

SECTION 2

CORRUPTION

2. CORRUPTION

Robert Hughes

3. GOVERNANCE, LEGITIMACY AND THE RULE OF LAW IN THE SOUTH PACIFIC

Graham Hassall

4. THE VANUATU OMBUDSMAN

Edward R. Hill

Corruption is frequently blamed for the failure of countries in the Pacific and elsewhere to achieve their development goals. The presence of corruption in government and the public service is thought to indicate a number of problems, including lack of accountability, lack of transparency and a general failure to 'play by the rules' or follow the law. It is this last factor which is, perhaps, at the heart of concerns about corruption. If the authorities that are supposed to make and enforce the rules cannot follow them, how can the citizens and investors into that country hope to live in a stable and predictable environment in which they can be sure of having their rights upheld and protected?

Combatting corruption has been one of the central concerns of the donor community in recent years, and is at the heart of the good governance agenda that is currently driving development programmes. Legal and institutional reforms aimed at increasing accountability and exposing corruption, including leadership codes, ombusman's offices and financial accountability legislation have been proliferating in the Pacific island region. This section discusses the nature and causes of corruption, and examines the operation of some of the measures that have been taken to expose and thereby, hopefully, reduce corruption.

The first chapter, by Professor Hughes, provides us with a meaning for the term corruption. It also raises the question of whether corruption is necessarily a bad thing, or whether corruption can actually have beneficial results in some situations.

Hassall's chapter elaborates further on the point made by Hughes that whilst institutions of government are perceived to be largely irrelevant there is not going to be a commitment to uphold these insitutions or to follow their rules. His argument is that a lack of constitutional legitimacy caused by constitutions failing to be grounded in the will of the people has resulted in corruption and instability within the Pacific Island region. After discussing some notable expressions of this lack of legitimacy, he turns to consider what is necessary in order to regenerate a sense of legitimacy in the consitutional orders within the region.

Hill's chapter concludes this section by providing a study of the role and performance of the Ombudsman's Office in Vanuatu. This chapter complements the more theoretical chapters preceeding it by providing a discussion of what corruption means in practice in Vanuatu and the role that the Ombudsman's Office plays in such an environment.