

VALUES, ETHICAL PRINCIPLES AND CODES OF CONDUCTS FOR PARLIAMENTARIANS

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Thick skin is a gift from God- this what Konrad ADENAUER the Chancellor of Germany use to say about the politicians without any ethical sense.

Some days ago in Tirana I has the opportunity to meet the NATO Secretary General. He was interested to know about the role of Albanian parliament, in order that Albania can became a NATO member in future. Representing opposition in this meeting I was telling him about the cooperation between both sides ruling and opposition on that topic, I was just mentioned how good we are, what a good understanding we have and so on, but after a while listening to me, Secretary Shefer said - **“I like this spirit, but I do not like the parliaments that do not quarrel”**.

The ethical behavior standards of parliaments depend almost entirely upon the personal ethics of own individual members. Parliaments expect that we, their members, as holders of a public trust, will be **"honorable members"** in both name and deed.

The need to introduce legislative ethics regimes derives, especially to avoid scandals involving legislators. The exposure of parliamentarians to curtain scandals usually must lead to inquiries. In turn, these inquiries open the way for introducing measures to regulate the conduct of public officials.

The common standards for legislators, prescribe in a code of conduct, include the following:

- Prohibition on the use of influence,
- Prohibition on the use of confidential information,
- No compensation for services rendered as a legislator,
- Less prevalent but no less important is a standard on political donations to legislators.
There ought to be a declaration made by every legislator and political party as to the amount and source of all political donations received.

Lord Acton- British Historian said-**Power tends to corrupt but absolute power corrupt absolutely.**

Besides the prescription of such standards in a code of conduct, there remains the need to have criminal offences adequate to cover all corrupt activities, as a serious threat to the rule of law, the stability and security of societies. Integrity, accountability and transparency of the politicians and political system and the civil service are a fundamental requirement for trust, credibility and authority of government in a modern and democratic society.

When speaking about values and ethical principles, we should consider the differentiations existing in different countries. One of the key principles for all the countries is the principle of transparency. In direct conjunction with the principle of transparency, we find the concept of the conflict of interests and its definitions.

Code of ethics and code of conduct are often used interchangeably. There is, however, an important distinction. *A code of ethics identifies those ethical principles and values that are regarded as the foundation of an organization.* They are often expressions of the values of an organization, within a particular culture, time and place. While codes of ethics can be useful in defining the values, they will have little effect unless there are appropriate compliance mechanisms in place. **EVIL communications corrupt good manners.**

Codes of conduct specify certain rules for behavior, or standards to which a person's behavior must comply. They are more specific than a code of ethics, in terms of the actions prescribed and proscribed.

Who would administer the code? There are different models used in different countries.

Are codes effective? The issue that arises is whether, given the nature of the parliament, codes of conduct would be effective or practicable.

Arguments against the practicability of codes of conduct for parliamentarians are based on the fact that codes of conduct are inappropriate, given the nature of parliament as an institution. Codes of conduct were originally developed for the professions. In contrast, because parliament is composed of representatives of the community and the community itself possesses and displays normative diversity, parliament contains a diversity of moral outlooks. Attempting to agree on a shared set of values to be embodied in a code of conduct would be impossible.

Other criticisms that are raised concern the appropriateness and effectiveness of a code of conduct. Standing orders, resolutions and laws already prescribe behavior. Unless a code has sanctions and it is implemented, it would be seen as a ploy to conceal unacceptable behavior; or

it would be seen by the public only as window-dressing, and reduce further the already low esteem in which parliamentarians as a class, and the institution itself, are held.

The best defense to the misuse of a code of conduct is openness and candor. The best way to achieve that is through a public investigation of the complaints by an impartial body. If the people can see that the complaint is baseless then not only will there be confidence in the code but in the individual accused.

It is my view that a nation is no stronger than its ethical and moral principles, and the ultimate strength of those ethical and moral principles is in the hands of those citizens democratically elected to lead the country. The cornerstone that underpins sound moral and ethical principles and values is the integrity, honour and trustworthiness of our democratically elected officials at all levels of government.

The contents of a code of conduct is an essential element in any code of conduct is a clear injunction to honour the traditions of representative government, which involve facilitating accountability and promoting public discussion on matters of public importance. Codes cannot merely be aspiration, but must contain clear injunctions prohibiting some actions. Examples of such prohibitions would be an injunction to avoid influence peddling, or behaving in a manner that tended to reflect badly upon the institution or lower its dignity.

It is important to point out that codes of conduct are not the only measures that must be adopted in order to improve the perception that ordinary citizens hold of the institution of parliament and parliamentarians, to make our skin look thinner. They are part of a series of reforms, designed to fortify the system of government against people who would subvert it. Other elements include laws against bribery, parliamentary rules prescribing norms of behavior for the orderly business of a legislative body, such as enforcement of a standing order that members actually address the content of a question rather than use it as an opportunity to berate the opposition.

The case of Albania

The Code of Ethics for parliamentarians' behavior should be considered a necessity when speaking about the public interest, through empowerment of the rule of law, the relations between parliamentarians and their electorate, the relations among parliamentarians.

In the case of Albania, the incompatibilities within the mandate of an MP are as follows:

An MP cannot:

- a) Have any other position except as a member of the Council of Ministers;
- b) Be an executive or a member of a profit-making organization;
- c) Be a major;
- d) Make any profit from State property.

After these violations, the Constitutional Court of Albania starts the proceedings to ascertain the incompatibilities.

According to the Law on the Declaration of the Assets, of 1995, the MPs “declare their assets for themselves and their families. The General Inspector established by the law on this purpose makes the verification of the declarations.

The Albanian Code of Ethics for the Public Administration (based also on the Albanian Procedural Administrative Code) is applicable for the employees of the public administration, but not for the elected officials, the ministers and judges.

Two main initiatives, which should be mentioned, are the initiatives on the conflict of interests; We already have created the National Committee of Competition in order to avoid the New Oligarchy and the initiative on the legal amendments for financing political parties and electoral campaigns.

The ethical rules of the Parliament’s meeting are foreseen in the Chapter 12, Part 1 (Articles 108-115) of the Albanian Parliament Regulation as follows:

- Use of unpleasant and improper words
- Oppose of discussions with his behaviors
- Violation of the rule of meetings
- Offence of another parliamentarian
- Appeal for use of violence
- Provocation
- Direct threatening words to a colleague

Balkan Peninsula is well known as the place of a lot of diversities, religion ethnic, culture etc. Because of this I think Churchill was right saying **’That Balkans produced more history than they can absorb’** and most of the time Balkan history has been painful.

I do believe that it is important for us to understand that more of ethical principles and norms of conducts derives from Holy books, from religion.

Considering the religion as a ground for common understanding and behavior I think it will help politics and will narrow the differences.

Without dwelling on such discussion, I am convinced that living in Secularist countries, we do not have to live apart the religion values.

Albania is a country with three different religions and the religious tolerance and understanding is part of our life.

There are different informal ways to make the politicians understanding the principles and I believe that most of you have heard about the National Prayer Breakfast in Washington, organized every year. Leaders, parliamentarians from different countries, and religion background come together once a year in working out the connection of leadership and ethic values that derives from **golden rules**.

Thank you.