

## Program 8: Corruption and the Rule of Law

**Many Pacific Island administrators face pressure to 'bend the rules'. With new resource projects in logging, mining and commerce, corruption for the benefit of a few is on the rise. But what is corruption? Where does it fit within the wantok system and other kinship obligations? And can the legal system treat everyone equally?**

PEARSON VETUNA: Hello, I'm Pearson Vetuna from Radio Australia and this is 'Time to Talk'. Today we take a look at corruption and the rule of law.

Corruption has become a prominent issue in the governance debate. It is identified as a major threat to sound economic and social development.

It manifests itself in various ways - from small bribes given to local officials to obtain a service or to avoid regulations - to the much publicised scandals involving senior politicians and major businesses.

PETER AITSI: Petty corruption takes place on a smaller level, but nonetheless it's corruption. Grand corruption is the bigger picture type stories that we hear about. All of it has an impact on the way our country has grown and the opportunity for people to receive the service that they rightfully deserve, because this corruption is a leakage of the funds that should be directed to the growth of our community.

URSULA RAKOVA: We've heard incidents where government ministers have been funded by logging companies. Then you begin to ask where is good governance? Is Papua New Guinea basically looking after its people or looking after other .

MEL TOGOLO: There is a very bad perception about corruption in this country, and corruption is also a result of lack of governance. People thinking in terms of short-term self-interest, rather than long-term and in the interest of the country

JOHN NONGORR: I guess because of my training I know what is corruption and what is not. But to many people there are some which are clear, there are some which are not because they're customary and there is all the big area where which is the grey area. And I guess that's where most of the corruption takes place.

VETUNA: Corruption is a global problem. It is not limited to developing countries.

It affects the public and private sectors and it can thrive under all sorts of political regimes.

It's pretty much universal in its scope but is there a common understanding of what constitutes

corruption?

EDWARD NATAPEI: Well, I think the general idea or belief is that anybody who's been in power with a lot of power and using that power for his own gains is termed corruption if that's in a nutshell how you put.

VETUNA: Edward Natapei, Vanuatu's Prime Minister in 2001.

EDWARD NATAPEI: In Melanesian culture there is a need for further clarification of that because when you have a friend visit families we tend to bring gifts and it's important that we define when a gift is no longer a gift and it constitutes corruption. Now this is where a lot of the leaders, especially in Vanuatu have failed because they tended to accept gifts from foreign nationals who have a bit more money to play with and they tend to give rather bigger gifts than our local people are used to. So when we say that's corruption our leaders would say well that's our culture, we've accepted that as part of a gift, so you can't term that as corruption.

VETUNA: Noel Levi, Secretary General of the Pacific Islands Forum Secretariat agrees it is a sensitive issue.

NOEL LEVI: I think for many of our Pacific island countries it's probably difficult to accept corruption from the perception of the Western way because our society depended heavily on give and take. We share things and if you want something done then you give that group or that person something so that he can do something for you. But when you translate this into the modern governance I think it becomes more complicated. When resources that are set aside for development, therefore the improvement of the lives of people, are diverted for economic reasons and so forth, diverted into different directions and in the pockets of many, many, many people who are involved. So I guess this is where the problem of corruption comes in.

VETUNA: While perceptions may differ on just what corruption is, there is broad agreement on its cost at community level.

Peter Aitsi is Director of the Papua New Guinea chapter of Transparency International.

PETER AITSI: We see that in the lack of health around the country, the lack of hospitals, the maintenance of hospitals, the provision of medicine into these hospitals. We see it in the absence of proper buildings for schools in the rural areas, and we see it in the makeup of teacher's salaries that sometimes don't get paid, and for the health aid workers who are out there manning smaller hospitals and smaller aid posts and their inability to be able to access proper medicine and drugs for their communities.

VETUNA: Corruption has multiple causes.

Marie-Noelle Ferrieux-Patterson, Vanuatu's first Ombudsman, co-founded the Vanuatu Chapter of

Transparency International in 2001.

MARIE-NOELLE FERRIEUX-PATTERSON: And I think that's probably also part of the globalisation process - by giving the power to a few international enterprises now, they really dominate the world by, politicians do whatever they want, they don't need politicians anymore it seems. So I think that's a direct impact. The corruption by having politician making decision based on their own interest by getting a bribe or getting some advantages or getting trips, they don't look anymore at the benefit for the people. And that is against custom because chiefs in tradition think about their community. Maybe they are a bit autocratic rulers but their main aim is to think of all members of the community.

VETUNA: Vanuatu's Catholic Bishop, Michel Visi believes political power erodes personal integrity.

MICHEL VISI: The political situation is like that, honesty is not so much something which is looked for. If you are too honest in politics they might get rid of you and in Vanuatu today the politicians relate themselves very often with investors and there are many things going under the table and they are caught up with this. And to strive for justice it is very difficult because they sometimes have to be quiet or to shut up. I mean the globalisation nowadays look for a better revenue, better economy without any other consideration, even the consideration of the human condition. This is not a criteria but to have profit as big as possible and this is the problem, we don't have the same value.

VETUNA: In Papua New Guinea too, the Church has first hand experience of the cost of corruption as it delivers services where the government fails.

The Catholic Church in particular is extremely vocal in the campaign against corruption.

Port Moresby's Archbishop Brian Barnes.

BRIAN BARNES: The church is speaking out rather strongly on matters to do with governance, the duties of politicians and the need for them to see themselves as servants of the community. I think very few politicians in practice do that. Politicians become leaders in their communities, they realise the opportunities that are there in that position, the money that is able to be acquired, the huge amounts through devious methods, various methods, and so corruption is growing very rapidly in Papua New Guinea and it's a major problem.

VETUNA: This is 'Time To Talk'. Today: 'Corruption and the Rule of Law'.

LAIO POKA: One of the things I see in our country is that justice is unfair and that's one of the things that is really hurting people down at the ground level, the grassroots. One grassroot will steal a piece of bread because he was hungry and he can be sentenced to ten years or five years, but when one politician steals thousands of kina, even if he's got so much in his wallet he could go and buy something to feed his stomach, the big fat bull stomach. He's got money in his pocket and so much

and he wants more so he stole so much thousands and when he's found they put him on the paper, we see him and the next time we see he's guilty but he never went to prison. The law doesn't feel sorry for the grassroots, but it can feel sorry for the politician. What kind of law is that?

VETUNA: Laio Poka has spent ten years in jail. He now coordinates "Crossroads", a project for unemployed youths in his village - Vabukori, near Port Moresby.

Double standards in the application of the law also aggravate Chief Ombudsman Ila Geno who oversees Papua New Guinea's strict leadership code.

ILA GENO: Given that situation, people don't have confidence in the system because once they appear to see that people who are well off or rich can get away then what is justice? It's injustice, so there is a problem and that must be addressed at home, meaning that regardless of status of a person in the community or in Papua New Guinea, they must face the same music, they must go through the same system.

VETUNA: The situation is similar in Vanuatu as Edward Natapei explains.

EDWARD NATAPEI: We have a lot of reports from the Ombudsman against leaders of this nation, unfortunately nothing has happened to penalise the leaders. So as long as that continues we will continue to face problems because we treat leaders differently from the ordinary people.

MARIE-NOELLE FERRIEUX-PATTERSON: The obstacles were basically at the institutional level and at the individual level I would say more. The people seem to be afraid to prosecute leaders. Any idea of punishment, of sanction seem to be avoided, especially in the case of politicians. So it seems that the system in a way blocked after years of patronage, of interference, it blocked at the police level, there was usually the first one quoted is the lack of human resources. But I understand that they could have handled quite a few of these complaints and not put them at the bottom of their drawer. So there's a resistance at the level of the police who are afraid that maybe their promotion or maybe promotion of some members of their family might not happen if ever they start going against some leaders. They are afraid also at the level of what they say 'black magic' here. People actually believe and I think that's happened a lot in a lot of Melanesia, that someone can actually hurt you at a distance by doing certain practice they can actually put a spell on you. So I think this is certainly one of the few factors that make people at the police level, at the public prosecutor level probably very affected by taking actions against what they call 'big men'.

VETUNA: Marie Noelle Ferrieux-Patterson, Vanuatu's former Ombudsman.

According to Doctor John Nongorr, a constitutional lawyer in Papua New Guinea - lack of resources and expertise allow corruption to go unpunished and to thrive.

JOHN NONGORR: It is the deficiency in the system itself which protects white collar criminals and I don't think there is a deliberate connection, meaning the white collar criminals are the people who

are working the system, ensuring that the system is weak so that they could benefit from it. But the fact is that the system is not strong because of many other factors. Resources is one of them, but most importantly the people who work in these institutions are not adequately equipped in terms of resources as well as personal skills, expertise to make these systems work properly. Investigations are not done properly, and if they do get to court the people who represent the public to prosecute these people are not well trained. The best lawyers are on the side of the white collar criminals rather than the state and the public, and therefore those inadequacies in the system, in the structures allow the white collar criminals to get away.

VETUNA: The perception in Papua New Guinea is that corruption is now ingrained in the fabric of government. How did the system become so weak? Peter Aitsi again.

PETER AITSI: I would say that over the years since Independence some of the structures that were originally built on, on the colonial sort of past have been worn away over a period of time. And I think how they've been eroded has been that the governments proceeding Independence allowed more of the power to be centralised and it allowed the ministers to have, actually have a direct role into the running of government departments. And because of that people who have built up capacity within the government departments to manage, to control, to direct and to provide advice to the government which was based on knowledge and experience, have somewhat been taken out of that system. So what we have today is the lack of capacity within the government departments to number one control the spread of corruption, but also just a lack of capacity then to actually live by a code of ethics if you like. I mean the people in there don't have the capacity to deal with a corruption issue if it confronts them, but some of them may not also have the moral capacity to put themselves out of a corruptible situation.

LAIO POKA: We are very easy to be tricked, once they come they give you money and we say oh he's right man, he's right man. I don't know how they play the game but they're very clever.

ALEX KEKE: It's true, and I never put an x for any of these politicians, and I just go and eat whatever they bring, I just go eat there, just to go and show and have a nice time with them. But time for election, I forget about these...

BRIAN BARNES: There's a lot of vote buying and so corruption not only affects those who are standing for parliament but those who are going to vote, because accepting money for a vote is a form of corruption too.

VETUNA: Election time: all candidates, everywhere, promise to stamp out corruption. Ironically, electoral campaigns provide bountiful examples of corruption.

Matthew Wale from Solomon Islands.

MATTHEW WALE: It is a big issue insofar as our democracy is concerned because increasingly we are seeing corruption at the top level, at the level of Parliament and the national government, and

therefore it is a lot easier these days to get the wrong person in because all it is is a few thousand dollars and some bags of rice and the rest of it, and you get someone in because if you field 10 people, three or four of those could be yours just to split the vote and one strategic candidate could get through. So it leaves democracy very, very vulnerable so there obviously is the need to revisit the electoral process.

VETUNA: Lack of transparency and accountability and the use of various 'slush funds' allocated to individual members of parliament in order to promote economic development in their electorates - is also a source of concern.

By and large slush funds have been used to buy political support.

Matthew Wale again.

MATTHEW WALE: Really it's not been good for our democracy. What the slush fund has been able to do however is that it has prostituted the role of a member of parliament. So a member of parliament spends 80 per cent of his time going about trying to see how best he can spend this money to buy votes in some instances. In other instances he's simply, he hasn't accounted for it. We don't know what he's done with the money. He probably has used it himself. Now I obviously can't substantiate that statement but there has been allegations of that in the past. But I think the greatest problem is it has exacerbated the dependency syndrome, you know this cargo cult mentality, people wait to receive. It is a manifestation of this inherent assumption that we are always going to be getting money and nowadays of course that is from offshore. But "Yes Taiwan's going to give us money, Australia's going to give us money, European Union's going to give us money", and really it's a dead-end as we're seeing when these donor countries are not coming to the party insofar as their conditionalities are not being met. Well we're sort of hung up in there and we have led ourselves to live way, way beyond our means and we're passing that down to the village communities and it is a very, very dangerous thing, it is very unsustainable.

VETUNA: Several countries in the Pacific are considering legislation to promote integrity in the political arena.

The Papua New Guinea chapter of Transparency International strongly supported the introduction of an Integrity bill designed to stop the numbers game and limit corruption.

But can legislation alone solve the problem?

Peter Aitsi.

PETER AITSI: You know integrity isn't something that you can legislate and impose on anybody, integrity must come from the individual, and if the person doesn't have integrity then they have no place as a leader, and that's the simple truth. I mean when people are going to vote for their leaders the question they should ask is not if they have signed off on the Integrity bill, but if they've lived

their life as an honest and hardworking individual who'll bring integrity to their electorate.

VETUNA: Next week we look at 'Law and Justice'.

Find out what other people think about governance issues on our website at [www.abc.net.au/timetotalk](http://www.abc.net.au/timetotalk)

'Time To Talk' is produced by Radio Australia.

I'm Pearson Vetuna. Bye for now!

### **Program Participants:**

- Pearson Vetuna, Executive Producer of the Tok Pisin Service at Radio Australia
- Peter Aitsi, PNG Chapter of Transparency International, and General manager of PNG FM
- Ursula Rakova, Environmental Law Centre in Papua New Guinea
- Mel Togolo, Vice President of the Papua New Guinea Business Council and General Manager (Corporate affairs) Place Niugini
- Edward Natapei, Prime Minister of Vanuatu in 2001
- Noel Levi CBE, Secretary General of the Pacific Islands Forum Secretariat in Suva, Fiji
- Marie Noelle Ferrieux-Patterson, former Ombudsman in Vanuatu
- Bishop Michel Visi of Port Vila, Vanuatu's first ni-Vanuatu Catholic bishop
- Archbishop Brian Barnes, Catholic Church in Port Moresby, Papua New Guinea
- Laio Poka, co-ordinator of the Crossroads shelter project in Papua New Guinea
- Alex Keke, member of the Crossroads project team
- Ila Geno, Papua New Guinea's Chief Ombudsman
- Dr. John Nongorr, Constitutional lawyer in Papua New Guinea
- Matthew Wale, member of the Solomon Islands Christian Association