



THE CONUNDRUM OF INDEPENDENCE:

Taking up the leadership of anti-corruption institutions

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Martha Chizuma is the Director General of the Anti-Corruption Bureau effective from 1 June 2021, the first-ever female to hold the position in the country. The Bureau is mandated to fight corruption through prevention, public education and law enforcement. She holds a master's in law from the UK and bachelor's in law (Hon) degree from Malawi. Before joining the Bureau, she was Ombudsman of Malawi from December 2015 to May 2021. However, she has also held various positions in the judiciary and private sector. With fighting corruption being on top of the Government agenda, Martha is responsible for providing strategic leadership to operational and administrative processes at the Bureau in a manner that ensures that positive and substantive inroads are being made against corruption in Malawi and also that a correct moral tone is set for the country in as far as issues of integrity are concerned.



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Chris Stone is Professor of Practice of Public Integrity. Chris has blended theory and practice throughout a career dedicated to justice sector reform, good governance and innovation in the public interest, working with governments and civil society organisations in dozens of countries worldwide. He has served as president of the Open Society Foundations (2012–2017), as Guggenheim Professor of the Practice of Criminal Justice at Harvard's Kennedy School of Government (2004–2012), as faculty director of the Hauser Center for Nonprofit Organizations at Harvard University (2007–2012), and as president and director of the Vera Institute of Justice (1994–2004). He is a graduate of Harvard College, the Institute of Criminology at the University of Cambridge, and the Yale Law School. At the Blavatnik School, Chris's work focuses on public corruption turnarounds: the leadership challenge of transforming cultures of corruption into cultures of integrity in government organisations, large and small. As an affiliate of the Bonavero Institute of Human Rights within the University's Faculty of Law, Chris serves as the principal moderator for the Symposium on Strength and Solidarity for Human Rights.

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In this age of endemic corruption, we hear calls around the globe for *independent institutions* able to convict and imprison even the most powerful people in the world. Angry citizens say they want to see investigations launched, cases prosecuted, and punishment imposed without fear or favour. They doubt the independence of the investigators and prosecutors, seeing them as compromised if not wholly captured by the corrupt elites. They want independent champions of all kinds able to carry the fight against grand corruption and state capture to the highest offices of the land. Courts and legislators are urged to make anti-corruption institutions truly independent of anyone who would thwart the pursuit of the villains in power.

What is this independence? Is it realistic?

Just as no person is an island, no public institution is completely independent of the rest of the state.¹ Investigation bureaus, prosecution services, corruption commissions, ombuds offices, inspectors general, together with their myriad variations—all are involved in the state, and the state is involved in them. Someone needs to fund their costs. Someone needs to appoint their leaders and to remove them if they become incapable or corrupted themselves. In short, full independence may be necessary, but it is impossible.

To make matters more complicated, if you lead an anti-corruption institution this is only half of your conundrum. Those insisting on your independence expect that this will be a source of strength, but too often they fail to see that this same independence is also a source of

¹ “No man is an island entire of itself; every man is a piece of the continent, a part of the main.... [A]ny man’s death diminishes me, because I am involved in mankind.” John Donne, *Meditation #17* (1623).

weakness. When a crowd of armed police are at your door before dawn, demanding that you go with them to you-don't-know-where, you are forced to confront the vulnerability that comes with independence. If you are offering no one protection from your investigations, who will protect you in the pre-dawn hours as you are driven out of the capital by armed police on an empty road?²

Independence is both a necessity and an impossibility, a strength and a weakness. Therein lies the conundrum facing all who lead these institutions.

The number and variety of anti-corruption institutions have grown rapidly in the 21st century, but none have escaped this conundrum. We are here referring not only to the world's now countless anti-corruption commissions, bureaus, and offices, but also to audit and ombuds institutions with wider mandates. We also include the specialist units that focus on corruption within police, prosecution, inspection, and financial control institutions. Many national governments established one or more of these institutions after signing the UN Convention Against Corruption, though many institutions pre-date the 2005 Convention. Many countries have more than one of these specialist institutions (Nigeria, for example, has two anti-corruption commissions at the national level), and countries with federal structures (Brazil, Canada, India, etc.) can have specialist institutions in each state or province.

The first lesson that the leader of any of these institutions learns is that being “independent” should not mean working on your own. Indeed, as a leader you quickly discover that you cannot possibly succeed on your own. To replace longstanding corruption with a new culture of public integrity—or simply to investigate and prosecute a complex scheme of grand corruption—even the most independent institution must collaborate with many others in both the public and private sector, domestically and internationally. Within those collaborations, your independence from those you are investigating is essential. Independent institutions make better collaborators: more trustworthy and reliable than those beholden to hidden powers. In short, independence and interdependence reinforce each other in crucial ways.³

But it is not so simple. When dealing with high-level, endemic corruption, the idea of independence itself quickly becomes a complex puzzle. When does independence become isolation, losing its value as a defence against attacks and instead becoming a fatal vulnerability? As you take up the leadership of an anti-corruption institution, what sort of independence should you insist upon, and how should you manage its negative consequences?

In this paper, we suggest distinguishing three separate spheres within which leaders of anti-corruption institutions can and should assert their independence: the legal, the personal, and the public spheres. Asserting independence in each helps to balance the risks of independence in the others. Every country context is unique, but our exchanges with leaders

2 On 6 December 2022 at four o'clock in the morning, 19 police officers surrounded the home of Martha Chizuma, co-author of this paper and Director-General of Malawi's Anti-Corruption Bureau. They arrested her and drove her out of the capital without telling her where they were going. We discuss this incident in detail below.

3 The relationship between independence and interdependence for anti-corruption institutions is explored in greater detail in an earlier Chandler Paper. See: Shamila Batohi and Christopher Stone, *The World's Anti-Corruption Efforts Need a Reset*, November 2023, pages 16-20, available at <https://www.bsg.ox.ac.uk/research/publications/chandler-papers-worlds-anti-corruption-efforts-need-reset>

across different continents and political cultures persuades us that wherever you are, demonstrating independence in all three of these spheres will be essential not only to your effectiveness, but to your very survival.

- **The legal sphere.** Many institutions are said to be independent of elected officials, but the legal provisions that provide that independence vary greatly both within and across countries. Who nominates and who appoints the leader? To whom and for what is the leader accountable? Who can remove the leader, on what grounds, and through what process? What immunity does the leader and her staff enjoy? Who sets the salaries in the institution, who approves its budget, and who approves hiring and expenditures? Who must approve investigations and enforcement actions, who can demand information about these, and who can halt them once they've begun? What laws and constitutions say on these matters often differs from how they are settled in practice, but *the law is an essential starting place*, and leaders should seek the strongest legal independence possible.
- **The personal sphere.** Leading an independent institution removes one of the great sources of authority that most leaders cherish: the warm embrace of those who oversee them. Where most leaders gain greater authority by demonstrating their close, trusting relationship with their president, their minister, or powerful legislators, the leaders of anti-corruption institutions must demonstrate their independence from those very officials. At the same time, they must inspire confidence (especially among their own staff) that they have the personal skills and strength to retain their own jobs and protect everyone's careers in the absence of that warm, public embrace of those above them. This depends on the *personal respect and authority* that the leader commands based on their own past achievements, reputation, and networks.
- **The public sphere.** Independent institutions need independent public support. Cultivating that support—whether from community associations, civil society organisations, business leaders, or other facets of the public—is a crucial part of leading an independent institution. You must be able to quickly cultivate *confidence across the public-at-large*, as you will need public support from key sections of society, often at short notice. Rarely can you rely for long on the initial support you receive from senior political figures at the time of your appointment. Early supporters will suddenly abandon you (or worse, turn actively against you), making it necessary repeatedly to build fresh coalitions of strong support in the public sphere.

Managing the conundrum of independence depends on strength in all three spheres: legal, personal, and public. The dangers in fighting grand corruption are substantial because the stakes are huge, and its principal beneficiaries have great power. When you threaten to expose or dismantle a system of grand corruption, the threatened officials have at least three ways to fight back: they can hobble your efforts by limiting your authority or resources; they can remove you and your allies, installing their dependents in your place; or they can destroy the institution entirely. Well-managed independence in all three spheres is your defence against each of these tactics, making clear the futility of any such attack, so that even your most senior suspects recognize that cooperation is their best option.

The rest of this paper explores what success in each of these spheres entails and why it can be so elusive. We draw heavily on recent experience in Malawi, where one of us is currently Director-General of the Anti-Corruption Bureau.

Maintaining legal independence

The legal authority given to anti-corruption bodies in constitutions, statutes, and court decisions varies widely in strength across countries and institutions; but however strong that legal authority, it will be challenged when used against powerful people. Those challenges might be expected from individuals under investigation and sometimes from the political parties to which they belong, but the challenges can also come from other officials in the executive or legislature, asserting their own power in what appear to be “turf wars.”

In Malawi, for example, the Anti-Corruption Bureau (ACB) is an especially powerful institution in law. It is endowed with strong powers to investigate (interrogation, search-and-seizure, access to financial and tax records), freeze or seize assets, make arrests, and prosecute, alongside authority to advise public and private bodies on the prevention of corruption, issue binding recommendations, disseminate information, and mobilise public support.⁴ The Act creating the ACB provides that it shall exercise its powers “independent of the direction or interference of any other person or authority” and the Act gives the ACB power to bring criminal charges against those who interfere with its work. Crucially, the Act also gives the Director, Deputy Director, and all officers of the ACB immunity from all actions and proceedings for any act or omission made in good faith under the Act.⁵

As part of the country’s efforts to enhance the independence of the Bureau, in 2018 the process of appointing the Director of the Bureau was changed through an amendment to the Act, requiring transparent and merit-based selection including advertising and interviews by a cross-sector panel before an appointment by the President and confirmation by the National Assembly.⁶

4 Corrupt Practices Act of 1995, as amended, https://acbmw.org/wp-content/uploads/2019/12/Corrupt_Practices_Act-No-17_of_2004.pdf (accessed 16 July 2022). The Act creates a wide array of criminal offences and gives the ACB power to receive complaints or other information about any suspected corrupt practice or offence under the Act. It gives the ACB power to investigate any suspected corruption proscribed by the Act and any other offense whatsoever disclosed in its investigations. It can compel any person to answer any questions (Sec. 11(1)(d)). It can require the production of any document it needs from any public or private body (Sec. 11(1)(c)). It can obtain warrants to gain access to any public or private books or records; and search warrants for any premises, vehicles, boats, or aircraft that may contain proceeds of corruption. (Sec. 11(2)). Its officers may use reasonable force in the execution of those warrants, and those officers, along with the Director, are immune from any legal action against them for actions taken in good faith (Sec. 11(3) and 11(4)). The ACB may obtain warrants for access to any bank account, investment account, safe deposit box, or other account, and the failure to comply is a criminal offence. (Sec. 12). The ACB Director may require any suspects to provide under oath inventories of all of their property, including the dates of acquisition and purchase prices and lists of all money and property sent out of Malawi during any period. (Sec. 12A(1)(a) and 12A(1)(b)). The ACB may obtain any information held by the Malawi tax authorities regarding any suspect, and this power overrides any privacy provisions in the tax laws and any oaths of secrecy that anyone served with a notice from the ACB may have sworn. (Sec. 12A(1)(d) and 12A(2)). The ACB may obtain court orders requiring anyone under investigation preparing to leave Malawi to furnish bail or comply with any other conditions. (Sec. 12B). The Director alone may issue notices freezing assets and transactions implicated in any ACB investigation for up to three months, whether the persons so ordered are within or outside Malawi and may apply to a court for an extension of that time for an additional three months. (Sec. 23). The ACB may also apply for a warrant to seize any asset, including money, property, or businesses, during any stage of its investigations. (Sec. 23A). Any officer of the ACB may make arrests upon warrant of anyone the ACB “reasonably suspects” has committed or is about to commit an offence under the Act. (Sec. 15). It is a criminal offence to assault, resist, threaten, or obstruct the Director or any ACB officer, or to knowingly make any false, material statement to the ACB. (Sec. 13(a) and Sec.14).

5 Sections 4(3) and 22 of the Corrupt Practices Act of 1995, as amended.

6 Section 6(a) of the Corrupt Practices Act of 1995, as amended. The current Director is the first to have been appointed through that process. For the 2018 amendment see: Wongani Chiuta, Malawi Parliament passes corrupt practice amendment, changes to ACB boss hiring,” in *Nyasa Times*, 8 December 2018, available at <https://www.nyasatimes.com/malawi-parliament-passes-corrupt-practices-amendment-changes-to-acb-boss-hiring/> (accessed 31 March 2024).

In tension with this statutory independence, the ACB is dependent on, or accountable to, various other officials and government bodies. Once in post, the Director can make standing orders for the administration of the Bureau, the duties of its officers, and its financial management, but all these are “subject to the approval” of the Minister of Justice. The Director must submit annual reports to the National Assembly, the President, the Cabinet, and the Minister, and must appear before committees of the National Assembly to account for the performance of the Bureau. The Auditor General must audit the ACB’s accounts and issue annual reports to the President. Crucially, the Director can be removed by the President for inability to perform or for misconduct with the confirmation of a committee of the National Assembly, and the President can suspend the Director pending investigation of inability or misconduct. Moreover, the provisions for transparent and merit-based selection of the Director do not apply to the Deputy Director, who is still appointed directly by the President.⁷

These various dependencies and checks on the authority of the Bureau require the Bureau to defend itself against allegations of misbehaviour and challenges to its authority. Some of these challenges have been quickly overcome. For example, in October 2021 leaders of the former governing party, by then in opposition, accused the ACB of harassing the former President and violating “right procedure” by freezing his bank accounts. The ACB responded firmly that it would not be intimidated and noted that it had power to charge anyone obstructing its work.⁸

When its challengers resort to the courts, however, the Bureau must rely on the judiciary to reinforce its independence. In one such case where the Bureau had investigated, arrested, and initiated the prosecution of a Minister based on information it received from the UK’s National Crime Agency, the Bureau’s challengers persuaded a judge, through an ex parte application, to enjoin the Bureau from arresting and prosecuting the Minister and other suspects because it had not followed the procedures for obtaining Mutual Legal Assistance, which included involving the Attorney General. In a landmark ruling, the High Court vacated the injunction, holding that the ACB had lawfully arrested the claimants and that the ACB has the independence to enter into formal and informal agreements with foreign entities including the National Crime Agency without involving the Attorney General.⁹

7 Sections 18, 20, 21. Regarding removal and suspension by the President, see Sections 6B(1), 6B(6) of the Corrupt Practices Act of 1995, as amended in 2019, https://acbmw.org/wp-content/uploads/2019/12/Corrupt_Practices_Act-No-17_of_2004.pdf (accessed 16 July 2022).

8 Wezzie Gausi, “DPP warns Anti-Corruption Bureau on Peter Mutharika” in *The Times (Malawi)*, 5 October 2021, <https://times.mw/dpp-warns-anti-corruption-bureau-on-peter-mutharika/> (accessed 16 July 2022).

9 See: *The State on the application of Kezzie Msukwa and Ashok Kumar Sreedharan (aka Ashok Nair) vs The Director of the Anti-Corruption Bureau*, Judicial Review Case No. 54 of 2001, paragraphs 136, 137, 244.9, 244.10, available at <https://media.malawilii.org/files/judgments/mwhc/2022/63/2022-mwhc-63.pdf> (currently on appeal to the Supreme Court of Malawi).

Perhaps most significantly, the Bureau’s authority to prosecute has for a long time been “subject to the directions of the Director of Public Prosecutions,” whose consent, until recently, was required for the Bureau to initiate each prosecution.¹⁰

That requirement for individualised consent has been controversial throughout the Bureau’s history, epitomising the struggle over the Bureau’s independence. In 2002, a special Commission reviewing the Corrupt Practices Act recommended the complete removal of the requirement for the DPP’s consent.¹¹ Apparently, however, the Commission’s recommendations were not taken fully on board. Instead, in 2004 the National Assembly amended the Act by requiring the DPP, when refusing consent, to put the reasons in writing “devoid of any consideration other than of fact and law” and to notify a committee of the National Assembly. Moreover, the DPP in each case was required either to give consent or to give reasons for withholding it within 30 days of the Director’s request, after which the failure to do so was deemed consent to prosecute.¹²

In many instances, even in recent times, the DPP has easily granted consent to prosecute including in high profile cases.¹³ Nevertheless, when the ACB brought a high-profile case in 2021, the then-DPP refused consent, leading the National Assembly in 2022 to further amend the Act to remove the requirement for the DPP’s consent altogether, foreclosing a common method that officials with approval authority in any country can use to require status reports, explanations, and detailed applications to frustrate the would-be independent institutions they oversee.¹⁴

Are such fights over legal authority of anti-corruption institutions different from those involving other public structures? Yes, though they surface to some degree in other institutions, as well. The Director General of Malawi’s ACB is not new to public office, having

10 The Director of Public Prosecutions is appointed by the President with confirmation by the Public Appointments Committee of the National Assembly.

11 The Commission’s report explained: “On balance therefore the Commission took the view that the requirement of the DPP’s consent...did not contribute to the strengthening, to the appropriate degree, of the country’s legal framework in the fight against corruption and that it was likely to do more harm than good to public perceptions of the otherwise serious and sincere efforts of the Government to fight corruption through the institution of the Bureau. The Commission did not see what significantly would be lost without the requirement of the DPP’s consent in the scheme of the law under the Act that could not be achieved through the DPP’s intervention, where necessary, under the powers of that office conferred by section 99(2)(b) and (c) of the Constitution. The Commission therefore recommends the repeal of section 42 to remove the requirement of the DPP’s consent from the scheme of the Act.” Report of the commission at page 59.

12 Sections 10(1)(f) and 42 Corrupt Practices Act of 1995, as amended in 2004, https://acbmw.org/wp-content/uploads/2019/12/Corrupt_Practices_Act-No-17_of_2004.pdf (accessed 16 July 2022).

13 Examples include *Rep v Charles Mchacha et al.* Criminal case No 1035 of 2021, in which a former minister was accused of abusing public office for allegedly using public funds to pay for wedding expenses; *Rep V Newton Kambala et al.*, Criminal case No 934 of 2021, in which a former minister of energy is alleged to have been involved in corrupt acts in procurement of fuel suppliers; *Rep v Batatawala et al.*, Criminal case no 1152/2021, in which a prominent businessman and senior public officers are accused of alleged corrupt acts in procurement of uniforms at the immigration department; and *Rep v Cecelia Chazama et al.*, Criminal case No 568 of 2022, in which a former Minister of Homeland Security and other public officers are accused of alleged corrupt acts in the recruitment of officers at Immigration Department.

14 See: George Singini, “House Sets ACB Free” in *The Nation*, 29th July 2022, available at <https://mwnation.com/house-sets-acb-free/>. Until the removal of this approval requirement, the DPP had been asserting greater control over the ACB by requiring investigation reports in particular formats prepared to his satisfaction and updates on cases in which he had previously consented. See: Rebecca Chimieka, “DPP denies Anti-Corruption Bureau consent” in *The Times (Malawi)*, 27 January 2022 <https://times.mw/dpp-denies-anti-corruption-bureau-consent/>, accessed 17 July 2022 (the DPP wrote to the Director of the Bureau, “the following documents should always accompany the application for consent to prosecute: investigations report (completed one), legal opinion, proposed charges, consent form.”). On updates, see: Rebecca Chimjeka, “Director of Public Prosecutions pens Anti-Corruption Bureau on ‘stalled’ cases” in *The Times (Malawi)*, 18 June 2022, <https://times.mw/director-of-public-prosecutions-pens-anti-corruption-bureau-on-stalled-cases/?amp=1> (accessed 17 July 2022).

served as Ombudsman of the country for more than five years before moving to the ACB. During her time as Ombudsman, she handled many high-profile investigations and made substantial improvements to the country's administrative justice, in some cases facing legal challenges including directly from the Attorney General.¹⁵

Even so, she has been surprised by the legal challenges launched against her personally. Perhaps these challenges have been especially fierce because the ACB no longer appears to shy away from dealing with grand corruption cases regardless of the politics.¹⁶ If so, the story in Malawi is worth setting out in some detail, as it illustrates the way in which legal challenges are today being used aggressively to intimidate those working to expose corruption among powerful officials. When used against journalists, individual activists, and civil society leaders, these aggressive legal attacks are known as SLAPPs (strategic litigation against public participation), sometimes characterised as “lawfare”; but their use in Malawi shows that the same intimidating tactics can be used against individual public officials in deliberate attempts to undermine their legal independence.¹⁷

The personal legal attacks in Malawi began when the Bureau's critics seized on statements that the Director made in a private phone call in January 2022 which had been secretly recorded and then shared widely on Facebook. The Director's statements expressed frustration with the difficulties of pursuing corruption cases in the Malawian context.¹⁸

Within days of the audio recording becoming public, two individuals attempted to initiate a private criminal prosecution against the Director, petitioning a magistrate in the country's central region to issue an order requiring the Director the Bureau to answer three charges: (i) that she revealed official information to an unauthorised person in violation of her Oath of Secrecy; (ii) that she had spoken in a manner that could prejudice a person against a party to a judicial proceeding in violation of the Penal Law; and (iii) that she had spoken in a way calculated to lower the authority of a person conducting a judicial proceeding, also in

15 One such high profile investigation in 2016 examined the alleged maladministration of a project with the noble intention of mechanising farming in Malawi. The government obtained a loan from a bank in India to purchase farm machinery for subsistence farmers in the country, but when tractors were purchased, they were sold to various senior politicians and public officers contrary to the plan. A complaint to the Ombudsman by one subsistence farmer and a member of parliament led to an investigation that established abuse of power and other acts of maladministration. In her report, the Ombudsman directed some remedial measures be taken, which were challenged by the Attorney General. The main thrust of the Attorney General's challenge was that the Ombudsman did not have legal authority to conduct such an investigation and direct such remedies. The Supreme Court of Appeal agreed with the Ombudsman and required that all the directives be complied with, including one requiring a public apology to Malawians by both the Secretary of Agriculture and the Secretary of Finance.

16 So striking is the contrast between the aggressive actions of the ACB since 2021 and its relative passivity previously that at least one commentator has mistakenly concluded that the ACB was only created in the last few years. See: Louis Auge, “Combatting corruption, one politician at a time—President Chakwera's latest efforts in his ongoing anti-corruption campaign” in *EU Reporter*, 9 February 2022, <https://www.eureporter.co/world/malawi/2022/02/09/combating-corruption-one-politician-at-a-time-president-chakweras-latest-efforts-in-his-ongoing-anti-corruption-campaign/> (accessed 16 July 2022). Auge writes: “Since the peaceful transition of power in 2020, President Chakwera has implemented many efforts to lessen corruption across the Malawian government. Most notably, he established the Anti-Corruption Bureau (ACB), an agency created to investigate corruption claims within the government without political interference or bias.” In fact, the ACB was established in 1995. The mistake brings to mind the Duke's confession in Shakespeare's *Measure for Measure*: “We have strict statutes and most biting laws...which for this nineteen years we have let slip”; and Angelo's assessment a few moments later: “The law hath not been dead, though it hath slept.” Act 1, scene 3; and Act 2, scene 2.

17 See generally, Sophie Lemaître, “How to (legally) silence an anti-corruption activist” Blog of CMI/U4 Anti-Corruption Resource Centre, 17 October 2022, available at <https://www.u4.no/blog/how-to-legally-silence-an-anti-corruption-activist> (accessed 28 March 2024).

18 For the content of the recording, see: Suzgo Chitete, “Chizuma ‘audio’ stirs debate” in *The Nation (Malawi)*, 24 January 2022, available at <https://mwnation.com/chizuma-audio-stirs-debate/>, accessed 1 April 2024 (Chizuma “makes claims of corruption even against judges and magistrates.... She is particularly scathing of some churches, judges, lawyers and the Presidency who she alleges are too compromised to help in the fight against corruption”).

violation of the Penal Code. The petition was dismissed when the complainants did not appear as required.¹⁹

Early in February, the same two complainants petitioned a magistrate in the country's southern region to initiate an identical criminal case on the same charges. That court dismissed the petition as "res judicata" (a matter that had already been litigated) and an abuse of court process.²⁰ In the meantime, a businessman whom the Bureau had arrested for corruption filed a civil suit for defamation against the Director based on the same recorded conversation.²¹

Soon thereafter, in April 2022, a third individual attempted to bring a private prosecution against the Director on the same charges in the country's northern region, represented by the same lawyer who had handled the two earlier attempts. This time the magistrate ordered the Malawi Police Service and the DPP to investigate both the authenticity of the leaked recording and "whether the charges, as proffered by the complainant, are tenable at law."²² Two weeks later the police summoned the Director for an interview, but then, in circumstances we discuss below, the police cancelled the interview just before it was to take place. The next day, the High Court stopped the investigation pending its review of the case; and in September the High Court dismissed the case outright.²³

Next, and most alarmingly, at four o'clock in the morning of 6th December 2022, acting on a magistrate's warrant, nineteen police officers, several of them armed, led personally by the Director of the Criminal Investigations Division of the Malawi Police Service, surrounded the house of the Director of the Bureau and arrested her. The arrest warrant had been issued based on a complaint filed by the then-DPP, claiming to act in his personal capacity rather than on behalf of the office, making the same criminal allegations based on the same recorded conversation.

This early-morning arrest of the Director set in motion two months of desperate proceedings that ultimately vindicated the legal independence of the Bureau, but such an outcome was often in doubt. Having arrested the Director before dawn, the police drove her out of the Capital to a police station 48 kilometres away where she was subjected to various humiliations (to which we return below).

19 This first petition was filed in Lilongwe Magistrate's Court in January 2022 (*Republic v Martha Chizuma*, Miscellaneous Criminal Application Number 160 of 2022). It was dismissed for "non-availability" of the complainants.

20 Order of Chief Resident Magistrate J.R. Kayira, *Republic v Martha Chizuma*, Criminal Case no 220 of 2022, 1 March 2022.

21 Rebecca Chimjeka, "Ashok Nair sues Chizuma" in *Daily Times*, 23 February 2022, available at <https://www.africannewsagency.com/times-group-malawi/ashok-nair-sues-martha-chizuma-28b8bc8d-4bbc-5281-a0fb-b468f435c156/>. The suit itself is Civil Case number 64 of 2022.

22 Joseph Mwale, "Court orders probe into Chizuma audio" in *The Nation (Malawi)*, 8 April 2022, available at <https://mwnation.com/court-orders-probe-into-chizuma-audio/> (accessed 29 March 2024).

23 Ntchindi Meki, "Court stops Chizuma probe" in *The Nation (Malawi)*, 23 April 2022, <https://www.mwnation.com/court-stops-chizuma-probe/> (accessed 18 July 2022).

The arrest quickly produced public protests and the Director was released after about six hours. Later that day, the Justice Minister told Parliament that all charges were withdrawn, and that the President had suspended the DPP pending the findings of a Commission of Inquiry to be established immediately to examine the circumstances of the arrest.²⁴

The Commission's report, released on January 3rd, found fault with the police, the DPP, and the Director of the Bureau. It concluded that "the show of force by the Police was excessive," that the police had not told the Director where she was being taken as she was driven miles from her residence in the capital before dawn, and that the planning for the arrest operation had been handled inappropriately. It found that the DPP had prioritised "his self-interest over the responsibility of his office" in triggering the arrest and that he then arranged to be outside the country at the time of the arrest without following required procedures. Regarding the Director of the Bureau, the Commission's report found that in the secretly recorded phone conversation of January 2022, she had made "corruption allegations against individuals, public officers, public and private institutions" and that "there exist reasonable grounds to suspect" that she had thereby "committed offences." It recommended that the President take unspecified action against both the DPP and the Director.²⁵

After receiving the report of the Commission, the President did remove and replace the DPP with immediate effect, but he rejected the recommendation of the Commission to take action against the Director of the Bureau. He announced both decisions in a televised address.

Three weeks after the release of the report and just a few days after the President's speech, the Director, while personally prosecuting a grand corruption case for the Bureau in the southern region, received a summons to appear in court before the Chief Resident Magistrate in the central region to answer the criminal charges that had been filed by the now-former DPP and that had given rise to the arrest of 6th December. The date for her to enter a plea was eventually set for the 8th of February.²⁶ In the meantime, on 31st January the country's most senior civil servant, the Secretary to the President and the Cabinet, issued an interdict, suspending the Director for the duration of the criminal proceedings.

This volley of legal attacks—January, February, April, and December 2022, and January 2023—was finally countered in February 2023 by the Malawi Law Society. The Law Society, which has a statutory mandate to safeguard the public interest in Malawi's constitutional and legal order, brought an unusual suit against the prosecutor, the Chief Resident Magistrate, and the Secretary to the President and Cabinet, arguing that they were abusing their offices by trampling on the legal independence of the Bureau. On 6th February, just two days before

24 See generally: Naomi Mkwanda, "Commission of Inquiry given 14 days to conclude probe into Chizuma arrest" in *Nyasa Times*, 10 December 2022, available at <https://www.nyasatimes.com/commission-of-inquiry-given-14-days-to-conclude-probe-into-chizuma-arrest/>, accessed 30 December 2022. See also: Gloria Masanza-Kanyang'wa, "Drama: DPP Kayuni suspended, Chizuma's charges dropped" in *The Africa Brief*, 6 December 2022, available at <https://africabrief.substack.com/p/drama-dpp-kayuni-suspended-chizumas>, accessed 30 December 2022.

25 *Report of the Commission of Inquiry on the Arrest of the Head of the Anti-Corruption Bureau (ACB) and Ancillary Matters*, at pages vi, 42, 52, 55; available at https://theinvestigator.news/wp-content/uploads/2023/01/Final-Report-on-the-Arrest-of-ACB-DG_release.pdf.

26 See Ntchindi Meki, "Chizuma on Trial" in *The Nation*, 27 January 2023, available at <https://mwnation.com/chizuma-on-trial/>; and Ntchindi Meki, "Circus on Chizuma" in *The Nation*, 28 January 2023, available at <https://mwnation.com/circus-on-chizuma/> (both accessed 30 March 2024). In all three criminal cases, the Director was represented *pro bono* by the Women Lawyers Association.

the now-suspended Director was due to enter her plea to the criminal charges, a High Court judge issued an injunction suspending the latest criminal proceedings as well as the interdict, pending judicial review of the entire matter as the Law Society had requested.²⁷

The next day, lawyers acting on behalf of the Attorney General sought to suspend the injunction obtained by the Law Society. The High Court declined to do so, and they appealed to the Supreme Court of Appeal.²⁸ In a tactical reversal, the new DPP then withdrew the criminal charges before the Chief Resident Magistrate, the Secretary to the President and Cabinet cancelled the interdict, and the lawyers representing the Attorney General withdrew their appeal to the Supreme Court.²⁹ They then urged the High Court to terminate its judicial review of their actions because there was no longer any live dispute. Any further review of their actions, they argued, would be purely an academic exercise. The Law Society countered that, although the immediate criminal charges and interdict had been withdrawn, the history of this dispute demonstrated that these legal assaults on the Director could easily continue. In legal terms, they were “capable of repetition yet evading review.”³⁰

The result was a watershed decision. The High Court ruled that all of these legal actions stretching back to January 2022 had been taken in violation of the Constitution and the Corrupt Practices Act. Specifically, the judge ruled both that the Secretary to the President and Cabinet had “usurped the powers of the President” in suspending the Director in January 2023, and—most significantly—that the Director of the Bureau is immune from any civil or criminal legal proceedings for any acts or omissions unless it is first established that she has acted in bad faith. Because no allegation of bad faith had ever been made, the initiation of the charges, the summons to the Director, and the suspension of the Director were all illegal, null, and void.³¹

27 Frank Namangale, “Court relief for Chizuma” in *The Nation*, 7 February 2023, available at <https://mwnation.com/court-relief-for-chizuma/> (accessed 31 March 2024).

28 For the order of the High Court declining to withdraw the injunction, see: Order of Justice M.A. Tembo, *The State on the Application of the Malawi Law Society vs Prosecutor Levison Mangani SACP, the Chief Resident Magistrate (Lilongwe), and the Secretary to the President and Cabinet*, Judicial Review Case Number 6 of 2023, 8 February 2023, available at <https://media.malawilii.org/files/judgments/mwhcciv/2023/3/2023-mwhcciv-3.pdf>.

29 The new-DPP “discontinued” the criminal case, which allows the charges to be reinstated later in the DPP’s discretion. Frank Namangale, “Chizuma case withdrawn from Supreme Court” in *The Nation*, 14 February 2023, available at <https://mwnation.com/chizuma-case-withdrawn-from-supreme-court/> (accessed 31 March 2024). President Chakwera’s press secretary issued a statement denying that the President had directed the DPP to withdraw the charges, but stating the President “welcomes the latest news of the DPP’s decision,” and reminding the country that the Director remains “the President’s champion in the fight against corruption.” See: Duncan Mlanjira, “Chakwera did not order DPP discontinuation of criminal cases against Chizuma—State House” in *Nyasa Times*, 13 February 2023, available at <https://www.nyasatimes.com/chakwera-did-not-order-dpp-discontinuation-of-criminal-cases-against-chizuma-state-house/> (accessed 31 March 2024).

30 Order of Justice M.A. Tembo, *The State on the Application of the Malawi Law Society vs Prosecutor Levison Mangani SACP, the Chief Resident Magistrate (Lilongwe), and the Secretary to the President and Cabinet*, Judicial Review Case Number 6 of 2023, 5 May 2023, available at <https://malawilii.org/akn/mw/judgment/mwhc/2023/37/eng@2023-05-05>, accessed 31 March 2024 (“this Court takes judicial notice of the fact pointed out by the [Malawi Law Society] that the Director of the Anti-Corruption Bureau has been taken before so several criminal courts by all sort of people on the basis of the same leaked audio.... This shows clearly that this matter has been looming and still looms.” paragraph 30).

31 Order of Justice M.A. Tembo, 5 May 2023, at paragraphs 79 and 82 (“no action or proceeding will lie against the said Director for acts or omissions in the exercise of her functions unless there is an allegation of bad faith.”). The order went further, stating that the Secretary to the President and Cabinet “would have done well to heed the public pronouncements and stand of her principal, the President of the Republic,” (paragraph 80). The specific pronouncements were the President’s speeches of 24 January 2022, 9 December 2022, and 18 January 2023, from which the Law Society argued, “it is evident that the President has determined that it is in the public interest that the current occupant of the office of the Director General of the Bureau, Ms. Martha Chizuma, must remain in office and champion the fight against corruption notwithstanding the audio or the Commission of Inquiry Report on the same” (paragraphs 66 and 67).

What lessons can others learn from these attacks on the legal independence of Malawi's Anti-Corruption Bureau? First, all aggressive anti-corruption institutions and their leaders should expect to face these kinds of tactics, attempting to undermine their legal authority. As the story in Malawi reminds us, sometimes these tactics can be thwarted simply by confident assertion of statutory power; at other times the attacks are better met with offers to negotiate; and at still other times, they can only be countered with strong legal arguments before principled judges. A strong statutory and constitutional foundation is invaluable and must be periodically reinforced.

Still, there are personal and public dimensions to these attacks that cannot be met solely through legal arguments and assertions. These tactics are simultaneously institutional and personal, simultaneously legal and political. They can be terrifying to the individuals attacked and destabilising to the politics of the country, even as they appear to be advanced in purely institutional and legal terms.

For that reason, these attacks cannot be met solely with legal and institutional responses. Leaders of anti-corruption institutions need to build their independence in the personal and public spheres as well.

Demonstrating personal authority

As anyone who has led an organisation knows, the leader's personal resilience is important both for the leader and for those following her. That is especially so in independent institutions, where the leader cannot be seen to depend for their personal resilience on those from whom they are expected to be independent.

When the leader of an anti-corruption institution is facing personal strain—whether from the unrelenting pace of the work itself or from the personal attacks that the work invites—the leader cannot seek sympathy, comfort, support, or other help from their seniors or their peers whom they may be called upon to investigate the next day. They are more reliant than other officials on their friends, family, and professional colleagues in other jurisdictions—people from whom they do not need to be independent. These categories, however, are not always so clear cut. Maintaining your personal independence requires a discipline and an alertness that are hardest to maintain precisely when the strains are greatest and the need for personal support most intense. The longstanding friend offering the support you so desperately need today may turn out to be the very person you are scrutinising tomorrow.

This pressure to display an almost superhuman self-reliance is not solely a response to this personal dilemma, but also an important part of leading the staff of your institution. Like their leader, professional staff members, especially career civil servants, are taking big risks by pursuing cases of high-level corruption. The work is technically difficult, and they will be confronting far better resourced lawyers, accountants, and communications professionals on the other side. The work is personally risky, as the beneficiaries of grand corruption are sometimes willing to go to extremes in attacking and isolating the individuals who threaten their illicit schemes. Your professional staff members know that following you into controversial territory can cut their own promising careers short, especially if you find the

personal strains of the role are too much to bear. Your staff expect to see you personally strong, self-reliant, and committed for the long-term if they are going to follow you down these risky paths. Simply remaining in office for a full term without being physically harmed, removed, or stressed to the point of exhaustion is an enormous achievement for the head of an aggressive anti-corruption institution, but it is essential if the institution's professional staff members are to follow that leader.

This need to demonstrate personal independence is greatest at the moment that leader is newly appointed. For that leader's professional staff, the combination of technical difficulty, resource disadvantage, personal risk, and career vulnerability understandably makes them most cautious when asked to take on high-level corruption that has been previously overlooked. Should they trust the new leader given all the risks of following them?

In short, both for your own sake and for the sake of your professional staff, it is essential to cultivate your own personal independence when taking up the leadership of an anti-corruption institution. For example, you may be able to demonstrate your own technical mastery of the field building a reputation for your own independent expertise. Alternatively, your personal relationships with the country's most highly revered experts might allow you to persuade them to assist the institution in its most contentious matters. Either way, you not only increase the technical capacity of the institution, but your personal leadership bolsters its technical independence. Similarly, you can use your personal skills, standing, and relationships to win additional resources even within constrained budgets; or you can invest in the personal security of your staff and defend them vigorously when their reputations are attacked. Any of these examples of personal independence can demonstrate your ability to triumph over challenges that would lead more dependent leaders to compromise or withdraw.

A further challenge arises when new leaders discover that their own institution is itself corrupted in its senior ranks. The fact of such corruption is usually already well known within the institution, and many staff will be watching to see how a new leader handles it. These situations are complicated when—as is often the case—some staff members remain friendly and loyal to a corrupt member of the senior team while others hope to see the person gone.

It can be helpful to understand these pockets of internal corruption as tests of your personal independence, for it is likely that these corrupt colleagues have some powerful protector outside the organisation. It is your personal independence that may allow you to neutralise that external support, freeing you to remove or sideline the corruption within your senior team.

In these ways, personal independence, resilience, and self-reliance are all entwined. They operate alongside legal independence to give everyone in an anti-corruption institution the confidence to manage the greatest risks. Yet the strength they require is more emotional than conceptual.

In the case of Malawi's Anti-Corruption Bureau, that emotional, personal sphere of independence was tested as thoroughly as its legal independence. At the time of her appointment, the Director of the Bureau had already established a personal reputation for independence as the country's Ombudsman. She was one of the few qualified and experienced lawyers within the office, bringing technical expertise and confidence that helped the Bureau take on controversial cases in her first year in office. In addition, she was able to win additional

resources for the Bureau that allowed her to further build its independent capacity. Yet the relentless attacks on her tested her resilience at the most personal level.

Her arrest at four o'clock in the morning was the most severe of those tests. It was certainly unconstitutional and illegal, but what options does one woman have against 19 police officers, heavily armed, who have come to grab her from her home before dawn? What personal independence can she muster when one of those officers pushes her on her way out of her own house, when she is forbidden to conduct a call with her lawyer in private, when she is forced to remove her shoes and kneel before junior officers, or when she is lined up with the all-male prisoners at the remote station where she is detained. Indeed, what is left of her independence when she is accompanied by two armed, female officers while using an outdoor toilet at the detention site. When subjected to such treatment, uncertain how long it may last or how it may end, you comply with the orders given, but try to preserve some mental space at least to refuse any consent to these indignities.³²

As it happened, the Director's arrest and detention on that Tuesday morning lasted only about six hours. Three days later, on Friday, 9th December 2022, she addressed a stadium crowd alongside President Dr Lazerus McCarthy Chakwera marking International Anti-Corruption Day, her first public statements since her arrest and detention. She addressed the country's corrupt elites directly. "Whether they are listening to me on the radio or if some are right here at Kasungu Stadium," she said in Malawi's local language, "they better listen and listen very carefully." She then made six points:

1. High office will not protect you, as we are completing record numbers of investigations.
2. Slow courts will not allow you to escape, as we are opening special courts for economic crimes.
3. You will not be able to hide your assets, as we are commencing lifestyle audits.
4. Your financial resources will not overwhelm us, as our budget has been increased and we have broad foreign assistance.
5. You will not co-opt Malawi's youth, as they are organising their own anti-corruption movement.
6. You cannot divide Malawians on party or tribal lines, as we are united and determined.

As one headline described the scene the next day: "Chizuma spits fire at corrupt politicians."³³

32 The Director presented all these details and more to the Commission of Inquiry that examined the circumstances of her arrest and detention, including CCTV recordings of her arrest.

33 Ezra Mtimuni, "Chizuma spits fire at corrupt politicians, promises to arrest and bring them to book" in *Nyasa Times*, 10 December 2022, available at <https://www.nyasatimes.com/chizuma-spits-fire-at-corrupt-politicians-promises-to-arrest-and-bring-them-to-book/>, accessed 30 December 2022.

Assembling coalitions of public support

Maintaining independence in those first two spheres—legal independence and personal authority—is difficult enough, but still not sufficient. Leaders of anti-corruption institutions must also maintain their independence in the public sphere, able to assemble and renew coalitions of support across society, allowing them to be truly independent of any corrupt institutions of government while working as part of a broad coalition of forces.

The Commission of Inquiry into the arrest and detention of the Director of Malawi’s Anti-Corruption Bureau concluded quite reasonably that “there are serious mistrust issues among the different offices that are mandated to fight corruption” and that the Director of the Bureau had not built effective partnerships with “the critical offices that she needs to fight corruption.” The Commission, however, underestimated the significance of the broader coalition supporting the Director across the society as a whole when it concluded that “she appears to be working alone.”³⁴

The Bureau and its Director appear to have maintained the support of President Chakwera as well as key committees of the National Assembly while continuing to find vocal support among ordinary citizens and organised civil society. Some of the strongest support has come from religious leaders, respected lawyers, military officers, and the diplomatic community.³⁵

For leaders of anti-corruption institutions, the ebb and flow of public support familiar to any highly visible official can be accelerated dramatically. This was illustrated in Malawi in April 2022 when the police, as discussed above, formally summoned the Director of the Bureau to police headquarters to be questioned as part of the investigation ordered by a magistrate in relation to the audio recording.³⁶

The police summons to the Director was so delicate a matter that the public relations office of the Malawi Police Service issued a public notice in advance of the interview that explicitly called for calm.³⁷ Word of the summons and investigation spread quickly on social media,

34 *Report of the Commission of Inquiry, (supra at n.24)*, section 9.0 at page 61.

35 All of the members of the Episcopal Conference of Malawi, including its archbishops, signed a statement applauding the work of the ACB, citing “their bravery, professionalism and determination” and urging the government to ensure their security. See: Bishops back Anti Corruption Bureau” in *The Times (Malawi)*, 20 January 2022, <https://times.mw/bishops-back-anti-corruption-bureau/> (accessed 18 July 2022). For a description of the attacks from some new critics, see: Watipaso Msungu, Catholic Bishops ask gov’t to increase security for Martha Chizuma and all ACB employees” in *Nyasa Times*, 20 January 2022, <https://www.nyasatimes.com/catholic-bishops-ask-govt-to-increase-security-for-martha-chizuma-and-all-acb-employees/> (accessed 18 July 2022). Other support remains out of the public eye.

36 Rebecca Chimjeka, “Police summon Martha Chizuma” in *The Times (Malawi)*, 22 April 2022 <https://times.mw/police-summon-martha-chizuma/> (accessed 18 July 2022).

37 The police notice read in full: “MPS to interview ACB Director General. The Malawi Police Service (MPS) is informing Malawians that it has summonsed the Director General of the Anti-Corruption Bureau, Ms Martha Chizuma for an investigation interview. The summon follows a court order issued by tye Mzuzu Senior Resident Magistrate’s Court on April 7, 2022 after an application by Mr Frighton Phompho. The investigation interview takes place Friday, April 22, 2022. The MPS calls for calm as this is a normal investigation interview.” (Notice on file with the authors). Phompho was at the time a District Governor in the United Democratic Front—one of the political parties in the coalition government. The party suspended him because of his instigation of this action. See: “UDF suspends governor for opening case against Chizuma” in *Malawi 24 Reporter*, 21 April 2022 <https://malawi24.com/2022/04/21/udf-suspends-governor-for-opening-case-against-chizuma/> (accessed 18 July 2022).

with the Director's supporters planning a protest. The public reaction led the police, in turn, to cancel the summons and issue a further public notice. This second notice explained that the police had "learnt that some citizens are mobilizing to demonstrate against the MPS for complying with a court order..." The notice continued: "The right to demonstrate is sacred and enshrined in the Constitution..." And further: the police would hold a press conference to "allay any fears generated by its misrepresentation and politization in the media." The notice concluded: "In the meantime, to create room for the building of public trust...the summon to interview Ms. Chizuma is suspended until further notice."³⁸ As it turned out, the press conference never took place as later that day the High Court issued an order staying the investigation that the magistrate had ordered the police to conduct.³⁹

As this example illustrates, diverse powers are taking the measure of public support for anti-corruption institutions on a frequent, sometimes hourly, basis. The leaders of such institutions must maintain public confidence and support for their substantive work even as the ground slips and slides beneath their feet. The need for public demonstrations of that confidence and support can arise most unexpectedly.

Perhaps the most dramatic example came in Malawi when those armed police came for the Director of the Bureau on the 6th of December 2022. Immediately upon learning of the arrest that morning, members of the legislature, Women Lawyers' Association, Malawi Human Rights Commission, and other organisations visited her in detention at the police station almost 50 kilometres from the capital. Statements of support for the Bureau's work were also made at that crucial moment by some members of the diplomatic community. All of this surely contributed to the termination of her detention after about six hours.

If the events of 6th December 2022 provided the most dramatic sign of the strength of the Director's coalition, the High Court decision of 5th May 2023 provided the most consequential sign of that strength. The vindication of the legal independence of the Bureau and the affirmation of the legal immunity enjoyed by its Director, Deputy Director, and other officers was achieved not by the Director, but by the Malawi Law Society, a part of civil society. The independence of an anti-corruption institution is often best defended by others, and it is the leader's role to build confidence in those others so that they are ready, willing, and able on their own to mount an effective defence when needed.

38 Flora Mitumba, "Chizuma Summon Suspended" in *Face of Malawi*, 22 April 2022, <https://www.faceofmalawi.com/2022/04/22/chizuma-summon-suspended/> (accessed 18 July 2022).

39 Ntchindi Meki, "Court stops Chizuma probe" in *The Nation (Malawi)*, 23 April 2022, <https://www.mwnation.com/court-stops-chizuma-probe/> (accessed 18 July 2022). See also: "Police call off briefing on Chizuma summon" in *Malawi Institute of Journalism Online*, 25 April 2022, <https://news.mijmw.com/police-call-off-briefing-on-chizuma-summon/> (accessed 18 July 2022).

Solving the conundrum of independence

Fighting entrenched corruption from the helm of an independent institution can feel futile at times. There are many sources of that futility, but an important one is the conundrum of independence that we have explored here. The importance of independence clouded by the impossibility of fully achieving it; the strength of independence diminished by the isolation in which it can leave you—that double conundrum can easily trap an anti-corruption leader in a futile endeavour.

Anti-corruption leaders who mistake their promised independence for a licence to act alone can find themselves labouring like Sisyphus, the mythical ancient Greek figure whose punishment by the gods was to forever labour at rolling a boulder up a hill, only to have it roll back to the bottom every time he got it near to the top.

The solution, we've argued here, is to distinguish three spheres of independence, and cultivate your independence in all three of them, allowing the strengths that each provides to compensate for the weaknesses in the others. If you only focus on legal independence, you can easily be isolated. If you only focus on your personal independence, you can rally your own institutional colleagues, but you can be tied up in bureaucratic knots by other parts of the state and abandoned by the wider public. And if you only build a public following, your legal authority can be narrowed by other officials and your own staff hesitate to risk their futures for your sake. To solve the conundrum, you must cultivate your independence in all three spheres, and that is difficult to manage in any national context.

In a context where corruption is endemic, the fight to maintain your independence requires extraordinary skill, confidence, courage, and an ability to recover rapidly from relentless criticism. That resilience depends on a circle of trusted advisors and supporters unconnected to the powerful persons from whom you must maintain your independence.

Few public leadership roles so reliably encounter such unrelenting legal challenge. Few so heavily depend on the personal standing and reputation of the individual in post. Few require the breadth of public support and confidence on which corruption fighters depend time and again.

Recognising these special challenges of leading an independent anti-corruption institution is just the start. More difficult is defending one's independence in each of these spheres and maintaining the resilience to keep going for the years required to see the work through. Still, if you can build your independence in the legal, personal, and public realms and maintain your resilience with the circles of support it requires, you may escape the fate of Sisyphus and get that boulder to the mountaintop. Only then will you have fully taken up the leadership required to give your fellow citizens realistic hope that together you may actually relieve the scourge of corruption.

MEMBER BIOGRAPHIES

KAMEL AYADI

Founding Chairman of the Global Infrastructure Anti-Corruption Center MENA (GIACC – MENA) and member of the Board of Directors of the World Justice Project, Tunisia

Kamel Ayadi is an international consultant and civil society activist in the fields of anti-corruption, ethics, governance, corporate social responsibility, and social accountability. He has served in a number of high-level positions, including Minister of Public Service, Governance, and Anti-corruption; Chair of the Authority on Financial and Administrative Control; Secretary of State; Senator; and Chair of the Regulatory Authority of Telecommunication. After having served in leadership positions in numerous NGOs, including President of the Tunisian Order of Engineers, he was elected in October 2003 as the president of the World Federation of Engineering Organisations (WFEO, 100 member countries). He also served for six years as the Founding Chair of its standing Committee on Anti-corruption. He is the Founding Chair of the World Leadership and Ethics Institute, Founding Chair of the Tunisian Centre for Strategic Thinking on Economic Development. He is also the Founding Chair of the Global Infrastructure Anti-corruption Centre's for the MENA region.

SHAMILA BATOHI

National Director of Public Prosecutions, South Africa

Career Advocate Shamila Batohi has served as South Africa's National Director of Public Prosecutions (NDPP) since February 2019. Advocate Batohi began her career as a junior prosecutor in the Chatsworth Magistrate's Court in 1986 and steadily advanced to become the Director of Public Prosecutions in KwaZulu-Natal. She was seconded to the Investigation Task Unit established by President Nelson Mandela in 1995, investigating and prosecuting apartheid-era atrocities, and later served as the first regional head of the Directorate of Special Operations in KwaZulu-Natal, investigating and prosecuting serious organised crime and political violence. Immediately before her appointment as NDPP, she served as a Senior Legal Advisor to the Prosecutor of the International Criminal Court in the Hague.

MONIKA BAHR

Professor at the University of Gothenburg, Sweden

Monika Bauhr is a Professor at the department of Political science, University of Gothenburg and a research fellow at the Quality of Government Institute. Bauhr investigates the causes and consequences of corruption and quality of government. She studies the link between democracy and corruption, the role of transparency and access to information, women representation and the nature of different forms of corruption and clientelism. She also investigates how corruption influences public support for foreign aid, international redistribution and the provision of public goods more broadly. She has previously been a visiting scholar at Harvard University, Stanford University and the University of Florida in the US and the University of Dar es Salaam in Tanzania. She has also served as a consultant and participated in public events relating to climate change, corruption and development policies. Between 2014 and 2017 she has been the Scientific Coordinator and Principal Investigator of the ANTICORRP (Anticorruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption), a large-scale multidisciplinary research program, involving 20 institutions in 15 European countries, funded by the European Commission. She is also a co-editor of the recently published Oxford Handbook of the Quality of Government.

MARTHA CHIZUMA

Director-General of the Anti-Corruption Bureau (ACB), Malawi

Martha Chizuma is the Director General of the Anti-Corruption Bureau effective from 1 June 2021, the first-ever female to hold the position in the country. The Bureau is mandated to fight corruption through prevention, public education and law enforcement. She holds a master's in law from the UK and bachelor's in law (Hon) degree from Malawi. Before joining the Bureau, she was Ombudsman of Malawi from December 2015 to May 2021. However, she has also held various positions in the judiciary and private sector. With fighting corruption being on top of the Government agenda, Martha is responsible for providing strategic leadership to operational and administrative processes at the Bureau in a manner that ensures that positive and substantive inroads are being made against corruption in Malawi and also that a correct moral tone is set for the country in as far as issues of integrity are concerned.

IZABELA CORRÊA

Secretary for Public Integrity at the Brazilian Office of the Comptroller General and editor of the Chandler Papers (2021-2024)

Izabela has been dedicated to the themes of integrity and anti-corruption academically and as a practitioner for over fifteen years. She is currently serving as the Secretary for Public Integrity at the Brazilian Office of the Comptroller General. Prior to that, she was the Postdoctoral Research Associate for the Chandler Sessions on Integrity and Corruption (2021-2023). She has also served in the Brazilian Central Bank (2017–2021), and in the Brazilian Office of the Comptroller General (2007–2012), where she led a team of public officials that oversaw the development and implementation of high-impact transparency and integrity policies. Izabela holds a PhD in Government from the London School of Economics and Political Science (2017) and a master's degree in political science from the Federal University of Minas Gerais (UFMG) in Brazil. She is a member of the Chandler Sessions and the managing editor of its paper series (2021-2024).

JAVIER CRUZ TAMBURRINO

Compliance Officer of the Chilean Central Bank, Chile

Javier Cruz Tamburrino is the Compliance Officer of the Chilean Central Bank. His main responsibilities include, among others, designing and implementing an Annual Compliance Plan, coordinating and articulating the compliance activities with the Prosecutor's Office, the Comptroller's Office, the Division Management Corporate Risk and the other areas of the Bank. Prior to joining the Central Bank, Javier Tamburrino served for nine years as Director of the Financial Analysis Unit (UAF), a public service whose mission is to prevent Money Laundering (ML) and the Financing of Terrorism (FT) in the Chilean economy, also acting as National Coordinator of the ML/TF Preventive System of Chile.

TODD FOGLESONG

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Todd Foglesong joined the Munk School of Global Affairs & Public Policy at the University of Toronto in 2014. He teaches courses on the governance of criminal justice and the response to crime and violence in global context. In cooperation with the Open Society Foundations, he is developing a peer-based system of support for government officials that seek to solve persistent problems in criminal justice. Between 2007 and 2014, Todd was a senior research fellow and adjunct lecturer in Public Policy at Harvard Kennedy School (HKS). Between 2000 and 2005 Todd worked at the Vera Institute of Justice, creating a center for the reform of criminal justice in Moscow and founding Risk Monitor, a non-governmental research center in Sofia, Bulgaria that supports better public policies on organized crime and institutional corruption. Before that, Todd taught political science at the Universities of Kansas and Utah.

GUSTAVO GORRITI

Founder and Editor of IDL-Reporteros, Peru

Gustavo Gorriti leads the investigative center at the *IDL-Reporteros*, in Lima, Peru. He was Peru's leading investigative journalist before having to leave the country, largely because of his reporting. During the April 5, 1992, coup, he was arrested by Peruvian intelligence squads and "disappeared" for two days until international protests forced President Alberto Fujimori first to acknowledge his detention and then to release him. Gorriti had earlier investigated, among other things, the drug ties of the man who became Fujimori's de facto intelligence chief. After several months of mounting threats and harassment, Gorriti left Peru for the United States, where he was a senior associate at the Carnegie Endowment for International Peace and the North-South Center. In 1996, he settled in Panama and went to work for La Prensa. Gorriti's investigative reporting there, however, had a similar effect, and the government attempted unsuccessfully to deport him. After Fujimori lost power, Gorriti returned to Peru in 2001. Gorriti was a Nieman fellow in 1986. He received the Committee to Protect Journalists' International Press Freedom Award in 1998.

JIN WOOK KIM

Chief Prosecutor of the Corruption Investigation Office for High-ranking Officials (CIO), South Korea

Jin-wook Kim is Head of the Corruption Investigation Office for High-Ranking Officials. Prior to his current position, he was head of the international affairs department at the Constitutional Court of Korea (2020–21), and head of the education department and research department, at the Constitutional Research Institute (2016–20). He holds a master of law from the National University of Seoul, where he also graduated in archaeology and art history. He holds an LLM in public law from Harvard University.

JOHN-ALLAN NAMU

CEO and Editorial Director of Africa Uncensored, Kenya

John-Allan Namu is an investigative journalist and the CEO of Africa Uncensored, an investigative and in-depth journalism production house in Nairobi, Kenya. Africa Uncensored's ambition is to be the premier source of unique, important and incisive journalism. Prior to co-founding Africa Uncensored, he was the special projects editor at the Kenya Television Network, heading a team of the country's best television investigative journalists. He has received numerous awards for his work including the CNN African Journalist of the Year and joint journalist of the year at the Annual Journalism Excellence Awards by the Media Council of Kenya.

BOLAJI OWASANOYE SAN

Research Professor, Nigerian Institute of Advanced Legal Studies and Immediate Past Chairman, Independent Corrupt Practices and Other Related Offences Commission (ICPC) Nigeria

Owasanoye started his career as an assistant lecturer at the Lagos State University. He moved to the Nigerian Institute of Advanced Legal Studies (NIALS) in 1991 and became a Professor of law 10 years later. In August 2015, he was appointed as the Executive Secretary of the Presidential Advisory Committee Against Corruption (PACAC) before being appointed to the ICPC in 2017. He was involved in advocacy for passage of major anti corruption bills in Nigeria including Nigeria Financial Intelligence Agency Act, Proceeds of Crime Act, and reenactment of the Money Laundering Prevention and Prohibition Act and the Terrorism Prevention Act, amongst others. At the continental level he participated in drafting and advocating adoption of the Common African Position on Asset Recovery by the African Union in 2020 and served as member of the UNGA/ECOSOC established FACTI Panel in 2020-2021. His portfolio of consultancies include Nigerian federal and state agencies, as well as international development agencies such as the World Bank and USAID, DFID and UNITAR. In 1997, he co-founded the Human Development Initiative (HDI), a non-profit organisation. In 2020, He was awarded the rank of Senior Advocate of Nigeria (SAN) and national honour of Officer of the Federal Republic (OFR) in 2022.

ANNA PETHERICK

Associate Professor in Public Policy at Blavatnik School of Government, United Kingdom

Anna Petherick is a Departmental Lecturer in Public Policy and Director of the Lemann Foundation Programme. She is co-Principal Investigator of the Oxford COVID-19 Government Response Tracker (OxCGRT) project, which, going back to January 2020, has been recording and analysing how national and subnational governments around the world have been enacting policies to fight the pandemic. Her research as part of OxCGRT focuses on combining policy data with behavioural data, from surveys and mobile phone records. In addition, she works on corruption, gender and trust, with much of it based in Brazil. Between her undergraduate and graduate studies, Anna worked as a full-time journalist. She wrote a column for The Guardian that fused longevity and wellbeing research (how to die as late as possible, and until then stay as happy and as physically young as possible), and another column about the social dimensions of climate change for the journal, Nature Climate Change. Anna holds a BA (MA) in Natural Sciences (Evolutionary Genetics, Population Modelling) from Cambridge University.

KATHLEEN ROUSSEL

Director of the Public Prosecutions, Canada

Kathleen Roussel is the Director of Public Prosecutions. She was appointed June 21, 2017. Kathleen was Deputy Director of Public Prosecutions from 2013 to 2017. She was responsible for the Regulatory and Economic Prosecutions and Management Branch. Previously, Kathleen served as Senior General Counsel and Executive Director of the Environment Legal Services Unit at the Department of Justice (Canada), from 2008 to 2013. From 2001 to 2005, she was the Senior Counsel and Director of the Canadian Firearms Centre Legal Services, before joining the Department of Environment's legal services later that year. Before joining the public service, Ms. Roussel worked as a criminal defence lawyer. She has been a member of the Law Society of Upper Canada since 1994 and graduated from the University of Ottawa Law School in 1992, having previously obtained an Honours Religion degree from Queen's University.

AGUNG SAMPURNA

Former Chairman of the Audit Board of the Republic and Lecturer at the University of Indonesia, Indonesia

Dr Agung Firman Sampurna was the Chairman of the Supreme Audit Agency for the period 2019 – 2022. Previously, he served as Member I of BPK-RI for the period 2014 – 2019, Member III for the period 2012 - 2013, and Member V for the period 2013 - 2014. Agung Firman Sampurna once led the Main Auditorate of Finance State (AKN) III (2012 – 2013), AKN V (2013 – 2014), and AKN I (2014 – 2019). Recipient of the Mahaputra Naraya Star, Agung Firman Sampurna is heavily involved in training activities, research, seminars and various other forums, both domestically and abroad. Agung holds a Bachelor of Economics from Sriwijaya University, a Master of Public Policy and Administration from the University of Indonesia and a PhD in Public Administration also from the University of Indonesia.

TANKA MANI SHARMA

Former Auditor General, Nepal

Tanka Mani Sharma Dangal is a Nepalese Bureaucrat. He has long experience in Public Financial Management and fiscal administration. He has experience in Public Procurement Management and development administration, Civil Service Administration and Training, Cooperative Societies Regulation and Management, Health Sector Financing, Public Enterprises Management, and other different areas of public sector management. He served as an Auditor General of Nepal from 2017 to 2023 for 6 years. His prior positions include Secretary at the Office of the Prime Minister and Council of Ministers, Ministry of General Administration, and Public Procurement Monitoring Office. He had also served as a Director General of the Inland Revenue Department, Department of Customs, Department of Revenue Investigation, and the Registrar of the Department of Cooperative. Likewise, he had served as Finance Chief in different Ministries and Departments of the Government of Nepal.

Mr. Sharma holds a Master's degree in Business Administration (MBA). He has attended various national and international training and seminars and acquired knowledge and skills in different fields of the public sector management and governance system. He has been rewarded with the "Best Civil Service Award" in 2001 by the government of Nepal. He has also been awarded the medal "Prasiddha Prabal Janasewa Shree" by the president of Nepal in the year 2021. He was also awarded the "Prabal Gorkha Dakshin Bahu" medal in 2000. Mr. Sharma hopes to build a more efficient and effective public administration, promoting good governance through transparent and accountable public sector management. Moreover, he emphasizes maintaining professional integrity and controlling mismanagement and corruption in the governance system.

CHRIS STONE

Professor of Practice of Public Integrity, Blavatnik School of Government, University of Oxford

Chris Stone is Professor of Practice of Public Integrity. Chris has blended theory and practice throughout a career dedicated to justice sector reform, good governance and innovation in the public interest, working with governments and civil society organisations in dozens of countries worldwide. He has served as president of the Open Society Foundations (2012–2017), as Guggenheim Professor of the Practice of Criminal Justice at Harvard's Kennedy School of Government (2004–2012), as faculty director of the Hauser Center for Nonprofit Organizations at Harvard University (2007–2012), and as president and director of the Vera Institute of Justice (1994–2004). He is a graduate of Harvard College, the Institute of Criminology at the University of Cambridge, and the Yale Law School. At the Blavatnik School, Chris's work focuses on public corruption turnarounds: the leadership challenge of transforming cultures of corruption into cultures of integrity in government organisations, large and small. As an affiliate of the Bonavero Institute of Human Rights within the University's Faculty of Law, Chris serves as the principal moderator for the Symposium on Strength and Solidarity for Human Rights.

LARA TAYLOR-PEARCE

Auditor General, Sierra Leone

Lara Taylor-Pearce is auditor general of Sierra Leone and has more than 27 years of experience in public- and private-sector financial and administrative management and oversight. As the government's chief external auditor since 2011, she has won praise for helping change Sierra Leone's public-sector accountability landscape, including her work in developing its 2016 Public Financial Management Act and other public-sector oversight acts. Among other honors, she received the 2015 National Integrity Award from the Sierra Leone Anti-Corruption Commission. She has also served as principal finance manager and head of administration for the Institutional Reform and Capacity Building Project, finance and administrative manager for the Public Sector Management Support Project, technical assistant in the Accountant General's Department of the Ministry of Finance, and supervisory senior for KPMG Peat Marwick. An honours graduate in economics of the University of Sierra Leone, she is a fellow of the Association of Chartered Certified Accountants (FCCA), U.K, and of the Institute of Chartered Accountants of Sierra Leone (FCASL). She is vice chair of the INTOSAI Development Initiative (IDI) board, chair of the governing board of the African Region of Supreme Audit Institutions-English Speaking (AFROSAI-E), and a Grand Officer of the Order of the Rokel (GOOR) President's National Award.

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