

THE WORLD'S ANTI-CORRUPTION EFFORTS NEED A RESET

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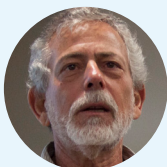
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Accountability for high-level corruption is essential to stopping it, but we cannot simply prosecute our way out of corruption. In this paper, Shamila Batohi, the National Director of Public Prosecutions in South Africa, and Christopher Stone, Professor of Practice of Public Integrity at the University of Oxford, insist that a new strategy for eliminating high-level corruption is needed. They argue for a focus on individual departments, combining external accountability with internal reform, institution-by-institution. They explain that law enforcement institutions must be strongly independent to enable effective collaboration with partners of integrity. Among other recommendations, they urge anti-corruption institutions to engage the public—community groups, civil society organizations, and business—to participate actively in these turnarounds.

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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.



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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.

THE WORLD'S ANTI-CORRUPTION EFFORTS NEED A RESET

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There is an awkward truth at the heart of almost all the anti-corruption campaigns underway today in countless countries around the world. The truth is: prosecuting corrupt public officials and private-sector players, even the most senior ones, won't end corruption. Prosecutors know it, and so do the corrupt.

It's awkward because promises to prosecute corrupt officials (and companies that profit from corruption) win loud applause from angry publics almost everywhere. In South Africa, for example, it is often said that the people will not be satisfied until they see the most senior corrupt officials and their private sector partners "in orange overalls."¹ It would be comforting to believe that prosecuting fifty, one hundred, or even a thousand beneficiaries of corruption and their accomplices would vanquish corruption and restore integrity; but, while accountability is essential, it is not enough.

The truth is that we cannot prosecute our way out of corruption. Criminal investigations and prosecutions are crucial, but never sufficient.

This is true for at least three reasons. First, investigating and prosecuting high-level corruption is notoriously slow and uncertain, as powerful persons usually keep themselves at a distance from obvious criminality, and their defence teams exploit every procedural device to delay and discredit the cases against them. Second, even successful prosecutions—because they focus on specific individuals and specific acts—leave systemic corruption in

¹ There are countless news stories using the phrase, often in reference to Jacob Zuma's brief incarceration in 2021 for refusing to comply with a subpoena from the Commission on State Capture, but the phrase is a constant reference in public comments about other senior officials as well. See, for example, Organization Undoing Tax Abuse (OUTA), *Orange overalls loom for former Transnet officials and Gupta associates*, 27 May 2022, available at <https://www.outa.co.za/blog/newsroom-1/post/orange-overalls-loom-for-former-transnet-officials-and-gupta-associates-1155> (accessed 21 December 2022): "We have waited a long time to see these high-level individuals who orchestrated the capture and massive looting of state-owned entities in a courtroom. We look forward to this trial and, ultimately, seeing this group in orange overalls."

place allowing new crooks to profit from it. Third, and most fundamentally, prosecutions are brought from outside the corrupt departments and ministries, while the institutional practices and cultures that perpetuate the corruption there can be reformed only from the inside. Without a committed and ethical leadership team inside the corrupt institution actively reforming the culture, prosecutions alone will not shift it.

Criminal investigations and prosecutions play a crucial role in efforts to deter corruption. Prosecution is a state's most serious and credible instrument of accountability. When prosecutors obtain convictions for serious crimes, including grand corruption before independent courts, they not only hold those responsible accountable, they also strengthen the rule of law, demonstrating that the law applies to everyone—even the most powerful. Those two achievements—accountability of powerful people and a stronger rule of law—are precious public goods. On their own, however, they are not a cure for widespread or systemic corruption. Independent prosecution services can play their true role in the fight against corruption only as partners in wider strategies that build strong cultures of integrity resistant to corruption in each government institution and office.²

Building those strong cultures of integrity requires a strategy reset: tightening our focus on individual institutions, departments, and agencies rather than dispersing our attention across a nation as-a-whole. We urge such a reset, encouraging investigators and prosecutors to partner with reform-minded leadership in individual ministries, departments, and agencies on a four-pronged strategy: building integrity department-by-department, strengthening interdependence among independent anti-corruption institutions, delegating enforcement authority to decentralised, multidisciplinary teams, and engaging the public and private sector leaders as active participants in the process.

Our confidence in such a reset is grounded in our experience both of public service and of the rule of law. We have each worked alongside hundreds of public servants of great integrity, and we've seen them putting the public interest ahead of any personal interests in their daily work. We are also confident in the rule of law, having seen the practical support it provides at crucial moments to these same public servants—both politicians and career officials. With its deep roots in so many cultures, the rule of law may be the closest thing we have to a universal value in this unending work against corruption.³

In this paper, we first review the three reasons why relying on prosecutions alone cannot succeed in ending corruption. We then detail our four suggestions for how law enforcement can be integrated into wider anti-corruption strategies. In short, we propose a practical reset of anti-corruption strategy that allows investigators and prosecutors to succeed in tandem with their essential partners in each ministry, department, and agency.

2 In South Africa, the National Anti-Corruption Strategy 2020-2030, aspires to define such a wider strategy but at the national level, as do the national strategies of many countries. The strategy as adopted by the Cabinet is available at: https://www.gov.za/sites/default/files/gcis_document/202105/national-anti-corruption-strategy-2020-2030.pdf.

3 Philosophers and legal scholars trace the rule of law back to many ancient societies. See: He Weifang, 'Mencius on the Rule of Law', in *In the Name of Justice: Striving for the Rule of Law in China*. Washington D.C.: Brookings Institution Press, 2012.

Let's look more closely at those three reasons that prosecutions cannot end corruption on their own: their length and complexity in cases of high-level corruption; their focus on individuals and incidents, not the underlying opportunities for corruption and the systems that sustain it; and their position outside of the institutions that host the corruption itself.

First, prosecution is a long, uncertain process. Prosecutions often take place long after the corruption has set in; the investigations and prosecutions themselves take a long time, often measured in years; and the more serious the corruption, the slower and less likely will it be for prosecution to result in conviction.

In cases of frontline public servants who solicit bribes—traffic police, judicial clerks, building inspectors, customs agents, university admissions officers, and many more—the prosecutions can be relatively straightforward, but only if there are victims willing to complain and follow-through (and sometimes participate in a sting). If the solicitation of such bribes is considered business-as-usual among peers and is tolerated (or even encouraged) by supervisors, the occasional prosecution will do little to dislodge the practice.

In more celebrated cases that reach into the higher ranks where huge sums are stolen through corrupt procurement and facilitated through corrupt appointments and rule changes, prosecution becomes technically challenging. The most senior officials and their associates are usually careful to avoid explicit *quid pro quo* transactions; they obscure the sources of funds using multiple shell companies and discrete financial networks; and they exploit ambiguities in traditional patronage relationships. Today, prosecutors are pursuing these complex cases with ever-greater sophistication, relying on updated criminal laws, wider jurisdiction, international cooperation, and voluminous digital evidence; but each of these innovative legal and forensic tools requires new skills and more time, and each comes with its own challenges. Even for prosecutors as well funded as the UK's Serious Fraud Office with a dedicated cadre of digital forensic technicians, it routinely takes a full year for the digital forensic unit to process the material it receives from the case teams. The average time from the start of an investigation to the filing of charges is, at last report, more than three years.⁴

The result, ironically, is this: the more serious the corruption, the less likely a prosecution is to succeed in a reasonable time. Indeed, the chance of a trial being adjudicated expeditiously falls further when highly paid defence counsel—often with far greater experience than the public prosecutors they face—are ready to exploit every slip and delay at every opportunity. Bringing these prosecutions serves important purposes, and no effort must be spared in doing so, but their length and difficulty render them inadequate to deter grand corruption on their own.

Second, prosecutions of senior officials focus on specific acts (corrupt grant awards, land deals, procurements, and appointments); but, without systemic reform, the opportunities for corruption remain for successor officials to exploit.

⁴ HM Crown Prosecution Inspectorate, *Case progression in the Serious Fraud Office*, October 2019, paragraphs 4.59 and 6.20, available at <https://www.justiceinspectors.gov.uk/hmcpsi/inspections/case-progression-sfo-oct-19/>. This report was updated in May 2023, with a finding that the SFO aspires to make a decision regarding criminal charges within three years of opening a formal investigation, but it is not able to meet that target in many cases. See: <https://www.justiceinspectors.gov.uk/hmcpsi/wp-content/uploads/sites/3/2023/05/SFO-case-progression-follow-up.pdf>, (both accessed 12 August 2023).

Perhaps the most famous prosecutions for corruption in the 20th century were those brought in Italy in the early 1990s in what were known as the Mani Pulite (“Clean Hands”) investigations. The story has been told many times. In just three years, the Clean Hands prosecutions led to the criminal convictions of hundreds of politicians including two former prime ministers, the public exposure of a corrupt network linking Italy’s biggest businesses and its politicians, the complete obliteration of both of Italy’s leading political parties, and the collapse of hundreds of local councils found to be riddled with corruption. The prosecutors of Clean Hands charged more than 800 people and opened formal investigations into 520 members of the Chamber of Deputies and the Senate, more than half of the members of the Italian parliament. The arrests and convictions grew so fast because most of those charged decided to confess and cooperate, naming others who were promptly arrested.⁵

Several of the implicated politicians killed themselves. One—Sergio Moroni—famously left a suicide letter to the President of the Chamber of Deputies. Moroni admitted taking part in “the system” of financing political parties through bribes and kickbacks but insisted in his note that he had never taken a single lira for himself. Still, the lavish lifestyles of the leading politicians belied their claims of innocence, and many millions of dollars were voluntarily returned by their families or discovered by prosecutors in Swiss bank accounts.

Italy’s powerful business owners were similarly ensnared: confessing, claiming that they were pressured by the politicians, and in some cases killing themselves, too. A former chair of the state energy company was found dead in his jail cell with a plastic bag over his head. One of the country’s richest and most powerful business executives shot and killed himself on the eve of his arrest in connection with a bribe to the Socialists and Christian Democrats of one hundred forty million US dollars—popularly known as la madre di tutte le tangenti (“the mother of all bribes”). As one journalist wrote about the Clean Hands revelations and prosecutions at the time, “Italians thought they were having a revolution.... People thought at last the citizens of Italy were claiming Italy.”⁶

It is hard to imagine a more successful set of prosecutions of powerful people for grand, systemic, corruption, including the recovery of vast sums; and yet the result shows the futility of relying on prosecution alone as a cure for corruption. A few years after the prosecutions, it was clear to everyone that “political corruption is still systemic in Italy.”⁷ Yes, the sweeping away of disgraced political parties made room for some new, citizen-coalitions committed to good government at the local level, but these did not last long. Instead of a revolution, Italy got Silvio Berlusconi, a media tycoon who had assembled his businesses through favours purchased over the previous decade from the very Prime Ministers convicted in Clean

5 See generally Daniel Wakin, “Enimont Affair: Led to a Family’s Fall, Massive Scandal and Mystery” *Associated Press*, 29 July 1993, available at <https://apnews.com/article/27f91a2858bc730876133130a22aa090>, accessed 28 December 2022. “Ex-Premiers Convicted in Italy” in *Washington Post*, 28 October 1995, available at <https://www.washingtonpost.com/archive/politics/1995/10/28/ex-premiers-convicted-in-italy/24318ba1-ed3c-46bc-be35-92c08a6f5247/>, accessed 28 December 2022.

6 Jane Kramer, “Dirty Hands” in *The New Yorker*, 28 March 1994, p.71.

7 Alberto Vannucci, “The Controversial Legacy of ‘Mani Pulite’: A Critical Analysis of Italian Corruption and Anti-Corruption Policies” in *Bulletin of Italian Politics*, January 2009, available at https://www.researchgate.net/publication/266042982_Bulletin_of_Italian_Politics_The_Controversial_Legacy_of_‘Mani_Pulite’_A_Critical_Analysis_of_Italian_Corruption_and_Anti-Corruption_Policies, accessed 28 December 2022. See also, Alberto Vannucci, “The ‘clean hands’ (mani pulite) inquiry on corruption and its effects on the Italian Political System”, available at https://www.academia.edu/70051708/The_clean_hands_mani_pulite_inquiry_on_corruption_and_its_effects_on_the_Italian_Political_System, accessed 28 December 2022 (“Judicial inquiries - even when they are successful in the prosecution of crimes - can in fact expose and sanction illegal activities and white-collars crimes, but they cannot remove the deep-rooted causes of corruption.... Judicial inquiries can only scratch the surface of illegality, they can hardly modify the invisible structure of non- written norms, expectations and values which rules in the realm of systemic corruption.”).

Hands. One of the principal beneficiaries of the corrupt politics, Berlusconi was forced to enter politics himself to protect himself and his empire, and he won. He formed his own political party, promoted his candidacy on his ubiquitous television networks, denounced the Clean Hands prosecutors and judges as communists, and was elected Prime Minister in 1994. Rather than launching a revolution, the Clean Hands prosecutions turned out to be more of a cathartic entertainment on the way to a new era of corruption, epitomised by the political dominance of one of the most self-interested prime ministers in Italy's modern history. Corruption simply adapted to its new environment.⁸

The *Mani Pulite* cases proved an amazing success as criminal prosecutions; but, without partners able to change the systems of political party finance, the opportunities for corruption remained to be exploited by those who followed. It is a pattern that recurs in other high-profile (as well as more obscure) prosecutorial campaigns.⁹

Third and most important, prosecutors sit outside of the corrupt institutions on which their cases focus and are therefore unable directly to reform their internal cultures.

Prosecutors may hope that by convicting a set of corrupt leaders, the next group of leaders will be freed to lead honestly or at least deterred from further corruption; but that is not how corruption works. Instead, even following successful prosecutions, the cultural and systemic forces that corrupted the former leaders remain intact, corrupting enough of their successors to frustrate any meaningful reform. Only new, determined, reform-minded leaders atop the institutions can uproot these cultural and systemic sources of corruption.

Recognising this, some prosecutors have reached further into the management and leadership of corrupt institutions by persuading courts to appoint monitors to enforce programmes of institutional reform. Continuing monitoring of reform as part of the resolution of a criminal prosecution may help, but it still depends on the active commitment of new leaders to that reform agenda. Indeed, all the additional powers that prosecutors and anti-corruption commissions have acquired to attack corruption—recovering the proceeds of corruption, mounting public awareness campaigns, offering anti-corruption training—are important and potentially useful, but they cannot substitute for internal leadership committed to meaningful integrity. Such leaders, committed to high integrity and ethical dealing, are equally necessary in the public and private sectors.

8 For academic studies of how corruption persisted in new forms in Italy, see: Eleanor Florence Woodhouse, "Accountability and corruption displacement: evidence from Italy" in *Journal of Public Policy*, 42(4), 730-754. doi:10.1017/S0143814X22000113, available at <https://www.cambridge.org/core/journals/journal-of-public-policy/article/accountability-and-corruption-displacement-evidence-from-italy/42454ED972498C596CE25A400AF7731A>, as well as the two articles by Vannucci, noted above.

9 The example of the *lavo jato* cases in Brazil are discussed below. In New York State in the USA, to take a more obscure example, corruption in the state legislature has remained notorious for at least fifty years, despite the prosecution for fraud and corruption of four of the six leaders of the State Assembly who served over those decades. When the last of those powerful officials—Sheldon Silver—was sentenced to prison in 2021 for soliciting kickbacks of almost four million dollars from government contractors, and the new state leadership promised an era of clean government, one editorial board cautioned that, despite the prosecutions, corruption has "continued to flourish" in the State Capital, where the new leaders "are working in a political environment long drenched in corruption and entitlement." See: "No more three (white) men in a room, but Albany's reputation for corruption remains" in *The Buffalo News*, 11 August 2021, available at https://buffalonews.com/opinion/editorial/the-editorial-board-no-more-three-white-men-in-a-room-but-albanys-reputation-for/article_b12ef4de-fac3-11eb-8763-3fc1e3f1be48.html, (accessed 28 December 2022).

The prosecution of the multinational company, Siemens, by European and US authorities from 2000 to 2008 illustrates this point about the poor placement of prosecutors for culture change. The Siemens case is often viewed as a success story in anti-corruption, but new laws, wide investigations, and tough enforcement actions achieved little until the company's leadership decided to change their practices and culture.

Siemens had been paying huge bribes and kickbacks to foreign officials in exchange for government contracts at least since the mid-twentieth century. Until the 1990s, most of those payments had not been prohibited by German law, but as prohibitions tightened at the century's end, Siemens continued its massive bribery operation in secret. Siemens paid five million dollars in bribes to the Prime Minister's son and other officials in Bangladesh to secure a mobile phone contract; \$40 million in Argentina to create national identity cards; \$20 million in Israel to build power plants; US\$14 million in China to supply medical equipment, and much more. Siemens paid-off officials everywhere, from Nigeria to Norway. The telecommunications operation alone had a budget for bribes of US\$40-50 million annually, and usually spent twice that amount. Sometimes Siemens paid the bribes directly through various shell companies and foreign accounts, or in cash dispensed through several "cash desks"; but more often Siemens paid third-party "consultants" for securing business, knowing the consultants would transfer most of the funds to officials as bribes and kickbacks.¹⁰

Prosecutors had long been aware that Siemens were paying massive bribes. Their investigations became more aggressive as soon as the German law implementing the OECD Convention prohibiting bribery in international business transactions came into effect in 1999. In 2000, Austrian and Swiss authorities froze several of Siemens' off-books bank accounts, but the use of other such accounts continued, with Siemens officers defending their use in testimony before the German parliament. By 2003, Italian and German prosecutors had joined the effort, investigating six million euros in bribes paid to managers of the Italian energy company, Enel, to win a contract to build two power plants, and probing the use of more off-books accounts in Liechtenstein and the Emirates. By early 2006, Siemens executives knew of government investigations into hundreds of suspicious payments in Azerbaijan, China (including Taiwan), Greece, Hungary, and Israel, as well as the matters in Nigeria and Italy. In November 2006, over 200 German investigators and prosecutors conducted simultaneous raids at the homes and office of 30 current and former Siemens executives, seizing millions of documents, after which US prosecutors and regulators joined the international investigations as Siemens was listed on the New York Stock Exchange. In December 2006, high-level arrests and detentions began with two executives in Siemens telecom business.¹¹

The FBI's director in Washington described the corruption at Siemens as "massive, wilful and carefully orchestrated." A spokesperson for the association of Germany's federal criminal investigators explained: "Bribery was Siemens's business model." The company "had institutionalized corruption," yet the leadership showed no determination to change the model. In short, from the mid-1990s through 2006, despite increasingly aggressive enforcement actions by prosecutors in many countries, including Germany, Siemens

10 The public narrative of the Siemens case generally follows the story told in the criminal "Information" filed by the Criminal Division of the US Department of Justice in federal court on 18 December 2008, in conjunction with guilty pleas by Siemens. See in particular, paragraphs 35-133, available at <https://www.justice.gov/archive/opa/documents/siemens-ag-info.pdf> (accessed 18 June 2023).

11 Id. See also, Mike Esterl, "Ethics Hurdle: Corruption Scandal at Siemens May Derail Restructuring Drive; CEO Kleinfeld's Uphill Fight To Transform Behemoth Now Gets Even Tougher; 'Wonder Boy' or 'Ruinator'?" in *Wall Street Journal*, 18 December 2006, page A1

continued to falsify its corporate books and records and circumvented its internal controls in systematic efforts to hide well over a billion US dollars in bribes and kickbacks worldwide.¹²

Even after the raids and arrests at the end of 2006, and as the “dubious payments” under investigation rose from less fifty million euros to almost half a billion, the company’s CEO was denying some of the allegations and minimizing others as confined to the telecom unit, pledging to expel what it insisted was a small number of individual “renegade managers,” and insisting that management had zero tolerance for corruption. A front-page article in the Wall Street Journal at the end of the year described the corruption allegations as a “distraction” for the CEO, focusing instead on the CEO’s cost-cutting, mergers, and restructuring.¹³

The turnaround at Siemens only began when the leadership changed. The chair of Siemens supervisory board, who had previously served as CEO, announced in April he was stepping down, replaced by the chair of the audit committee who was also a respected expert in corporate governance. Within a week of that announcement, the CEO unexpectedly resigned. The following month, the new chair met in secret with a respected executive at a German pharmaceutical company who agreed to take on the CEO role, the only time in its 160-year history that Siemens hired a CEO from outside the company.¹⁴

Together, the new chair and the new CEO initiated a dramatic cultural transformation while transforming the company’s relationship with its prosecutors from adversarial to genuinely collaborative. The new CEO took up the role in July, and three months later replaced the general counsel and the chief compliance officer with outside executives. In December, the chair, CEO, and new general counsel met for the first time with officials at the US Security and Exchange Commission (SEC), hoping to convince them that Siemens had taken “radical steps to change its organisation and culture.” Those steps included a company-wide amnesty for any employees other than directors who reported information about corruption, centralisation of all cash, higher-level approval for the use of consultants, huge expansion of the compliance team, a central help desk for staff seeking guidance on ethical dealings, and the departure of four-fifths of the managing directors.¹⁵

12 The quotations from the FBI and German investigators are reported in Siri Schubert and T. Christian Miller, “At Siemens, Bribery was just a line item” in New York Times, 20 December 2008, available at <https://www.nytimes.com/2008/12/21/business/worldbusiness/21siemens.html> (accessed 18 June 2023).

13 Esterl, “Ethics Hurdle” and Mike Esterl and David Crawford, “At Siemens, Pressure Rises on CEO; Though Not Accused, Kleinfeld Held Posts at Businesses Under Scrutiny” in *Wall Street Journal*, 23 April 2007, page A8..

14 The CEO, Klaus Kleinfeld, had expected his contract to be renewed in April; but when the board delayed action on it, he resigned. Board members were simultaneously trying in secret to recruit a new CEO, but their first choice turned them down, so Kleinfeld’s resignation left a gap at the top of the company. The new chair, Gerhard Cromme, soon recruited Peter Loescher, who took up the CEO role in May 2007. See: Mike Esterl and David Crawford, “Room at the Top: German Giant Siemens Faces Leadership; Crisis Kleinfeld Will Bow Out Despite Some Successes As Scandal Takes Toll” in *Wall Street Journal*, 26 April 2007, page A1; and Mike Esterl and David Crawford, “Siemens Names Outsiders To Top Compliance Roles” in *Wall Street Journal*, 20 September 2007, page A10

15 Esterl and Crawford, “Siemens Names Outsiders”; and Richard Milne, “Siemens to meet SEC over bribery scandal” in *Financial Times*, 16 December 2007, page 1. See also: Curtis Verschoor, “Siemens AG is the Latest Fallen Ethics Idol” in *Strategic Finance*, November 2007.

In December 2008, Siemens entered guilty pleas to criminal charges in the US and Germany, paying \$1.6 billion in fines and penalties, the largest penalties ever exacted in such cases. The deal included provision for several years of monitoring by a court-appointed monitor whose reports would go to the prosecutors and the courts. Crucially for Siemens, the deal allowed Siemens to remain eligible to bid on government contracts. The convictions and fines were the culmination, not the start, of the turnaround process, with prosecutors praising the company's turnaround in court filings, but insisting that it continue.

Criminal prosecutions at Siemens were necessary but not sufficient to end the corruption. Real change required new leadership with a practical plan to turnaround the business and build a culture of integrity, where corruption had long been commonplace. The elimination of a culture of corruption at Siemens was a product of outside prosecutorial pressure combined with that internal turnaround strategy executed by new leadership.

On their own, prosecutions are long and focused on individual culpability, not on the systemic nature of corruption, so they do not serve as effective antidotes. Yes, prosecutions can open opportunities for meaningful change, and they can pressure officials to put necessary leadership teams in place for real reform, but only if we learn how to integrate prosecutions in broader, institution-specific strategies. Transparency International has recently reported that the vast majority of countries “have made no significant progress against corruption in the last decade” and that anti-corruption efforts are stagnating worldwide.¹⁶ This has not been for want of prosecutions, but for lack of strategies that combine accountability with cultural change.

To succeed, we need to reframe our ambitions for anti-corruption strategies in ambitious yet practical terms: *the establishment of strong cultures of integrity in each and every public institution*. Focusing on individual institutions is practical, where focusing on a nation as-a-whole is not. Even in countries where corruption seems pervasive, there are always at least some government departments and public institutions with strong cultures of integrity. The practical path to success is to expand their number, breaking down cultures of corruption one by one. If we are to break down cultures of corruption, we need to focus on the organisations where those cultures dominate, we must identify who and what sustains those cultures, and then we must execute strategies to dissolve them.

Significant progress against entrenched corruption is usually disruptive: the work not of huge bureaucracies but of relatively small, determined teams working intensely with support from many quarters, especially from the public.¹⁷ In some cases those teams are assembled and led by a new department head; in other cases, the teams sit outside the corrupt organisation. From wherever they start, they succeed at creating a new culture of integrity only when they build an inside-outside partnership, with institutional leadership collaborating effectively with outside forces, including prosecutors. And even then, progress is not smooth. Initial

16 Transparency International, Corruption Perceptions Index, <https://www.transparency.org/en/cpi/2021> (accessed 25 June 2022).

17 We are indebted to Gustavo Goretti, a member of the Chandler Sessions, for his descriptions of corruption as *endemic*, the public's reaction as *resentment*, progress as *disruptive*, and success—even if only temporary—the result of small teams operating in the style of a *Blitzkrieg*.

success is usually met with a strong counter-offensive; corruption fights back, as Nuhu Ribadu famously observed.¹⁸

The result of this institution-by-institution approach can be inspiring—a reformed tax authority, a more scrupulous accounting industry, a more honest police force, a high-performing state-owned enterprise—even if the wider patterns of corruption in the society and its politics remain in place for the time being. At best, progress is halting, but it multiplies the islands of integrity over time. Even when a counter-offensive by corrupt elites reverses the gains, the memory of success remains and can kindle fresh campaigns in the future.

If this is what it takes to establish widespread integrity in public life, what are the strategies that will help? What are the most useful roles for the public, for civil society, for the business sector, and for international institutions? How can these roles be integrated with the work of investigators, prosecutors, and courts to bring meaningful change? Can we shape strategies that allow prosecutors to disrupt systemic corruption in specific institutions, in coordination with new leaders poised to shape new institutional cultures of integrity?

In the most practical terms, enforcement strategies need to be aligned with turnaround strategies. Institutional leadership teams building cultures of integrity need to be working collaboratively with investigation and prosecution teams. That, in short, is the reset we need.

In the remainder of this paper, we suggest four specific steps that governments can take to integrate their enforcement strategies with serious institutional reform.

Those four steps are:

1 Build integrity and measure progress department-by-department

Defining corruption as a national malady, and measuring it only at the national level, obscures the progress we make when we focus on specific institutions. Developing indicators of corruption and integrity at the level of ministries, departments, bureaus, municipalities, and other units of government gives both law enforcement officials and institutional leaders practical tools to target scarce resources and measure progress.

2 Reconcile institutional independence with interdependence

The independence of law enforcement institutions from political interference is crucial, but that independence is not a licence to operate alone. Independence should be a foundation for effective collaboration. At the same time, collaboration must be selective: enforcement institutions must have the independence to collaborate effectively with reformers, while protecting themselves against compromised would-be partners.

18 Nuhu Ribadu was the first chair of Nigeria's Financial and Economic Crimes Commission. See Richard Messick, "When you fight corruption, it fights back," *GAB—The Global Anti-Corruption Blog*, December 22, 2021, available at <https://globalanticorruptionblog.com/2021/12/22/when-you-fight-corruption-it-fights-back/> (accessed 18 August 2022).

3 Delegate authority to protect against capture

Excessive centralisation is an invitation to corruption and a tool of state capture.¹⁹ It saps initiative, delays execution, raises fear, and erodes morale. Instead, delegation of authority to relatively small, multidisciplinary teams not only makes it harder for outsiders to control the work, but also allows teams to specialise on the individual institutions where they can support change, and it increases the chances that some of those teams will succeed.

4 Put the public back in public integrity

Few anti-corruption efforts succeed without public engagement and support, yet many investigators and prosecutors working against corruption deliberately avoid public engagement, in part to protect confidential information, and in part to avoid any impression that they are promoting themselves or litigating their cases outside of court. Nevertheless, creating opportunities for public participation—promoting the work of communities, civil society organisations, and businesses—is essential strategy, not self-aggrandisement, and it should go beyond explaining the work of the investigators and prosecutors.

Taking these four steps would reframe what we expect from our anti-corruption strategies, ambitiously yet realistically. We would know where to look for progress and for models of integrity in practice; we could reap the benefits of collaboration among independent institutions; we would associate integrity with energetic creativity, not a rule-bound bureaucracy; and the ultimate beneficiaries of all this effort could be fully engaged. Such a reset could inspire hope in a public that has turned cynical about corruption. That cynicism has infected public servants, too, and their confidence in the possibility of participating in a culture of integrity must also be restored.

Let's consider each of these steps in turn.

¹⁹ For a description of centralisation of authority as a tool of state capture in South Africa, see: Judicial Commission of Inquiry into State Capture Report, Part One, Volume 4, paragraph 421 (2022). “At Transnet, by centralising procurement decision-making, it was possible for parties inside and outside Transnet to collude in the award of contracts to redirect substantial public resources into private hands. Power was centralised in Group leadership to enable individuals to make certain procurement decisions, as opposed to committees and acquisition councils.” Available at https://www.statecapture.org.za/site/files/announcements/673/OCR_version_-_State_Capture_Commission_Report_Part_1_Vol_1.pdf.

1 Build integrity and measure progress department-by-department

When Transparency International started ranking countries in its Corruption Perceptions Index in the 1990s, journalists worldwide picked up the rankings making the CPI to this day the most frequently referenced measure of corruption. National rankings have been invaluable for attracting attention, yet their unit of analysis—the national level of corruption—is almost useless for those trying to prioritise potential prosecutions or assess the progress of reform. A single, nationwide score suggesting rampant corruption obscures the presence in that country of individual institutions respected for their integrity. By the same token, a score suggesting very low levels of corruption obscures the many ways that public power in those countries is exploited by private interests. Power corrupts in every country, but it never corrupts everyone or every department. For those serious about building and reinforcing cultures of integrity in any country, the work must proceed ministry-by-ministry, department-by-department, enterprise-by-enterprise.²⁰

In South Africa in 2017, for example, when alarm at public corruption was at its height, then-President Jacob Zuma was forced to appoint a Commission of Inquiry into State Capture, and then, in early 2018, to resign the presidency. Yet, the entire South African state had not been captured. The Commission's reports published in 2022 notably singled out for praise several public officials who had resisted the pressures of corruption and maintained their integrity.²¹ Not just individuals, but key public institutions had also maintained their integrity, such as the Constitutional Court and the Office of the Auditor General. It is this *variance within a country*—the presence of highly corrupted individuals and departments alongside officials and units able to maintain their integrity—that can provide the key to success in reducing corruption.

South Africa's Commission of Inquiry provided a useful model for both law enforcement and reformers by issuing its reports on an institution-by-institution basis. Instead of defining the problem of widespread corruption either as a matter of corrupt individuals or national culture, an institutional approach focuses our attention on the recurring patterns and systemic weaknesses where interventions can make a significance difference.²² To mark progress, we

20 In Tunisia, for example, public opinion surveys over several years suggested that corruption was increasing, but when respondents were asked about individual institutions, the surveys revealed the scores were driven by opinions about political corruption that did not carry over to most government departments. See: GNet News, "85% des Tunisiens pensent que la stratégie nationale anticorruption est instrumentalisée, selon une étude," available at <https://news.gnet.tn/Journ%C3%A9e-internationale-de-lutte-contre-la-corruption> (accessed 17 August 2023).

21 See, for example, the Commission's description of Themba Maseko, Director-General and CEO of the Government Communication and Information System in 2010. "Mr Maseko proved himself to be one of the foremost resisters of state capture. He stood up to the efforts of the Guptas, backed by the then President Zuma, to extract unjustified amounts from the public purse." Judicial Commission of Inquiry into State Capture Report, Part One, Volume 2, Paragraph 157, available at https://www.statecapture.org.za/site/files/announcements/673/OCR_version_-_State_Capture_Commission_Report_Part_1_Vol_1.pdf.

22 The Commission's terms of reference referred to the public sector as a whole, requiring it to "establish the extent to which state capture, corruption and fraud was prevalent in the public sector." The Commission's strategy, however, was to analyse and report institution-by-institution, issuing each of its several reports on a distinct institution. The reports are all available at: <https://www.statecapture.org.za/site/information/reports>. The quoted terms of reference quoted are the Commission's summary in Part 1, volume 1, paragraph 3. The full terms of reference are available at https://www.statecapture.org.za/uploads/Terms_Of_Reference.pdf.

need ways to measure corruption at the institutional level, rather than across the nation or the public sector as-a-whole.²³

Students of corruption often debate whether it is institutions or people that are to blame. Is the principal problem that corrupt people infect government departments, or is it the institution itself—and the power its architects have placed in various offices—that turns good people into corrupt officials?²⁴ Our experience is that both forces are inevitably in play, so anti-corruption strategies need to mark progress on both fronts: improvements in how each government department is structured with effective checks on power, and reductions in the frequency with which corrupt people undermine the structures and exploit their weaknesses.

In practice, unfortunately, many governments pursue these two problems in isolation from one another. The international bodies that assist governments—UNODC and the OECD, for example—understandably focus on recommended legal frameworks and institutional structures rather than on complex work of holding individuals accountable.²⁵ At the same time, a country’s law enforcement institutions necessarily concentrate on the investigation and prosecution of allegedly corrupt officials, and asset recovery, leaving it to others to worry about gaps in the institutional structures that have facilitated persistent corruption. This division of labour is understandable but the isolation from one another is not. Whether their focus is on institutional structures or corrupt individuals, law enforcement officials and institutional leaders need to be working from a shared strategy and measuring progress on both accountability and reform in each government department.

In this respect, too, the reports of the South African Commission of Inquiry into State Capture are a model, demonstrating the value of a well-balanced account. The reports give prominent attention to both the institutional structures that permitted grand corruption and the people who exploited those designs. And in their assessment of the public officials, the reports attend to those who resisted pressure to compromise the integrity of their institutions alongside contrasting accounts of officials who drove corruption forward. The Commission’s chair, Chief Justice Raymond Zondo, concludes that the heroic acts of certain named officials—some turning down offers of suitcases of money, others refusing to bend procurement rules or appoint pliant officials—might have stopped acts of grand corruption had their example been followed by others. And the report’s recommendations balance proposals for individual accountability with institutional reform. Putting aside, for present purposes, their specific recommendations, these reports demonstrate a model balance,

23 Our suggestion to mark progress institution-by-institution raises a practical question of how we would avoid the work dissolving into hundreds of separate efforts, each assessing corruption in its own way, and measuring progress on different scales? Are there sources of information about corruption at the level of individual departments, information that is assembled and maintained consistently across a nation’s public sector? The question takes us beyond the limits of this paper, but it is taken up by another paper prepared for the Chandler Sessions on Integrity and Corruption on the role of Supreme Audit Institutions (i.e., auditors general or courts of accounts).

24 At least one commentator argues that it was once widely accepted that “corrupt people corrupt the institutions,” but that in the twentieth century this common view reversed to the belief that “institutions corrupt people.” See: Ivan Krastev, *Shifting Obsessions: Three Essays on the Politics of Anticorruption* (CEU Press, 2004), at 28-29.

25 In South Africa, across most government departments, the institutional architecture is strong, and the legal frameworks receive high marks from international bodies that examine such things. See, for example, OECD, *Stocktaking of anti-corruption and business integrity measures for Southern African SOEs*, February 2015, <https://www.oecd.org/corporate/ca/Stocktaking%20Anti-Corruption%20Integrity%20Measures%20for%20Southern%20African%20SOEs.pdf> (accessed 26 June 2022). The report’s two profiles of South Africa show that it has ratified all the appropriate international instruments, adopted all the required domestic legislation, and established all the recommended institutions. The report concludes, however, at paragraph 101: “The problem is less a matter of having the right laws in place. Rather, this report indicates that the problem lies both with governments’ having the political will, capacity, and resources to apply the law, as well as with SOEs’ willingness and ability to address their exposure to corruption.”

describing acts of courageous integrity alongside craven corruption, and recommending investigation of individual officials who drove corruption alongside repair of institutional weaknesses that invited it. The focus is always on specific people and specific institutions; never do the Commission's reports attempt to characterise the extent of corruption in the nation as-a-whole.

Because of its focus on specific officials in individual institutions, the Commission reports focus attention on a crucial element of corruption that other accounts miss entirely: bullying as a super-spreader of corruption. The reader of these reports can see how even carefully structured checks-and-balances and the best designed rules collapse in the face of a persistent bully in a senior role. In these accounts, many ethical public servants find themselves going along with corrupt schemes to stay clear of aggressive bullying from higher-ups or peers (or just to get away from them). They are not themselves corrupt, but they want to get on with their jobs without the hostility and stress that bullies sow.²⁶ By focusing—as the Zondo Commission did—department by department, we can see how institutional cultures that normalise bullying can become hothouses of corruption.

2 Reconcile institutional independence and interdependence

Any law enforcement institution dedicated to the fight against corruption must confront a fundamental paradox. In order to pursue investigations and prosecutions of the most powerful officials, the investigators and prosecutors must be independent of those officials, and the public must have confidence in their independence. Yet, to pursue these cases successfully and restore a measure of integrity to the institutions that have been corrupted, law enforcement institutions must collaborate with many other parts of government. How can investigators and prosecutors be *appropriately independent* of the executive and yet also be aligned, coordinated, and working in tandem with other executive departments?

Independence is vital. Examples are legion where a president, prime minister, or some other senior official, removes from office the very people who are leading investigations into their complicity in corruption. Similarly, there are countless examples where the executive directs the police and prosecutors whom to investigate and whom not. Less dramatic, but even more widespread, corrupt officials may appoint persons to lead investigative or prosecutorial bodies whom they believe to be loyal to them personally or to their political organisations, expecting that these loyalists will protect them and their closest colleagues without needing to be told to do so. Independence is the best protection against this sort of corruption of anti-corruption institutions. Yet doesn't collaboration with other executive departments weaken this vital independence?

This apparent paradox is resolved only when one recognises *institutional independence as the foundation of effective collaboration*. It is precisely one's independence, exercised with integrity, that makes one a trustworthy collaborator.

²⁶ The reports of the Commission of Inquiry are filled with references to bullying as a tactic used to corrupt officials who resisted participation in corrupt schemes. See, for example, the discussion of state capture at the South African Revenue Service (SARS), particularly the section “the climate of fear and bullying” (Part One, volume 3, paragraphs 197-259). The reports describe multiple instances of senior officials being “held hostage” in various offices and conference rooms, shouted at, and threatened with demotion or dismissal until they agreed to hand over materials, sign documents, or approve various improper actions.

Consider the alternative. If, for example, the leader of an anti-corruption prosecution unit is under the influence of a corrupt minister, officials of integrity will limit their collaboration with that compromised prosecutor. The lack of independence weakens the prosecutor. On the other hand, if the leader of an anti-corruption prosecution unit is independent of political influence and seen to be so, other officials of integrity will be willing to collaborate with greater trust, and so will upright leaders in the commercial and social sectors. Independence exercised with integrity makes robust collaboration possible with others of integrity.

Three caveats.

First, independence is never complete. Someone needs to appoint the head of each anti-corruption institution, no matter how circumscribed that appointment power; someone must provide its funding; and it must be accountable to some structure or another when legitimate complaints are raised. What is needed is strong structural and operational autonomy that others, including the executive, respect in practice.²⁷

Second, not every leader is skilled or experienced enough to make effective use of this independence to build strong collaborations. Effective collaborations require top officials confident and practiced enough in their leadership to know whom and how much to trust in collaboration.

Third, anti-corruption institutions must be able to achieve their immediate objectives on their own when necessary, so that collaboration with weak or corrupt partners is not forced on them. Independence requires powers broad enough and capabilities wide enough to achieve meaningful results without depending on others at every turn.

This third caveat is crucial. For this reason, many countries have created specialised institutions to prosecute complex, high-level corruption, investing them with additional powers to search, interrogate, and compel the production of documents not available to their counterparts dealing with other crimes. In countries where prosecutors and investigators work in separate institutions, such as the UK and South Korea, these specialised prosecuting units often have their own investigators with enhanced police powers.

Again, we have seen all this play out in South Africa, where the Constitutional Court has strengthened the independence of the National Prosecution Authority, allowing it to prosecute corruption effectively in partnership with others.

South Africa's 1996 constitution (along with implementing legislation in 1998) created the National Prosecuting Authority (NPA) as an independent institution, but incompletely

²⁷ In South Africa, the Constitutional Court has recognised this caveat to the independence of the country's anti-corruption agency, explaining: "What is required is not insulation from political accountability, but only insulation from a degree of management by political actors that threatens imminently to stifle the independent functioning and operations of the unit." *In re Hugh Glenister et al.* [Glenister II], Constitutional Court of South Africa, Case 48/10 [2011], at paragraph 216.

so. The President appoints the top prosecutors and may suspend them; the Minister of Justice appoints the next tier of prosecutors and is given “final authority” over the NPA; and the Director General in the Department of Justice is the Accounting Officer of the NPA. Moreover, in 2008, the ruling party stripped the NPA of its authority to employ its own investigators with police powers, making it entirely dependent on the police service.²⁸ The National Director of Public Prosecutions is, by statute, given a fixed term of 10 years (or until mandatory retirement); but no National DPP has yet served out a full term. After only 25 years in existence, the NPA has already seen off five National DPPs. In every case their early departures have been connected to corruption investigations of senior officials: a vivid illustration of undue political influence against which independence is meant to protect anti-corruption institutions.

South Africa’s Constitutional Court has responded to the possibility for political interference by establishing rigorous tests for the independence of an anti-corruption institution and by reinforcing the independence of the National DPP from political influence. In 2011, the Court described “the main criteria for effective anti-corruption agencies to be independence, specialisation, adequate training and resources.”²⁹ Specifically, the Court tested that independence by examining, first, its insulation from political influence through appointments and budget allocations, and second, the security of tenure of its staff and head. More recently in 2018, the Constitutional Court invalidated statutory provisions that gave the President authority over the tenure and remuneration of the National DPP. In that same year, President Ramphosa for the first time employed a transparent, public process for the appointment of the current National Director. Moreover, at this writing, President Ramphosa and Minister of Justice Ronald Lamola are advancing legislation through Parliament that would increase the powers and strengthen the security of tenure of the NPA’s Investigating Directorate on Anti-Corruption. Those developments have made the National Prosecuting Authority and its anti-corruption directorate more independent than ever before.³⁰

Important questions continue to be raised in South Africa about the adequacy of the NPA’s independence. These will be vigorously debated in Parliament and in deliberations of the National Anti-Corruption Advisory Council, all of which will continue to inform the government’s anti-corruption initiatives. For now, the proposed legislation takes a crucial, immediate step toward strengthening the independence of the NPA’s Investigating Directorate.³¹

28 See National Prosecuting Authority Amendment Act of 2008, available at <https://www.gov.za/documents/national-prosecuting-authority-amendment-act-0> (accessed 17 August 2023).

29 See *Glenister II*, cited above at note 27, paragraph 187. These criteria have become known in South Africa as the STIRS criteria (specialised, trained, independent, and resourced, with security of tenure). See, for example, *National Anti-Corruption Strategy 2020-2030*, section 6.3.2, available at https://www.gov.za/sites/default/files/gcis_document/202105/national-anti-corruption-strategy-2020-2030.pdf (accessed 18 September 2023).

30 See *Corruption Watch and others v. President and others*, <https://www.concourt.org.za/index.php/judgement/253-corruption-watch-npc-and-others-v-president-of-the-republic-of-south-africa-and-others-helen-suzman-foundation-as-amicus-curiae-nxasana-v-corruption-watch-npc-and-others-helen-suzman-foundation-as-amicus-curiae> (accessed on 26 June 2022). On the Cabinet’s approval of legislation to restore investigative powers, see: Jan Gerber, “One step closer for Scorpions 2.0 after Cabinet approves Bill to make ID permanent,” News24, available at <https://www.news24.com/news24/politics/parliament/one-step-closer-for-scorpions-20-after-cabinet-approves-bill-to-make-id-permanent-20230814> (accessed 17 August 2023). See also: *Parliamentary Debate Speech Delivered by Minister Ronald Lamola (MP) Assessing Progress in Strengthening the Criminal Justice System in the Fight Against Corruption*, 14 September 2023.

31 The National Anti-Corruption Advisory Council was appointed by President Ramphosa in August 2022 to advise on specific legislation and other steps that the government should take on the recommendations of the Zondo Commission and to implement the country’s National Anti-Corruption Strategy 2020-30. See: <https://www.thepresidency.gov.za/press-statements/president-welcomes-national-anti-corruption-advisory-council-work-towards-building-corruption-free-south-africa>.

The revival of an effective Anti-Corruption Task Team (ACTT) illustrates the value of independence combined with integrity in leadership. For decades, the ACCT has been a cross-departmental coordination mechanism “responsible for strategic decision-making for specific cases brought for by its constituent members.”³² The ACTT includes the South African Police including the Unit responsible for the investigation of serious corruption (Directorate for Priority Crimes Investigation), the National Prosecuting Authority, the Revenue Service, the Financial Intelligence Centre, and the Special Investigating Unit.³³ For many years, the Anti-Corruption Task Team met its formal requirements and its numerical targets, but very few perpetrators of serious corruption, including state capture, were prosecuted or otherwise held accountable. Only with the increased formal independence of the NPA since 2018 and with leaders of integrity confident in asserting it, did initiative appear within the Task Team to set targets collectively and develop joint operational strategies to make some significant contribution to the reduction of corruption in the country.

The evolution of the Anti-Corruption Task Team over the last decade illustrates both the challenge and the potential of reconciling independence with interdependence. The point of independence is to protect anti-corruption efforts from undue influence, yet when trust is low investigators and prosecutors of integrity may understandably shield their decisions from any external influence at all, keeping their decisions secret and consulting no government partners. Indeed, during the decade of state capture, the ACTT was regarded by serious professionals as a device to undermine their cases of high-level corruption rather than facilitate them.

More recently, with greater confidence in its own independence, the NPA has been working with its partners in the ACTT and its successor to make the coordinating function effective. While this has been a slow process requiring extensive time for trust-building among the principals involved, greater independence and levels of trust has led to more effective interdependence. The next challenge will be to enhance this level of trust and collaboration even further as principals retire or change roles. A first step in sustaining this new-found trust will be to conduct a self-assessment exercise annually so any deterioration is identified and addressed early.

Colleagues in other countries report similar experiences. In Brazil, for example, there is an annual meeting among those fighting corruption and money-laundering to discuss priorities and align strategies. For many years, it was a small meeting attended by the senior officials of the police, prosecution, central bank, and financial intelligence unit. It did well in the limited spheres of training and recommendations for some new legislation; but it was limited by jealousy and distrust, so that when a proposal was made to increase powers in one institution, other institutions objected. Frequent changes in leadership at participating institutions prevented trust-building and the expansion of the group from less than 12 to more than 50 eroded effectiveness further, reducing the seniority of the officials sent to the meetings.

The difficulties of cross-departmental collaboration are many, and the worst are often rooted in pride, jealousy, distrust, fear, ignorance, turf, and inexperience rather than in legal or

32 Pedro Gomes Pereira, Selvan Lehmann, Anja Roth, Kodjo Attisso, *South Africa Anti-Corruption Architecture*, Basel Institute on Governance (2012), https://baselgovernance.org/sites/default/files/2019-01/south_africa_anti-corruption_architecture.pdf (accessed 26 June 2022), p. 54.

33 The Special Investigations Unit is an unusual structure able to commence civil legal proceedings to recover stolen assets in specific situations designated by individual presidential proclamations. See: <https://www.siu.org.za/>.

technical obstacles. It is surprising how frequently the senior members of one institution—whether a prosecution service, a police agency, an audit institution, an inspectorate, a corruption commission, an ombuds office—are ignorant of the actual powers, mandates, and resources of most of the others. The experience from South Africa, Brazil, and elsewhere suggests that to overcome these difficulties, the committees that coordinate the work of independent institutions need to remain relatively small with representation at the highest level, and they must devote time to trust-building and strategic alignment, not just guarded reporting to one another. If the independence of any member is compromised, the mechanism itself will become useless, or worse.

The same principles apply to international collaboration. To investigate and disrupt grand corruption and state capture, international cooperation seems essential—both with governments and with financial institutions. Facilitating such collaboration is ostensibly a major objective of the UN Convention Against Corruption; yet those who rely on the UNCAC mechanisms quickly discover their limitations. UNCAC is no substitute for building trust among small groups of independent institutional leaders.

Despite the difficulty of making coordinating structures like the ACTT effective, and the even greater difficulty of creating such structures internationally, it is worth the effort. The leaders of those independent institutions will need the self-confidence to work in true partnership rather than see danger in every honest exchange, but those who master the arts of collaboration from a position of independent strength, will find their operational capacity multiplied many-fold.

3 Delegate authority to protect against capture

If power corrupts, it may seem logical to fight corruption by removing power from those in positions to act corruptly, or to police the exercise of authority so closely that no one dares to make a self-interested decision. A common mistake made by new leaders of historically corrupted organisations is to centralise authority and introduce new, stricter rules so that no one can make an exception to them without the new leader's approval. The danger, of course, is that such a regime eliminates the ability of officials to respond effectively to the daily problems that require creative solutions by those closest to them. We end up building a culture of compliance rather than a culture of integrity.

This is especially true of law enforcement institutions and other anti-corruption bodies that themselves have been corrupted in the past. Here, the risks of centralisation and the benefits of delegation are double: not only generating creative approaches to individual inspections, audits, investigations, and prosecutions, but also defending the institution more effectively against capture by external actors.

South Africa's National Prosecuting Authority has pursued a policy since 2019 of increased delegation to prosecutors outside the national office reaping at least three benefits. First, this means decisions are made by professionals close to the facts and the people. Those proximate to the cases will usually know the witnesses and the context far better than anyone at the centre. Second, it has helped reverse a situation where politically influential suspects

could more easily be protected from prosecution by decision-makers at the centre. It makes capture more difficult. Third, it allows for different approaches in different regions and the institutional learning that results, as lawyers and investigators learn from the most successful practices across the institution.

This strategy of delegation is especially important for quality assurance and institutional learning. Delegation of authority to relatively small, multidisciplinary teams helps generate constructive debate among multiple perspectives across an organisation, so long as the delegation is accompanied with appropriate accountability.

There is a tension here between delegation and coordination that leaders of any large, complex organisation must manage. If you delegate too little, you lose initiative, creativity, and the greater opportunity for one or another of separate efforts to succeed; but if you delegate too much you can easily exceed the institution's ability to support so many discrete projects, while raising the risk that the best and worst results will cancel each other out. The solution inevitably lies in sensitive coordination: strong enough to spot the most promising teams, shift resources to where they are most helpful, and encourage alignment around successful strategies, but not so strong as to lose the diversity of approaches and encouragement for thoughtful experimentation. Recognising this tension is the first step in managing it; the rest is about providing that sensitive coordination.

4 Put the public back into public integrity

The first three steps described above can strengthen anti-corruption strategies deployed against powerful elites. If investigators and prosecutors work together with institutional reformers in selected institutions, the partnership may not only remove the most significant corrupt actors, but also uproot the systems and cultures that they exploited. And if top law enforcement officials delegate authority to small teams working department-by-department, the professionalism of their work can be strengthened while keeping quality and accountability high.

Still, those steps will not be sufficient without substantial public engagement. If anti-corruption remains a game between corrupt elites on the one hand and professional bureaucrats, auditors, and lawyers on the other, the elites will win every time. Only when the institutional partnerships dislodging corruption capture the public imagination and rally the public to action do the forces of corruption collapse. With public engagement, the balance of power can shift, sometimes suddenly. This is not necessarily the responsibility of law enforcement, but it is not beyond the mandate of investigative or prosecutorial services to engage the public. Most already conduct outreach to various communities in an effort at least to explain their policies and priorities.

The challenge here is to go further: to engage communities in active partnership, whether those are business communities, residential communities, or organised segments of civil society. Sometimes that is best done by the new, reform-minded leadership of a once-corrupted government institution; at other times it may best be done by investigators, prosecutors, or anti-corruption agencies. The point is that public engagement should be part

of any strategy reset if the new strategies are going to be sustained long enough to make a significant difference.

In South Africa's first decade of democracy after the defeat of apartheid, the principal unit dedicated to investigating and prosecuting corruption was the Directorate of Special Operations, popularly known as the Scorpions, created in 1999 within the National Prosecuting Authority. This group of highly skilled investigators and prosecutors with their special statutory powers, specialised training, and substantial international support, mounted criminal prosecutions that put some of the ruling party's most powerful figures in prison. Perhaps most important, they captured the public imagination in part through an aggressive public relations strategy that at times included bringing journalists along on their enforcement actions.

Predictably, the Scorpions' early successes earned them the enmity of several key figures among South Africa's political elite. In 2008, the country's ruling party finally succeeded in disbanding the Scorpions, but only after years of trying. What slowed up that counter-offensive was the popular support that the Scorpions had cultivated.

We rehearse this history briefly not because the Scorpions were a model for future anti-corruption institutions, but because of the debate their public-relations strategy continues to inspire. For some, they were showmen, publicising their aggressive actions to feed their own egos—a vanity that lost them support across government. To others, the fearlessness they portrayed in the media kept them alive—at least for a while—when their enforcement actions threatened the business model of the ruling party.

There is truth on both sides of that debate, which has parallels in other countries; but it is crucial that we not take the wrong lesson from such histories. Cultivating public support can be both professional and wise. Indeed, when disrupting systemic corruption enabled by powerful interests, public support is essential. The question is what kind of support is most useful and most enduring. One insight provided by the efforts of journalists to engage their audiences is that *public agency* is both more useful and more enduring, than mere attention or applause. By this token, anti-corruption institutions should be looking for ways of engaging community groups, civil society organisations, and business groups in the very process of dismantling systems of corruption. But how?

There are not yet clear answers, so the need for innovation here is great. One possibility is that corruption prosecutors might engage the public in the construction of a new kind of “victim impact statement,” statements on a scale equal to the massive victimisation caused by grand corruption and state capture. Victim impact statements are familiar parts of ordinary criminal prosecutions where prosecutors can identify a small number of individual victims; but versions of such statements have also been used in sentencing hearings for massive crimes, such as those prosecuted at the International Criminal Court, where the victims number in the millions.

In sum: prosecutors cannot solve the problem of corruption on their own. A more promising, integrated strategy is available. That strategy should focus attention on individual departments and institutions, not some national malady captured in a national score, and it should help identify institutions and people with integrity so that governments can build on their success. Law enforcement institutions must be strongly independent, giving them the confidence to collaborate rather than fight their battles alone. They should delegate authority to small teams that can disrupt corruption entrenched in one or another government department, and then support new leaders of those institutions as they build cultures of integrity. And the strategy must include new ways to engage the public—community groups, civil society organisations, and business—to participate actively in these turnarounds.

As Lord Acton famously wrote in 1837, power tends to corrupt and absolute power corrupts absolutely. It is the second half of that phrase that makes it memorable, but the first half may be more profound. Power tends to corrupt. If we accept that truth, it should be no surprise that all societies suffer from corruption.

At the same time, this vast landscape of corruption is widely resented, and that resentment erupts occasionally in public demonstrations as well as earnest reports, international treaties, judicial inquiries, and new legislation, as well as individual prosecutions. None of these has done much on their own to change the landscape, mostly venting the pressure building beneath the surface. Corruption remains pervasive despite criminal convictions, protest marches, mind-numbing amounts paid in corporate settlements, detailed journalistic exposes, and the nearly universal ratification of the UN's Convention Against Corruption.³⁴

It's time for a reset.

34 Only four countries have neither signed nor ratified the convention: Eritrea, North Korea, Saint Kitts and Nevis, and Saint Vincent and the Grenadines. See https://www.unodc.org/documents/treaties/UNCAC/Status-Map/UNCAC_Status_Map_Current.pdf (accessed 25 June 2022).

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

Lecturer and Fellow-in-Residence Munk School, University of Toronto, Canada

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

Chairman of the Independent Corrupt Practices and other Related Offences Commission (ICPC), Nigeria

Owasanoye started his career as an assistant lecturer at the University of Lagos. He moved to the National 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

Chair of the Chandler Sessions on Integrity and Corruption, United Kingdom

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.

THE WORLD'S ANTI-CORRUPTION EFFORTS NEED A RESET

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