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Session II – Fostering Integrity and ethical conduct in the public sector

The challenge of integrity and ethical conduct in parliaments

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Why does integrity and ethical conduct matter to democracy?

- At the core of the OSCE's commitments lies the notion of the "essential safeguard against an over-mighty State" (Paris 1990).
- Such "safeguards" include mechanisms of accountability, as declared at the Helsinki Summit (1992), referring to the "democratic rights of citizens to demand from their governments respect for ... values and standards" agreed on by the CSCE/OSCE and in particular, "the accountability of state institutions and officials" (Helsinki 2008, Decision 7/08, Paragraph 4) and "accountable systems of government" (Helsinki 2008, Ministerial Declaration).
- Furthermore, the participating States have pledged that "legislation will be formulated as the result of an open process reflecting the will of the people, either directly or through their elected representatives" (Moscow 1991).

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Why should we look at ethical conduct and integrity in parliaments?

- Parliaments are the most open of democracy's institutions: most if not all of their work is conducted in public, in the glare of the public's attention.
- Unethical, undignified behaviour has a disproportionate impact on the public's perceptions of the effectiveness of parliament.
- As the German constitutional court put it in 2007:

"Parliamentary democracy is based on the confidence of the people; trust without transparency, which allows one to follow what is happening in politics, is not possible. [...]. Such knowledge is important not only for the voting decision. It also ensures the ability of the ... Parliament and its members, [to] represent the people as a whole, and the confidence of citizens in this ability and, ultimately, in parliamentary democracy."

Why should we look at ethical conduct and integrity in parliaments?

- MPs – and politicians – are often ambitious figures with a variety of links and loyalties, and as such are subject to a number of different responsibilities, growing out of different roles, sometimes competing:
 - Public roles:
 - > As Elected representatives of the people;
 - > As representatives of one constituency or region;
 - > As holders of offices at a different level of government, or in the government/executive;
 - > As members of their political party;
 - But also more private roles:
 - > As shareholders/investors in particular companies;
 - > As members of a particular profession;
 - > As family members, who care for their relatives and loved ones;
 - > As persons with particular cultural, religious, ethnic or other affinities.

What have parliaments done to address challenges of integrity and ethics?

- More and more frequently, parliaments have taken a step further by enshrining ethical standards for their members in a fundamental document: a “code of ethics” or “code of conduct”.
- According to ODIHR research, in the OSCE region, as of 2012, eleven national parliaments have adopted such codes, and at least five more are actively considering the development of such codes. To that we should add that the European Parliament adopted a code in 2011.
- Beyond this, most if not all parliaments in the OSCE region have adopted rules that govern some of the most basic ethical challenges which parliamentarians face, such as conflicts of interest.



What have parliaments done to address challenges of integrity and ethics?

- The rising number of parliaments that have decided to set up codes of conduct. In the OSCE region, eleven national parliaments have adopted codes of ethics and conduct, which together represent 607.5 million of the OSCE's population - about 50% of the OSCE's population;
- Beyond that, according to our count, at least six more national parliaments in the OSCE region are at this moment actively considering a draft code;
- To that we need to add the recent adoption by the European Parliament, in 2011, of its own code of conduct, as well as the numerous examples of codes adopted by regional parliaments.



ODIHR's work on ethical conduct and integrity in participating States?

- Within the general framework of support to parliamentary strengthening programs in the OSCE:
 - > Development of a *Background Study on Professional and Ethical Standards for Parliamentarians*, an overview of some of the issues involved in regulating ethics for MPs, scheduled to be ready in mid-2012;
 - > The ODIHR and the OSCE Field operations have been actively assisting parliaments to develop standards and ethical codes.



Some of the key challenges identified through ODIHR work

- First: Should ethics be enshrined in a “Code of Conduct”? Or should it be left to be covered by the patchwork of existing regulations and laws?
- Second: What should be regulated? Should regulation look only at potential and real conflicts of interest? Or should it go beyond that, to cover issues of demeanour, appearance, language? What behaviour is to be regulated? Behaviour in the parliamentary chamber only, or can private behaviour be legitimately considered?
- Third: How are any standards and codes to be effectively applied, disseminated, monitored and enforced?





Thank you very much for your attention

