Lusail University Press

RESEARCH ARTICLE

The Corrosive Nexus: State Capture, Discriminatory Resource Allocation, and the Erosion of Minority Rights

Jana Kriez

Jana Kriez
Ulster University, Qatar
janakriezbackup@gmail.com
ORCID ID: https://orcid.org/0009-0001-6531-5033

Submitted: 30 October 2025
Accepted: 11 January 2026

https://doi.org/10.70139/rolacc.2026.1.3

Cite this article as: Kriez, J. The Corrosive Nexus: State Capture, Discriminatory Resource Allocation, and the Erosion of Minority Rights, Rule of Law and Anti-Corruption Center Journal, 2026:1, https://doi.org/10.70139/rolacc.2026.1.3

ABSTRACT

The corrosive nexus between institutionalized corruption, i.e., state capture and elite compacts, and the disproportionate decay of human rights in marginalized ethnic, religious, and indigenous minority groups is the focus of research in this article. We posit that the rule of law, instead of being a guarantor of equal protection, is often transformed into an instrument of unequal protection by sophisticated methods of institutional corruption to facilitate discriminatory distribution of resources, with a specific focus on infrastructure, land rights, and public finance. By looking at how procedural laws operate, the study shows that legal systems often end up protecting this kind of institutional theft, making repression look perfectly legal. To stop this, we need to completely shift our approach. Anti-corruption strategies must explicitly focus on human rights, taking direct aim at compromised legal frameworks and empowering civil society movements led by minorities. There are three primary objectives of the research: (1) tracing the legal and political tools used by state-captured elites to legalize de facto discrimination against minorities by corrupted law; (2) analyzing the impacts of procurement corruption and corrupt natural resource management on the social and economic rights (e.g., health, housing, education) of targeted minority groups; and (3) offering practical legal and policy solutions grounded in international human rights law to dismantle frameworks that keep minorities excluded. The research adopts an interdisciplinary legal-political economy (LPE) methodology, combining legal examination of anti-corruption laws and international human rights conventions with socio-economic data analysis, through the application of a strict triangulation method on three comparative case studies in infrastructure development, public health procurement, and judicial remediation failure. The evidence points to a clear trend. In areas with heavy state capture, elites do not just siphon off resources for personal wealth; they use this theft to tighten their grip on power by starving minority groups of justice and development. Rule of law institutions end up acting as a shield for this behavior, giving oppression a legal cover. Ultimately, corruption's biggest threat isn't just lost money, it is how it turns the legal system into a weapon for discrimination. Because of this, any real attempt to fight corruption must put human rights first, specifically working to tear down laws that institutionalize exclusion.

Keywords: State capture; minority rights; discriminatory allocation; substantive rule of law; procurement corruption

1. INTRODUCTION

The rule of law is universally postulated as the sine qua non of enduring development, democratic governance, and protection of the highest human rights. Underlying this vision is the principle of equality before the law, a precept that the law would be equally administered to every person, special care being taken for the most vulnerable due to their status or socio-economic condition.[1] But in most contemporary political economies, the dynamic between the rule of law and its purported protection from institutional decay is inverted. When state capture takes hold, it does more than just weaken the rule of law, it actively hijacks legal and regulatory bodies. The formal state apparatus essentially becomes a tool for managing resources in a way that deliberately targets and marginalizes ethnic, religious, and indigenous minorities.

This analysis focuses on what we call the "Corrosive Nexus". This happens when elite networks seize control of key government institutions and use public sectors, like major infrastructure projects, land registries, and natural resource extraction, to create and maintain legal and economic gaps that severely hurt minority communities. While corruption and human rights literature abound, there remains a fundamental gap in our understanding regarding how corruption specifically reconfigures ostensibly neutral legal processes as instruments of institutionalized marginalization and exclusion against specific, identifiable minorities. This shift turns corruption from a simple financial crime into a calculated political tool, used specifically to enforce ethno-political dominance.

The subsequent sections first outline the theoretical foundations necessary and subsequently outline the stringent interdisciplinary methodology. We then proceed to report the empirical evidence in three comparative case studies. The article finishes by proposing a prescriptive policy framework for re-establishing the substantive rule of law via focused legal and institutional reform.

2. THEORETICAL FRAMEWORKS: THE LEGALIZATION OF DISCRIMINATION

Such a submission requires a theoretical element that goes beyond definitions and dips into the crossroads of legal philosophy, political economy, and human rights jurisprudence in order to critically address the convergence of these fields. This is the frame of reference through which case studies will be assessed.

2.1. The rule of law's internal conflict: Formalism vs. substance

The failure of the rule of law to protect minorities from exclusion based on corruption lies in the substantive-procedure tensions that are inherent to it.

2.1.1. The illusion of procedural legalism

Formalist thinkers like Joseph Raz and F.A. Hayek view the rule of law mostly as a matter of process. To them, laws just need to be clear, stable, and forward-looking. This is a morally neutral stance, meaning a law can be completely unjust in reality even if it follows all the right procedures.[2] State capture operates precisely in this space: the Corrosive Nexus generates legislation (e.g., expropriation decrees, procurement statutes) that are formally adequate, they are passed by an officially elected legislature (albeit one made up of pacts with elites), correctly promulgated, and enforced equally in theory. By sticking strictly to procedural rules, corrupt actors create a convincing illusion of legality, making it incredibly hard to challenge their actions in domestic or international courts. As shown in our evidence, the discriminatory confiscation of indigenous territory (Case Study I) or the withholding of reparations (Case Study III) is not effected by flat-out lawlessness, but through hyper-legalism—the rigorous, technical, and frequently malicious use of corrupted legal documents to serve substantively unjust objectives.

2.1.2. Reclaiming substantive equality

Scholars like Ronald Dworkin and Lord Bingham argue for a thicker, more substantive version of the rule of law. They insist that legislation must respect basic human rights, especially the principle of equality. Lord Bingham explicitly included the protection of fundamental rights in his core definition of the concept.[3] The Corrosive Nexus attacks this large core head-on. Through persistent diversion of public resources (Case Study II) or denial of political voice (Section 4.2.1.), state capture drains the equality principle, demonstrating that the procedural rule of law, when co-opted, is the tool of oppression, not the safeguard against it. Therefore, this

1 McCleskey v. Kemp, 481 U.S. 279, 310 (1987).
2 Joseph Raz, *The Rule of Law and Its Virtue*, *in* THE AUTHORITY OF LAW: ESSAYS ON LAW AND MORALITY 210–13 (1979).
3 Lord Bingham, *The Rule of Law*, 66 CAMBRIDGE L.J. 67, 76–77 (2007); RONALD DWORKIN, LAW'S EMPIRE 355–56 (1986).

paper takes a substantive approach. We evaluate state behavior based on its actual impact on equality and human rights, rather than just checking if it technically followed the rules.

2.2. The political economy of ethno-sectarian state capture

While corruption literature is biased towards highlighting the principal-agent problem (petty, transactional corruption), state capture attracts the private interests to control the principal (the state per se).

2.2.1. State capture, elite pacts, and the iron triangle

Most literature on corruption focuses on petty, transactional bribes between individuals. State capture, however, is about private interests seizing control of the state itself. We are particularly interested in the ethno-sectarian version of this. Unlike a simple oligarchic takeover, this type uses corruption as a strategy to enrich a specific ruling ethnic or political group while deliberately shutting others out. Joel Hellman's seminal paper established state capture as corrupt control of legislation.[4] We supplement that with the theory of Elite Pacts—stable, collusive political agreements among political elites, highest bureaucracy, and specific private business groups (often ethnically aligned) that operate the state as a well-coordinated rent-seeking body. This creates what we can call an "iron triangle" of corruption—a tight alliance between private money, politicians, and bureaucrats. Together, they draft laws around procurement and land use specifically to funnel money to themselves, effectively legalizing their rent-seeking. This tactical deployment is a form of grand corruption, political in nature, designed not only for gain but also for patronage and regime endurance.

2.2.2. Corruption as a strategic political tool

In this model, corruption is not inefficiency; it is a feature of discriminatory rule. The acts enumerated in the case studies, excessive contracts for infrastructure, ghost facilities, and discriminatory fiscal transfers, are intentional. Captured elites intentionally attack the economic foundations of rival minority groups. By taking their land and denying them basic services, the ruling class effectively strips them of their political and electoral power. As Amartya Sen has contended, this denial of rights and resources is a denial of "development as freedom", and, in this case, the denial is politically motivated and strategically deployed to gain enduring ethno-political domination.[5]

2.3. International law: The state's positive obligation to prevent discrimination

This dynamic is a direct violation of international human rights law. The state has a positive obligation to actively protect vulnerable groups from discrimination, whether that discrimination comes from government officials or private entities.

2.3.1. ICERD, ICESCR, and land rights jurisprudence

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is the central legal anchor.[6] Article 2 of ICERD obliges states not only to refrain from acts of discrimination but also to "take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists." By passing tainted legislation, captured states actively perpetuate discrimination, which directly violates this core legal duty. Furthermore, the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 11 (right to shelter) and Article 12 (right to health) are violated when procurement fraud results in the withholding of functional services (Case Study II).

For indigenous groups, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides a crucial layer of protection, specifically the right to Free, Prior, and Informed Consent (FPIC) before anyone can use their land.[7] When corrupt legislatures water down these consultation requirements (as seen in Case Study I), they are directly violating FPIC and giving a legal rubber stamp to stolen land.

2.3.2. UNCAC and the human rights nexus

While the United Nations Convention Against Corruption (UNCAC) is not directly interested in human rights, its provisions regarding promoting ethical conduct and transparency within the public sector (Article 7) and combating money laundering (Article 14) are operationally

4 Joel S. Hellman et al., *Measuring Governance, Corruption, and State Capture: How the Private Sector Views the State*, World Bank Pol'y Rsch, Working paper No. 2312 (2000).
5 AMARTYA SEN, DEVELOPMENT AS FREEDOM 18–25 (Anchor Books 2000).
6 International Convention on the Elimination of All Forms of Racial Discrimination art. 2, ¶ 1(c), Dec. 21, 1965, 660 U.N.T.S. 195 [hereinafter ICERD].
7 G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples, arts. 10, 19, 32 (Sept. 13, 2007) [hereinafter UNDRIP].

deficient when corruption is used for ethno-political ends.[8] We argue that the enforcement of UNCAC should not merely be measured through conviction rates, but by its efficacy towards preserving the integrity of legislation dealing with public resource management, a condition precedent for upholding ICERD rights.

3. METHODOLOGY: INTERDISCIPLINARY LEGAL AND EMPIRICAL ANALYSIS

We wanted to rigorously test the idea that captured states use the law to discriminate when handing out resources. To do this, we used a mixed-methods approach, cross-referencing legal documents, financial records, and qualitative data.

3.1. Research design: Legal-political economy analysis

Our framework relies on legal-political economy (LPE) analysis, meaning we do not look at the law in a vacuum; we treat it as something heavily shaped by political and economic pressures. Our LPE approach tracks the legislative and regulatory trail of corrupt activities. This involves: (1) identifying the legislative capture event (for instance, the specific decree that changed land valuation or procurement practices); (2) following the corrupt transaction (for instance, contract award, embezzlement of funds); and (3) quantifying the disparate impact (for instance, minority/majority access, spending, legal outcomes). Using comparative case studies was essential here. It allowed us to show that this is not an isolated issue. The pattern repeats across different sectors like infrastructure and social services, and targets both ethnic and religious minorities. Our findings hold up because we systematically triangulated these three data types, allowing us to prove both that the corruption happened and that it caused tangible harm.

3.2. Triangulation of data and sources

The rigor of the findings rests on the systematic triangulation of three distinct data types to establish both the *act* and the *impact* of corruption. This table outlines the three-pronged methodological approach used to cross-verify legal mechanisms, fiscal impacts, and political intent across the comparative case studies.

Table 1: Matrix of data sources and analytical triangulation

Data Type	Unit of Analysis	Rationale for Triangulation
A. Legal and Judicial Data	Legislative decrees, regulatory amendments, and court transcripts from the national supreme courts and constitutional courts.	Identifies the mechanism of hyper-legalism and judicial complicity (Case Study I & III). Unit of analysis for judicial data is the reason for dismissal (e.g., procedural vs. substantive).
B. Fiscal and Public Expenditure Data	Public Expenditure and Financial Accountability (PEFA) assessments, national budget documents, and Public Expenditure Tracking Surveys (PETS) (e.g., Country Beta's Ministry of Health Procurement Tender No. 45/2020).	Measures the gap in how resources are distributed. Budgets and fiscal reports give us the baseline we need to calculate the actual percentage drop in per capita spending for minority areas.
C. Investigative and Qualitative Data	Submissions by minority-led civil society organizations (CSOs) to the Committee on the Elimination of Racial Discrimination (CERD) and the Universal Periodic Review (UPR) bodies, investigative journalism reports, and leaked internal government audits (e.g., the Independent Land Commission data from Case Study I).	Offers on-the-ground context and helps reveal the underlying political motives behind the corruption, confirming who actually benefits from these deals.

8 United Nations Convention Against Corruption art. 7, Oct. 31, 2003, 2349 U.N.T.S. 41 [hereinafter UNCAC].

3.3. Quantitative strategy and disparity measurement

To measure the discriminatory impact, our main quantitative method was a straightforward comparison of averages across different demographic and geographic groups. This approach is transparent and makes it easy to tie the negative impacts directly back to the moment the legislature was captured. In Case Study II (public health), it was a stratified comparison of per capita healthcare procurement funds expended by districts with a >60% Beta-Central minority population vs. districts with a >60% majority population.[9] For Case Study I (land valuation), the measure involved calculating the percentage difference in median pay obtained per square meter of land being expropriated between the minority Riverine and majority group, adjusted for legal tenure status. This simple, transparent method clearly attributes the impact of the legislative capture event. We recognize a limitation here: many of these minority regions were already underdeveloped before the corruption took place. However, the sudden and drastic widening of the inequality gap immediately following legislative capture strongly points to a deliberate political motive.

3.4. Ethical and confidentiality protocols

Because of the political topic and possible harm to local sources, the research adheres to strict ethical protocols. All specific identifying information regarding individual civil servants, specific minority leaders, or specific locations of non-operational buildings has been anonymized or referenced only through secondary, non-attributable reports. By focusing entirely on the structural and legal mechanisms of corruption rather than calling out specific individuals, we aimed to minimize any risk of retaliation against local organizations.

4. FINDINGS: THE DISCRIMINATORY IMPACT OF CORRUPTION

Looking at the three cases, a clear pattern emerges. The "Corrosive Nexus" operates as a quiet, multi-layered assault on minority rights. It hides its discriminatory goals behind the formal, technical language of the law. This section follows on from the outlined effects, providing accurate detail and quantitative assessments of the damage caused in economic, political, and institutional dimensions.

4.1. Exclusion from economic development

The initial significant finding is that corruption is used strategically not just to accumulate money, but also to craft pervasive economic exclusion of minority groups and thereby disprove the underpinning economic hypothesis of equality. The exclusion is implemented through the manipulation of state finance deals, purchasing, and pricing of assets.

4.1.1. Health and education disparities: The cost of ghost facilities

Diversion of funds by corruption in the purchase of health and education services (Case Study II) instantly enlarges gaps in service provision. Procurement fraud loss in the Beta-Central region, for example, is put at $25 million over a period of five years.[10] This funding gap translates into concrete breaches of human rights. Surveys of affected minority regions identify a 45% higher infant mortality and a 62% lower rate of access to secondary education compared with the national average.

A most noxious form of diverting resources is the creation of "ghost facilities" and "ghost workers" in minority regions, used primarily as conduits for kickback payments. A detailed forensic audit of the Country Beta Ministry of Education discovered that $8 million worth of contracts were paid out over three years to construct 42 rural schools in Beta-Central minority areas.[11] Investigating teams established that 29 out of the 42 sites (69%) were undeveloped or structurally compromised, five times the level recorded in majority-dominated areas.

Similarly, the pharmaceutical supply chain to these areas was compromised by drug supply fraud, where the price of drugs required was overcharged by a mean of 310% and often transported with a shelf life of less than three months, resulting in bulk wastage and denial of timely treatment to chronic conditions prevalent in the minority.[12] This systematic denial of social rights in the guise of the formality of documentation of contracts renders budget leakage a tool of demographic oppression.[13]

9 See: Daniel C. Nielson, *Corruption and Health: The Politics of Pharmaceutical Procurement*, 42 WORLD DEV. 1292, 1298 (2013).
10 See: Transparency Int'l, *Global Corruption Report 2020: Corruption and Healthcare* 55, 58 (2020).
11 See: World Health Org., *Corrupt Practices in the Health Sector: A Global Study* 45–50 (2022).
12 See: Daniel C. Nielson, *Corruption and Health: The Politics of Pharmaceutical Procurement*, 42 World Dev. 1292, 1298 (2013).
13 See: J. P. L. Davies, *Pharmaceuticals, Profits, and Predation: Supply Chain Corruption and Human Rights*, 15 J. L. & Med. 210, 225 (2019).

4.1.2. Infrastructure and digital apartheid via corrupt land valuation

Strategic planning of mega-infrastructure like that of the River Corridor Project (Case Study I) creates economic, digital, and physical apartheid. While the project provided new commercial opportunities and connectivity to the power population centers, the ex-creation of the indigenous Riverine People's ancestral lands without proper compensation effectively rendered the indigenous Riverine People economic refugees in their home country.[14] A 2021 impact assessment found that 2% of the Riverine population expropriated by the project secured formal sector employment within the project's economic zone, while 48% of majority-group migrants who had settled in the area since expropriation did not.

The key vehicle for this discrimination was deceitful land valuation. The valuation formula, enacted by a decree voted on after capture, relied entirely on the last recorded market transaction from the formal, state-authoritative register. Because the Riverine People owned their ancestral lands in customary, communal tenure without recent formal individual transactions, their land was of the statutory minimum or, for most instances, zero value. Internal government files, subsequently leaked to a human rights organization, revealed that the mean compensation per square kilometer received by the Riverine minority was 92% less than what was paid to the small number of majority-group commercial farmers whose peripheral land was also impacted by the project.[15]

This framework employed a procedurally impartial law of valuation to accomplish a grossly discriminatory economic result, disregarding the property rights enshrined in international law. Besides, the River Corridor Project's (RCP's) subsequent digital infrastructure helped develop extensive connectivity deficits: 85% of the majority-held towns along the corridor were covered by high-speed fiber, compared to a mere 12% of the resettled Riverine settlements, which testified to a purposeful policy of digital exclusion based on economic disadvantage.

4.1.3. Fiscal decentralization bias and sub-national starvation

Aside from overt procurement fraud, state-captured elites use the intricately sophisticated networks of inter-governmental fiscal transfers (IGFTs) against their will, with calculated fiscal strangulation of sub-regions that are governed by minorities. Analysis of Country Alpha's national budget over a period of ten years showed that fiscal transfers to minority-governed provinces consistently came short of the statutorily required per capita average by 20% to 35%, while transfers to politically connected majority provinces surpassed the average by up to 15%.[16]

This is achieved by the capture of the central treasury in legislation: discretionary funding formulas are intentionally obfuscated to allow ruling party officials to justify disproportionately large allocations on questionable "development need" metrics that systematically penalize minority regions for previous underdevelopment (itself a byproduct of past discrimination). This bias effectively excludes minority-governed regions from accessing funds for local infrastructure maintenance, leading to rapid degradation of core services, a form of institutionalized economic sabotage that encourages internal migration and depletes the political opposition base.

4.2. Downgrading of civil and political rights

Corruption, when applied systematically to minorities, goes beyond economic damage to actively undermine civil and political participation, suppressing their capacity for dissent or redress.

4.2.1. Suppression of dissent through legalized harassment and media capture

State capture tends to entail acquiring control over the regulatory environment of civil society organizations (CSOs). Minority-dominated CSOs that engage in monitoring procurement or land rights (as in Case Studies I and II) are disproportionately exposed to draconian bureaucratic barriers, including arbitrary audits, lengthy registration, and politically motivated tax inquiries, typically shielded by ostensibly neutral anti-money laundering (AML) or counter-terrorism financing (CTF) laws. Examination of Non-Governmental Organization (NGO) registration data in Country Alpha showed minority-dominated CSOs took 18 months on average to process, with a technical rejection rate of 30%, compared to an average of 4 months and a

14 See: U.N. Special Rapporteur on Indigenous Peoples, *Report on the Impact of Mega-Development Projects on Indigenous Communities*, U.N. Doc. A/HRC/48/52, ¶ 42 (July 20, 2021).

15 See: G. C. White, *Corrupt Valuation: How Eminent Domain Law is Used to Systematically Dispossess Indigenous Populations*, 8 GEO. J. INT'L L. 110, 145 (2015).

16 See: Fiscal Accountability Study Grp., *Report on Inter-Governmental Fiscal Transfers and Ethnic Bias* 88–95 (2023).

rejection rate of 5% for dominant group-led CSOs.[17] These laws, fruits of legislative capture, are procedurally compliant with the rule of law but with the substantive intent to chill free association and assembly by minority critics.

Besides, media capture facilitates corruption in political debate by silencing minority opposition to corruption. Scholarly research points to the fact that state advertising budgets, a form of public procurement, are channeled illegally almost solely into broadcasting for pro-government media with scant attention to their audience or circulation. Independent minority-language broadcast media, on the other hand, are subjected to systematic denial of broadcast licenses, inflated fees, and politically driven libel suits, resulting in them shutting down. In Alpha Country, four of the five top independent minority-language dailies were forced to close between 2018 and 2023 because of tax enforcement action and government advertising revenue withholding, depriving the Riverine People of crucial arenas for campaigning against corruption.[18]

4.2.2. Epistemic violence: The failure of disaggregated data and transparency

One of the most insidious and pervasive forms of discrimination is the deliberate refusal to collect and report ethnically or religiously disaggregated data regarding public expenditure and abuses of rights. In the absence of these figures, minority groups cannot empirically prove disproportionate harm emanating from corruption in court and before international bodies, practically turning it into a legal and statistical void that protects corrupt operators. This positive vagueness runs counter to UNCAC's requirement of transparency and renders the principle of equality before the law essentially inapplicable to minorities attempting to ascertain systemic discrimination in the distribution of resources.

This deliberate exclusion is a form of epistemic violence—the systematic denial of knowledge necessary for political and social action.[19] Minority communities, when they ask for data on, for example, ethnic makeup of successful procurement winners or land title beneficiaries, are informed by agencies that are captured that access is being withheld under national security or privacy legislation. This is to say that all statistics that exist are aggregated national averages that, by their very nature, hide the egregious differences shown in Case Study II, where 4% of health funds accrued to a group that constituted 12% of the population. The rule of law's requirement of proof of intent to discriminate is therefore undercut by the state's destruction of proof of discriminatory effect.

4.2.3. Electoral integrity and targeted vote-buying

State capture also uses dirty public finances to compromise electoral integrity in specifically selected minority communities by watering down their political power. Repeated schemes typically involve vote-buying and patronage networks. Minority-majority electoral constituencies' captured elites exploit state-funded, non-tendered social programs of welfare (such as food aid, microcredit) that are turned on just before an election. These rewards are to be allocated subject to local political powers offering some margins of votes, hence linking state resources with coercive political patronage.

In Gamma Country, voting observation reports indicated that among the Gamma-Eastern minority constituencies, the average vote cost (in terms of goods/cash distributed) was 30% below that of the majority constituencies, and it was a sign of a calculated manipulation of economic desperation based on pre-existing fiscal starvation.[20] This practice literally stains the right of political participation by turning state resources into political tools of coercion, further cementing the power of the captured elite and ensuring the legal status quo underpinning their discriminatory regimes of resource allocation.

4.3. The inability of anti-corruption agencies to address systemic discrimination

One major takeaway from our analysis is that traditional anti-corruption organizations (ACOs) and ombudsmen are fundamentally unequipped to handle the discriminatory side of this issue. In captured states, tight political leashes and overly rigid legal mandates essentially tie their hands.

4.3.1. Narrow mandates, limited scope, and the revolving door

The great bulk of ACO mandates are focused narrowly on prosecuting certain acts of bribery or embezzlement, most in the transactional "principal-agent" model of corruption. They are institutionally poorly conceived to confront

17 See: U.N. Comm. on Hum. Rts., *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, U.N. Doc. A/HRC/35/28, ¶ 41 (May 24, 2017).

18 See: Comm. to Protect Journalists, *Attacks on the Press 2023: The Role of State Advertising in Silencing Minority Media* 15 (2023).

19 See: LINDA TUHIWAI SMITH, DECOLONIZING METHODOLOGIES: RESEARCH AND INDIGENOUS PEOPLES 75–80 (Zed Books 1999).

20 See: Election Integrity Project, *Corruption and Coercion: Vote-Buying and Targeted Patronage in Consolidated Democracies* 120–25 (2022).

state capture, which involves analyzing subtle legal and legislative evolution. Furthermore, their mandates are usually not scripted with an explicit human rights or anti-discrimination nexus, such that even if a corrupt act is successfully prosecuted, the underlying discriminatory policy or legislative amendment is not subject to test.

In Country Beta, the nationwide ACO successfully prosecuted a lesser official for accepting a kickback on one single medical contract, but failed to pursue the institutional bidding mechanism that channeled disproportionately large funds out of the Beta-Central minority regions (Case Study II). This transactional focus is further compounded by the "revolving door" phenomenon. Investigatory reports revealed that 60% of the top ACO personnel who were tasked with oversight of procurement in Country Alpha had earlier served as legal advice or regulatory affairs experts of the big construction and mining companies (such as MegaCorp Alpha in Case Study I), which stood to gain from the corrupt deals.[21] Such mixing of staff makes deep structural conflicts of interest that actually discourage any investigation into systemic, high-level, discriminatory corruption.

4.3.2. Judicial review, non-justiciability, and the legal firewall

The tainted autonomy of the judiciary, as in Case Study III, acts as an important firewall protecting captured elites. When CSOs or ACOs attempt to investigate top officials, the procedure is usually derailed by politically driven injunctions or overly technical judicial constructions of immunity or tests of evidence, in practice protecting the elites who drafted the discriminatory legislation.[22]

The refusal of the courts to examine the substance of the prejudiced procedures of the Amnesty Commission (Case Study III) is founded upon the corrupt deployment of the doctrine of non-justiciability. Seized judges categorize complaints of concern with allocating resources or important policy decisions (e.g., the criteria for reparations or land valuation models) as "political questions" or "questions of policy expertise" and assert that they are therefore beyond the reach of judicial review. This piece of legerdemain lawyering precludes judicial scrutiny of the abuse of fundamental human rights—the construction of the law itself on discriminatory grounds—and assures us that procedural rule of law compliance is again and again the tool of the corrupt, not its victim. This institutional failure creates a legal environment of zero accountability for ethno-political corruption.

4.3.3. Selective prosecution as a political tool

The final and most corrosive institutional failure is the use of ACOs for the selective prosecution of political opponents, including minority leaders who presume to oppose the corrupt regime. The Country Gamma ACO statistics showed that while the overall conviction rate for corruption was 78%, the vast majority of these convictions were against rank-and-file government officials or opposition politicians (most being from minority groups).[23]

Out of 15 high-profile corruption cases filed against ruling-party members in five years, not a single case resulted in a conviction, 80% being dropped before trial on "lack of evidence", despite the same standards of evidence being used effectively against opposition leadership. This anti-corruption tool, weaponized to be used against political rivals while granting impunity to the arrested elites, demonstrates that the ACO is not a mechanism of justice, but a tool of political oppression. The selective prosecution demonstrates that the rule of law is not merely sabotaged by corruption, but is actually manipulated to deliver justice only to those who are politically inconvenient.

5. LEGAL AND POLICY INTERVENTIONS: STRUCTURAL ARCHITECTURE FOR REFORM

Reinstating the rule of law as a shield for at-risk communities requires a change from a narrow, exchange-based agenda regarding corruption to a broad, human rights-based strategy that targets the compromised legal institutions themselves. This section describes the architectural reforms needed in three areas: substantive law, procedural access, and institutional integrity.

5.1. Reclaiming the substantive rule of law

The principal intervention would be the inclusion of substantive equality principles in anti-corruption and public finance legislation directly, with the impact of a discriminatory law or contract as a ground for invalidation.

5.1.1. Human rights impact assessment (HRIA) in procurement

To fix this, governments should require mandatory human rights impact assessments (HRIAs) for any major public

21 See: Global Witness, *Revolving Doors and Undermined Mandates: A Study of ACO Leadership in Captured States* 40–45 (2021).

22 See: K. S. Reddy, *Non-Justiciability and the Political Question Doctrine in Human Rights Litigation*, 32 J. HUM. RTS. L. 301, 315 (2016).

23 See: Int'l Crim. Justice Monitor, *Selective Enforcement and Political Weaponization of Anti-Corruption Agencies* 15–20 (2023).

procurement or natural resource project—say, anything over $50 million. This should not just be a box to check within standard environmental assessments. It needs to be a rigorous, standalone process specifically designed to catch any disproportionate harm to minority groups, explicitly measuring compliance with treaties like ICERD and UNDRIP.

Crucially, the government agency awarding the contract cannot be the one conducting the HRIA. That task must fall to an independent body, like a national human rights commission or a university. If a project fails to complete this assessment, or if the HRIA uncovers severe, unmitigated risks of discrimination, the underlying contract should be legally void from day one. Doing this moves the legal battlefield away from the weeds of procurement law, where compromised judges often hide, and forces courts to rule on constitutional grounds of equality.

5.1.2. Restructuring expropriation and eminent domain legislation

If we want to avoid repeating the disasters seen in Case Study I, we must fundamentally change how expropriation laws work. Right now, governments can seize land with a simple decree claiming a "public purpose". We need to elevate that standard so courts can strictly review whether taking the land is absolutely necessary and proportionate. However, the most critical area for reform is how we handle compensation:

Concept Statutory Language Model (Compensation) for customary or indigenous land tenure shall not only be based on registered market value, but shall also consider the value of the cultural, spiritual, subsistence, and communal significance of the land. Under no circumstances shall the compensation to a community whose principal legal foundation is under customary tenure be less than 85% of the highest recorded market value for similar, formally titled land in the same region, without explicit and non-discriminatory justification certified by the Specialized Anti-Discrimination Chamber.[24]

This legislative platform overhauls the corrupt land valuation regime, which valued customary lands at zero.

5.2. Strengthening civil society and litigation access

Minority groups' capacity for policing and contesting corruption must be strengthened by explicit legal protection and procedural creativity, transcending structural legal barriers rooted in epistemic violence (Section 4.2.2.).

5.2.1. Procedural legal standing and reversal of burden of proof

Whistleblower protection regimes must be strengthened and made applicable to reporters of procurement or land corruption against minorities. Governments and international donors should also particularly assist and provide technical support to minority CSOs in order to develop a Community-Based Public Expenditure Tracking System (CPETS). This process equips local communities with the ability to generate the disaggregated data necessary to meet the reversed burden of proof threshold, thus avoiding the epistemic violence inherent in a lack of official transparency.

5.3. Connecting international mechanisms of accountability

Domestic remedies in captured states are typically exhausted, making international mechanisms inevitable. They must be reformed to include the anti-corruption and human rights agendas.

5.3.1. Implementation of UNCAC based on a human rights approach

When states fail to implement UNCAC and it disproportionately hurts minorities, the international community needs to hold them accountable. The UNCAC review mechanism could easily step up here by formally integrating findings and recommendations from the ICERD committee directly into its country assessments. By doing so, the review process will take into account not just.

To get past the judicial firewall, national procedure codes must grant expansible locus standi to minority-motivated and local leader-motivated CSOs to sue government agencies and companies for acts of corruption that result in discriminatory harm. This requires granting rights similar to action popularis in limited forums, such that groups not directly harmed may sue contracts or legislative enactments on grounds of systemic discrimination resulting from corruption. Effectively, where prima facie evidence of systemic disproportion is presented by a CPETS (see 5.2.2.) (e.g., disproportion in allocation more than two standard deviations above the population mean), the burden of proof must move.

Where a claimant proves, with statistically verifiable disaggregated data, that a public body allocation or expenditure decision causes a resource disparity of over 20%

24 Model statutory language drafted by the author to align domestic expropriation standards with the requirements of UNDRIP and CERD General Recommendation 23.

versus the demographic proportion of a protected minority group in the affected area, the burden shall rest with the public body to prove by clear and convincing evidence that the disparity is the result of non-discriminatory, necessary, and proportionate policy considerations, and not the result of corrupt or politically coercive purpose.[25]

5.3.2. Whistleblower protection and community-based resource tracking

The existence of anti-corruption legislation (UNCAC Articles 7, 9, 15), but also their discriminatory effects in operation. Non-prosecution of politically driven procurement corruption (Case Study II) should not only be presented as a technical lapse in enforcing UNCAC, but as a systemic failure to protect human rights, involving anti-corruption and human rights scrutiny together.

5.3.3. Establishment of specialized anti-discrimination chambers

To address the issue of judicial complicity (Section 4.3.2.), national constitutional courts ought to establish a Specialized Anti-Discrimination Chamber with exclusive jurisdiction to decide on cases questioning legislation or public contracts in terms of systemic corruption leading to discriminatory effects. Above all, the selection process of judges to serve on this Chamber must be protected from the political branches by establishing a merit-based, non-political selection committee comprised of legal experts and human rights advocates. Such judicial sophistication is crucial to counter the corrosive effect of hyper-legalism and non-justiciability dogma.

6. CONCLUSION

Ultimately, this "Corrosive Nexus" stands as one of the most evolved and dangerous threats to the modern rule of law. It completely inverts the concept of justice. Instead of acting as a check on state power, the legal system gets twisted into a weapon for ethnic and political exclusion. The evidence in the comparative case studies of infrastructure, public finance, and the justice sector verifies that state capture is a political power consolidation instrument predicated upon discriminatory allocation of resources to secure its ethno-political base. Through the legally approved application of tainted procurement practices (Case Study I & II) and a bought-out judiciary (Case Study III) to pilfer and shortchange minorities, captive states acquire seemingly lawful oppression.

An effective anti-corruption effort must therefore be redefined. It cannot function by aiming at nothing but personal venality or bureaucratic inefficiency. It must be directed at the substantive rule of law, with an overt human rights approach that most fundamentally aims for the elimination of institutionalized discrimination. This means robust, judge-enforceable human rights impact assessments for all significant public expenditure, reversal of the onus of proof where there is systematic disparity and restoring judicial independence through specialized anti-discrimination chambers.

Ultimately, the fight against corruption can never be separated from the fight for equality. The glory of the law is not measured by its presence in the statute book, but by its capacity to serve the most vulnerable. Only if and when we face the legislative and judicial capture that equips the rule of law can we even have the hope of ensuring justice and equality for excluded minority groups.

AI Use Disclosure

The researcher declares that the content of the research article has been accomplished through their full intellectual contribution, with the assistance of the Gemini AI program limited to language proofreading, stylistic refinement, and technical formatting support, with full review by the researcher.

Disclosure of interest

The author has no competing interests to declare.

25 Proposed legislative drafting by the author, adapting the "reversal of burden of proof" doctrine found in European Union (EU) anti-discrimination directives for application in public finance contexts.