecution of elite criminals.

The seizure of Kenya is more of a bureaucracy, which arose out of the anarchy of different institutional functions and the power of elites to control budgets and the trajectory of cases. The outcome in all settings is that there is slow pace in the cases, disproportionate conviction and waning faith of the people. Institutional capture reduces the capacity of ACAs to work without favor, and it derails the objective of systemic accountability.

TABLE 4.3: Institutional Capture and Performance

Country	Capture Driver	Performance Effect	Capture Rating
Malawi	Political settlements	Prolonged cases	Moderate–High

Nigeria	Executive dominance	Low elite convictions	High
Kenya	Elite patronage + fragmentation	Weak case closure rates	Moderate

Country-Specific Findings

Malawiz

The Anti-Corruption Bureau (ACB) of Malawi illustrates a certain discrepancy between its official mandate and its effective autonomy and this is mostly occasioned by structural, political and institutional pressures. In law, the ACB has the power to conduct investigations into corruption, although they may not prosecute without the authority of the Director of Public Prosecutions (DPP, a dependency that greatly restricts its operational autonomy). Such approval criterion has in the past been employed in postponing or blocking cases that are politically related to show how laws meant to protect the course of justice end up forming a kind of bottleneck to the fulfillment of mandate by the agency. The lack of resources is another factor that weakens the aspect of independence, and NORAD reports of recurrent under-investment on travel, professional investigations, and long-term planning. This has made the ACB to be visible in the eyes of the law but operationally limited by not being able to consistently behave independently without consulting the other political or administrative powers.

The interference in Malawi politics is not loud but consistent and it has an impact on the willingness of the ACB to follow high profile cases and their capabilities. The turnover of leadership tends to reflect the change in the political leadership and it gives the impression that the agency heads are at the whims of the ruling regime. This attitude demoralizes investigators and decreases the chances of aggressively pursuing sensitive cases. Historical scandals, in particular, the Cashgate scandal, explain how political actors were trying to control the direction of investigation and the control of the narrative, occasionally pressurizing the ACB to slow down the investigation or distract the attention. Such interventions undermine the investigative environment, leading to a significant amount of delays, poor evidentiary chain and uneven implementation of the anti-corruption directive.

Another problem that makes ACB performance difficult is the issue of institutional capture. The politics of settlements in Malawi, i.e. informal arrangements between elite groups, determines the anti-corruption agenda in such a way that shields the high-ranking individuals and places the low-level ones under more questioning. The trend results in an unequal application and suspicion of the agency by the citizens. The reliance of ACB on government funding, prosecutor actions and administrative granted is such that creates a framework, in which the political elite can manipulate results without blatantly meddling. This weakness can be seen in the outcome of performance: the ACB launches a number of investigations, but not all high-level prosecutions are successfully brought to fruition. The erosion of trust among the populace hence is not due to failure to work, but as structural configurations and political incentives the agency is designed such that it cannot act autonomously. The ACA of Malawi functions in the environment where the legal provisions are present, and the political interests and institutional weakness restrict their implementation.

Nigeria

Nigeria Economic and Financial Crimes Commission (EFCC) is one agency that is leading its pack in Africa due to its broad legal authority but the agency remains challenged by the need to establish full operational independence. The EFCC has the capacity of investigating, arresting and prosecuting cases of corruption without involving the outside authority making it have greater structural autonomy compared to its counterparts in Malawi or Kenya. This freedom is however compromised by the fact that the appointment of the leadership is highly centralised. The Chair of EFCC is selected by the President and even though it must be approved by the Senate, there is usually a tendency of appointing people to the same political party and hence people of the ruling party are usually appointed. Such appointments influence the institutional priorities, leadership behaviour and the effort put on politically sensitive cases thus strengthening a culture of operational autonomy only insofar as it allows support of the political goals.

There are documented cases of political interference in the operations of EFCC. Research points to high-profile selective enforcement, especially at election times, where opposition leaders are investigated viciously and party elites seemingly immunized. The tendency undermines institutional neutrality and strengthens the image of EFCC as a political tool instead of an objective enforcement agency. As indicated by media coverage, high profile arrests, which draw large amounts of publicity and seldom result in final convictions, can prove how the influence of politics can be used not only in the selection of cases, but also in internal prosecutorial decision-making. The interference is also indirect, in the form of budget allocations, which vary, according to the priorities of the administration, allowing the political leadership to impact the force and the direction of the enforcing activities.

The capture of institutions in Nigeria is more blatant, and the ruling elites can simply change the cases to proceed on and those to stall indefinitely. A fairly robust structural mandate of EFCC conceals underlying weaknesses associated with the competitive nature of Nigeria politics, wherein anti-corruption institutions tend to be used as instruments in intra-faction conflicts. Despite significant financial recoveries, the results of the work of the EFCC are not consistent: verdicts of politically exposed individuals are seldom done, whereas those of less influential officials are more rapidly promoted. The trend is of elite domination and not institutional frailty. What has ended up is a system of formal independence as well as practical dependence on political power structures. The measure of public trust is still divided, with a great number of citizens realizing the significance of the EFCC, but doubting its impartiality and efficiency in solving the problems of elite-level corruption. The ACA of Nigeria is therefore a symbol of strength and frailty, it seems to be strong on paper but weak in practice, prone to political capture as well as selective application.

Kenya

The anti-corruption environment in Kenya is typified by an elaborate legal framework but debilitated by disjointed institution structure and vested political considerations. The EACC also has considerable investigative abilities, but it needs the Office of the Director of Public Prosecutions (ODPP) to take criminal charges. This structural division, which is meant to instill checks and balances, tends to leave cases pending, or rather crippled, particularly those cases that touch on influential players. Even though the EACC is hired in a more or less autonomous procedure directed by a selection panel, parliamentary scrutinizing and executive approval add politics to the bargaining process at the expense of the stability of leadership and independence of operations. The changing of senior leadership often creates further instability in terms of the agency momentum, including its ability to develop long-term enforcement solutions because of an insufficient institutional memory.

In Kenya, political interference is likely to manifest itself throughout the prosecution phase in which high-profile cases are either reinstated due to lack of evidence, languish, or discarded altogether. This is more so where the cases entail top political players or those that have connections with the ruling political outfit. The civil society reports indicate that political elites exercise a source of influence in terms of resource allocation, appointments and policy direction in determining the effectiveness of the EACC. The third way through indirect interference is by public criticism, pressure on the part of the administration and efforts by the administration to restrict investigative access to the critical documents or people. Influence of county level politics is especially common, whereby it is the local elites who affect inquiry that may jeopardize their interests.

Elite networks and bureaucratic fragmentation are the two elements of institutional capture that occur in Kenya but not through direct executive control. The allocation of investigative roles between EACC, DCI and ODPP results in instances of institutional loopholes that are abused by the elites to disrupt or stall cases. Budgetary limitations serve as a type of institutional capture as well as the small and random amounts deny the agency its freedom. Despite Kenya enacting a Whistleblower Protection Act, this law has been weakly implemented, this means that investigators risk being retaliated when conducting politically sensitive investigations. The latter weaknesses are part of the long-term performance problems such as sluggish resolutions of cases, low conviction levels and decreased confidence of the society in the anti-corruption system. Similar to Malawi and Nigeria, Kenya ACA shows how there are conflicts between the well-formulated laws and political realities that affect the effectiveness of such laws in practice.

Comparative Discussion

An analysis of Malawi, Nigeria and Kenya shows that all three anti-corruption agencies work in a setting where there are legal provisions to independent operations but their freedom to operate is limited by the wider politics and institutional forces. The ACB in Malawi is the most restrained in terms of structure owing to its dependency on the Director of Public Prosecutions to grant prosecutorial consent. This addiction establishes a foreseeable basis of political intrusion, which is often abused by the elites, leading to slow investigations and biased enforcement. The EFCC in Nigeria seems to have a better paper strength whereby it has all the investigative and prosecutorial authority, but its effective autonomy is undermined by one thing: high executive pressure and more so in politically sensitive times. The EACC in Kenya provides an example of a middleground between strong constitutional foundations and weaker because of the poor institutional architecture and high political interference in appointments.

All the three countries are affected by political interference, albeit differently and to varying degrees. Malawi has procedural interference, which is normally the bottleneck in prosecutors; Nigeria has direct interference induced by ruling-party politics; and Kenya has decentralised informal interference by parliament and executive coercions. The differences influence the manner in which cases are handled and the readiness of investigators to work on politically related suspects. And so, institutional capture has a different form: Malawi has a political settlement, Nigeria an executive dominance and selective prosecution, Kenya an elite network that exists within the bureaucracy.

In all three contexts, there is a remarkable similarity in performance outcomes in the institutional differences. The cases of high profile are often stagnated, the people involved in corruption with high profile are rarely convicted and the confidence of people on anti-corruption institutions is constantly dwindling. These similarities imply that ACAs are not so much independent watchdogs but players in complicated political waters that make them effective or not. The case studies indicate that no matter how much reforms are done that concentrate on legal frameworks, the transformation will be minimal unless political power structures are changed so as to guard autonomy.

TABLE 4.4: Cross-Country Comparison of Aca Independence, Interference and Capture

DIMENSION	MALAWI (ACB)	NIGERIA (EFCC)	KENYA (EACC)
Independence	Legally strong but functionally weak	Strongest structural powers	Strong laws but fragmented system
Political Interference	High (prosecutorial bottleneck)	Very high (executive-driven)	Moderate-high (political bargaining)
Institutional Capture	Political settlements	Executive dominance, selective enforcement	Elite patronage + bureaucratic capture
Performance Outcome	Slow, delayed cases	Low elite convictions	Fragmented, slow prosecutions

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Summary of Findings

This paper discussed the issue of independence, political interference and institutional capture on anti-corruption agencies in Malawi, Nigeria and Kenya through a monitoring and evaluation (M&E) prism. The results indicate that despite the enabling legislation being strong in all the three ACAs, their practical autonomy is highly limited by the political and structural realities. The ACB in Malawi is by law required to probe corruption, however, it still requires prosecutorial approval by the Director of Public Prosecutions, which forms a point of weakness.

The EFCC of Nigeria has a wide-ranging investigative and prosecutorial authority, but lacks autonomy because of executive pressure, especially in the process of appointing leaders and politically fraught cases. The EACC in Kenya enjoys the advantages of a solid legal framework, however, the operational autonomy is watered down by the fragmentation of enforcement systems of EACC, DCI and ODPP.

The political interference was a dominant issue in each of the three countries, albeit in various ways. Malawi has a problem of procedural interference in the form of prosecutorial bottlenecks and leadership disruptions associated with changes in the political regime. There is open executive influence in Nigeria, and the selective enforcement trends are aggravated during election periods. Kenya has a decentralised form of interference that is mostly carried out at prosecution stage with political factors determining the cases that proceed or fall in stalemate. Such types of interferences seriously disrupt the momentum of the investigation, introduce delays and undermine the trust of the population.

The institutional capture was observed in each and every country but through various drivers. The capture of Malawi demonstrates the reflection of political settlements with the creation of agency behaviour; Nigeria is a result of executive control and elite bargaining; Kenya is a result of bureaucratic fragmentation and elite patronage networks. All these captures impair the ACA effectiveness that leads to the delay in the case development, the low conviction rates of high-profile offenders, and the decrease in the levels of public trust. In general, the paper concludes that despite the available legal provisions regarding independence, the political interests, institutional weaknesses and resources remain a major limitation to the capacity of ACAs to operate independently and effectively.

Conclusions

The former aimed to measure the level of ACA independence under the M&E indicators. The research finds that independence is best on paper but worst on practice. The legal frameworks of all three agencies; ACB, EFCC and EACC seem to be strong but structural dependency, divided mandates and lack of stability in the resources underpin functional autonomy. Malawi is the most institutionally constrained, Nigeria is the most politicized and Kenya is the most institutionally disaggregated.

The second goal was the impact of political interference on the work of investigators and prosecutors. The research findings indicate that politics is a factor of poor performance of ACA in all three countries. It can be prosecutorial approval (Malawi), selective enforcement based on the executive interests (Nigeria) or politically influenced prosecutorial decisions (Kenya); however, the impact is the same: sensitive cases are slowed down, stalled, or dropped, weakening deterrence and the institution itself.

The third aim was aimed at determining institutional capture forms and their impact on ACA performance. The results indicate that capture assumes various forms yet all have the same outcomes. The capture of Malawi is rooted in politics settlements, Nigeria in executive-domination and party-rule, Kenya in sophisticated bureaucratic channels and patronage. In every situation, capture undermines objectivity, creates inverted priorities, and restricts responsibility. The general implication is that the effectiveness of the work of anticorruption agencies is determined not as much by laws, but rather by the political and institutional contexts of functioning of ACAs.

Recommendations

To enhance the autonomy of ACA, reforms must be made focusing on legal design, political demand and capacity. To begin with, Malawi ought to reform its legal system to lower or eliminate the DPP approval of prosecutor judgments. Such a single change in the law would contribute greatly to the ACB independence. To make the EFCC appointment more efficient, Nigeria ought to change the system where only the executive has a direct say in the matter and instead implement a multi-stakeholder selection panel. Kenya needs to enhance the chain of enforcement of anti-corruption practices by defining the roles of EACC, ODPP and DCI which might be legally required to work together on the terms of joint operational procedures.

Independence of budget should also be enhanced. Malawi and Kenya need to have a multi-year budget ring-fenced so that the planning process can remain consistent and to minimize political bargaining by decision

making. Budget allocation formulas should be institutionalised in Nigeria to censure politically instigated financial variations. The three nations ought to invest more on specialised investigators, digital evidence devices and inter agency coordination systems.

To minimize political influence, the independent prosecutorial review boards are required to be introduced to audit the decisions against elite suspects. To some extent, Malawi and Kenya in particular would enjoy a system of independent prosecution oversight to hear the decision made by DPP/ODPP on high profile corruption cases. To minimize the unilateral control of EFCC by the executive branch, Nigeria needs to reinforce parliamentary check on their activities.

The only solution to the issue of institutional capture is reforms that would improve accountability and transparency. ACAs three must also release annual performance dashboards containing case timelines, prosecution results and case withdrawal reasons. Such openness would limit the room of political interference by the elite. It is also important to strengthen protection of the whistleblowers; Kenya needs to fully operationalize its Whistleblower Act and Malawi and Nigeria need to revise their systems to incorporate more retaliation safeguards.

Lastly, the donor assistance must be matched with the long-term capacity building as opposed to the short term operation gap, which makes the institutions more resilient to the political goodwill.

Recommendations on Future Research.

Future studies ought to implement quantitative M&E measures in order to quantify ACA independence more accurately. Creating an Independence Index based on weighted measures would allow comparisons across countries and even over time. More correlation analysis of other African or Asian nations would help increase the empirical foundation and check whether the identified trends can be generalized to other governance settings. Investigations of longitudinal transitions and their impact on ACA behaviour would also give more information on the resilience of institutions. Lastly, a survey of perceptions of investigators, prosecutors and civil society could be included in mixed-method studies to improve the perception of how interfering and capturing is witnessed internally, which would be beneficial to the understanding of interference and capture as demonstrated in this study structurally.

REFERENCES

1. Camacho, G., & Jenkins, M. (2022). Malawi: Overview of Corruption and Anti Corruption Efforts. U4 Anti Corruption Helpdesk. <https://knowledgehub.transparency.org/helpdesk/overview-of-corruption-and-anti-corruption-efforts-in-malawi>
2. Nawaz, F. (2012). Overview of Corruption and Anti Corruption in Malawi. U4 Expert Answer 329. (Earlier U4 Briefing Later Summarized in U4 Helpdesk Material.)
3. Chinsakaso, F. K. (2019). Detection, Investigation, Prosecution and Adjudication of High Profile Corruption in Malawi. In UNAFEI Resource Material Series No. 110. United Nations Asia and Far East Institute. https://www.unafei.or.jp/publications/pdf/RS_No110/No110_26_No22UNCAC_IP_Malawi.pdf
4. Global Integrity Anti Corruption Evidence (GI ACE). (2024). African Anti Corruption Agencies and the Problem of Independence. <https://giace.org/independence/>
5. Strasser, P. G. (2016). An Anti Corruption Bureau's Inexorable Endeavor: A Study of Malawi's Cashgate Scandal. Washington & Lee University Law Review Online, 73. <https://scholarlycommons.law.wlu.edu/wlulr-online/vol73/iss1/11/>
6. Norwegian Agency for Development Cooperation. Hechler, H., & Parkes, B. (2010). Annual Review of DFID/RNE Malawi's Anti Corruption Bureau Support Programme. NORAD. <https://www.norad.no/contentassets/1fb0dcf9ae9349188165ae76263a5cef/annual-review-of-dfidrne-malawis-anticorruption-bureau-support-programme.pdf>
7. Anti Corruption Bureau, Malawi. (2019). Strategic Plan 2020–2024 [Final Plan Issued Dec 2019]. <https://acbmw.org/wp-content/uploads/2020/01/FINAL-ACB-SP-1-2-DEC-2019-for-printing.pdf>

8. Open Government Partnership. (2017). Malawi Commitment Page Including Analysis of ACB Independence, Funding, and Oversight. <https://www.opengovpartnership.org/members/malawi/commitments/MW0003/>
9. Mtuwa, S., & Chiweza, A. L. (2023). Implications of Corruption on Public Administration in Malawi. *Journal of Humanities*, 91, 31–? [CC BY 4.0]. https://www.researchgate.net/publication/374884448_Implications_of_Corruption_on_Public_Administration_in_Malawi
10. Dionne, K. Y., & Dulani, B. (2025). Resisting Executive Power Grabs: Lessons From Malawi. *Annals of the American Academy of Political and Social Science*, 712(1), 182–194. https://www.researchgate.net/publication/390084669_Resisting_Executive_Power_Grabs_Lessons_from_Malawi
11. Bello, M. F., & Adaran, O. O. (2022). The Role of Economic and Financial Crime Commission (EFCC) in Combating Corruption in Nigeria. *Musamus Journal of Public Administration*, 5(1). <https://ssrn.com/abstract=4242894>
12. Agu, J. C., Nkwo, F. N., & Eneiga, R. U. (2024). Governance and Anti Corruption Measures in Nigeria: Strategies for Enhancing Transparency, Accountability and Public Trust. *International Journal of Economics and Public Policy*, 8(1), 1–15. <https://doi.org/10.5281/zenodo.12576796>
13. Odeke, D. O. (2024). Economic and Financial Crimes Commission (EFCC) and Financial Accountability and Transparency in Nigeria. *African Journal of Management and Business Research*, 17(1), 218–234. <https://doi.org/10.62154/ajmbr.2024.017.010505>
14. Udegbunam, C. U., Osuchukwu, C. N., & Oditia, A. O. (2025). Corruption and Financial Crimes in Nigeria: An Examination of Activities of the Economic and Financial Crimes Commission (EFCC), 2015–2023. *International Journal of Social Science and Management Research (IJSSMR)*, 11(6), 333–350. <https://www.iiardjournals.org/abstract.php?id=60605&j=IJSSMR&pn=Corruption+and+Financial+Crimes+in+Nigeria%3A+An+Examination+of+Activities+of+the+Economic+and+Financial+Crimes+Commission+%28EFCC%29%2C+2015-2023#:~:text=Nov%2013%2C%202025%0A%0A%0A%0AVolume%0A%0A%0A%0AVOL,6%202025%0A%0A%0A%0AIssue%0A%0A%0A%0ABACK>
15. Adenigbagbe, K., Egbon Charles, C., Adenigbagbe, I., & Gambo, N. (2025). Anti Corruption Strategies and Corruption Reduction in Nigerian Economic and Financial Crimes Commission (EFCC). *International Journal of Business and Management Review*, 13(2), 1–15. <https://doi.org/10.37745/ijbmr.2013/vol13n2115>
16. Center for Fiscal Transparency and Public Integrity. (2024). Civil Society Report on Implementation of UNCAC Chapters II and V in Nigeria. UNCAC Coalition. <https://uncaccoalition.org/uncacparallelreportnigeria/>
17. Hoffmann, L. K. (2025). Corruption in Nigeria [Explainer]. Chatham House. <https://www.chathamhouse.org/2025/08/corruption-nigeria#:~:text=Published%2028%20August%202025%0A%0A%0A%0AUpdated%203,Hoffmann%20Associate%20Fellow%2C%20Africa%20Programme>
18. Eboh, C. (2024, April 15). Nigeria’s Anti Corruption Agency Recovers Nearly \$30 Mln in Corruption Probe. Reuters. <https://www.reuters.com/world/africa/nigerias-anti-graft-agency-recovers-nearly-30-mln-corruption-probe-2024-04-15/#:~:text=By%20Camillus%20Eboh%0A%0A%0A%0AApril%2015%2C%202024,tackling%20poverty%2C%20a%20spokesperson%20said>
19. Ben Ezeamalu. (2025, March 10). Nigeria’s Anti Graft Agency Recovers Nearly \$500 Million in One Year. Reuters. <https://www.reuters.com/world/africa/nigerias-anti-graft-agency-recovers-nearly-500-mln-one-year-2025-03-10/#:~:text=LAGOS%2C%20March%2010%20%28Reuters%29%20,was%20reinvested%20in%20government%20projects>
20. Nkemdilim, N. H., & Iyoha, A. E. (2024). An Assessment of the Role of Economic and Financial Crime Commission (EFCC) in the Eradication of Corruption in Nigeria Politics: A Study of Edo State. *Journal of Arts and Sociological Research*, 3(6), 75–94.

- <https://afropolitanjournals.com/index.php/ajmbr/article/view/505#:~:text=Nkemdilim%2C%20N,35.%20https%3A%2F%2Fdoi.org%2F10.34257%2FGJHSSAVOL2IIS6PG22>
21. Daud, Y. M. (2024). A Review of Effectiveness of Anti Corruption Strategies and Institutions in Kenya. *African Journal of Commercial Studies*, 4(4). <https://ijcsacademia.com/index.php/journal/article/view/80>
 22. Notes for Verification: Author Listed as Yussuf M. Daud. The Article Explicitly Notes Political Interference and Resource Constraints as Hindrances to Institutional Independence.
 23. Walter, K. K., & Ghabon, Y. K. (2025). Effectiveness of Institutional Anti Corruption Strategies on Prosecution of Corruption Cases in Public Sector in Kenya. *International Journal of Research and Innovation in Social Science*, 9(7), 584–597. <https://rsisinternational.org/journals/ijriss/articles/effectiveness-of-institutional-anti-corruption-strategies-on-prosecution-of-corruption-cases-in-public-sector-in-kenya/>
 24. Wasike, J. N., & Mbirithi, D. M. (2025). Anti Corruption Policy Measure and its Effect on Service Delivery in Trans Nzoia County Government, Kenya. *International Academic Journal of Arts and Humanities*, 1(5), 296–313. https://www.iajournals.org/articles/iajah_v1_i5_296_313.pdf
 25. Nabwoba, P. W. (2025). From Paper Tigers to Iron Teeth: Transforming Kenya’s Anti Corruption Framework Into Effective Governance. SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5278440
 26. Matiti, P. M., Odondo, A. J., & Nyakwara, S. (2025). Effect of Anti Corruption Strategies on Governance of the Kenya National Police Service in Meru County, Kenya. *East African Journal of Arts and Social Sciences*, 8(4), 313–328. <https://journals.eanso.org/index.php/eajass/article/download/4003/4497/>
 27. Malalo, H. (2024, July 30). Kenya Charges Ex State Firm Head Over Edible Oil Import Graft. Reuters. <https://www.reuters.com/world/africa/kenya-charges-ex-state-firm-head-over-edible-oil-import-graft-2024-07-30/>
 28. Transparency International Kenya; Global Civil Society Coalition for the UNCAC. (2025, November 7). Kenya: Civil Society Report to UNCAC – Executive Summary. <https://uncaccoalition.org/wp-content/uploads/Global-Civil-Society-Coalition-for-the-UNCAC-CoSP11-Submission-%E2%80%93-Kenya-Civil-Society-Parallel-Report-%E2%80%93-Executive-Summary.pdf>
 29. Africa Centre for Open Governance (AfriCOG). (2024). Wrong Direction: Corruption in Kenya 2022–2024. <https://www.scribd.com/document/903913233/Wrong-Direction-Corruption-in-Kenya-2022-2024-AfriCOG-9th-December-2024-1>
 30. Institute of Public Finance (IPF). (2025). Kenya Shadow Governance Diagnostic Report. <https://ipfglobal.or.ke/wp-content/uploads/2025/08/KENYA-SHADOW-GOVERNANCE-DIAGNOSTIC-REPORT.pdf>
 31. Ethics and Anti Corruption Commission (EACC). (2023). National Ethics and Corruption Survey 2022. EACC Research Report No. 14. <https://eacc.go.ke/en/default/wp-content/uploads/2024/04/National-Ethics-and-Corruption-Survey-2022.pdf>