

Corruption as maladministration and the role of the Ombudsman

Summary

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1. Corruption is a multidimensional challenge and an elusive phenomenon for various reasons. One of these reasons is that it takes a number of expressions which are dissimilar in terms of their main actors. It is therefore important to distinguish between political and administrative levels, though in many cases responsibilities inevitably intermingle. However, without a more accurate description of the phenomenon, the choice of appropriate instruments to confront it is fraught with difficulties.
2. Drawing on the experience of Greece, the presentation will concentrate on areas of corruption involving public service delivery in everyday life. Corruption prevents predictability as provided by the rule of law and bureaucracy. It is a form as well as a result of maladministration. Without neglecting legal action and sanctions, it is therefore important to look at the conditions that allow the emergence or the development of corruption within public administration. The quality of legislation, the clarity and transparency of procedures and the internal monitoring and accountability mechanisms are of utmost importance for the prevention of corrupt practices. The limits of repressive laws concerning the efficient handling of corruption are often found during the implementation phase, when political commitment and public attention are low or off limits. Other parameters, such as tolerance of illegal practices, peer solidarity and lack of transparency may take over.
3. In this respect, the Ombudsman may play an important role. This institution serves not as a control and sanction mechanism –it is not an anti-corruption unit- but as a prevention mechanism. It realizes the accountability imperative and detects not so much actual cases of corruption but more broadly areas, activities and conditions where corruption may occur. Above all, it represents an alternative –institutional- way for law-abiding citizens to react to corruption.