

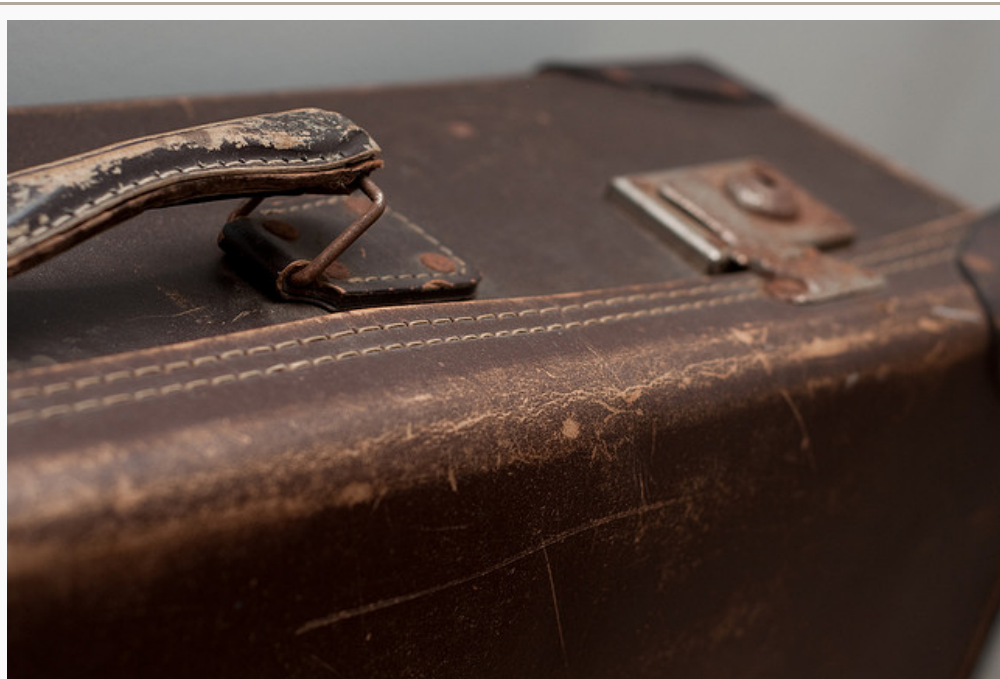
# Parliamentary codes of conduct do not end political corruption, but they can help build a democratic political culture

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By Democratic Audit UK

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Since [Lord Nolan](#) drafted his principles of public life, codes of conduct have become a key tool for parliaments around Europe seeking to build or repair their reputations. [New research](#) by **Elizabeth Dávid-Barrett** suggests that, although codes do not necessarily prevent corruption, the process of writing them helps to build a democratic culture and attract high-calibre individuals into public life.



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Codes of conduct are widely used in business and professional settings; lawyers, doctors, lobbyists and accountants all have their own. But setting rules for parliamentarians is especially difficult because politicians wield power and face pressures from many individuals and groups seeking to influence them. At the same time, the task of regulating parliamentary conduct must at least partially be left to MPs themselves, since the rules and their enforcement must not interfere with the independence of the legislature. Make the regulatory institutions too powerful, and you raise the risk that the institutions which parliament is tasked to scrutinize – the executive branch in particular – might use them as a weapon to retaliate against critics. Make them too weak, and the public loses trust in parliament's ability to regulate itself.

These tensions are particularly acute in young democracies such as those in Eastern Europe. Parliaments are often less powerful than the executive branch and hence especially vulnerable to politicized attacks. The job of an MP is typically ill defined and rapidly evolving. And those MPs brave enough to take on roles on ethics committees, lacking the protection of a long democratic culture, often find it difficult to impose standards on their colleagues, especially those from other parties. Yet many parliaments in Central, Eastern and Southern Europe have introduced codes of conduct in recent years (see table); several others are in the process of drafting or reviewing codes, including Serbia and Estonia.

Parliaments often introduce codes of conduct after a corruption scandal, as a confidence-building measure vis a vis the public. This was the pattern in the United Kingdom, where the 1994 ‘cash for questions’ affair, in which accusations were made that some MPs had accepted payments in exchange for tabling questions in parliament, prompted Prime Minister John Major to set up a ‘Committee on Standards in Public Life.’ The Committee recommended that the Commons adopt a code of conduct, which it duly did two years later, while its first chairman, Lord Nolan, established a set of seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The UK House of Commons code, and the guide that accompanies it, has become a benchmark for many other legislatures around the world seeking to regulate political conduct. The parliaments of Poland and Ireland followed suit within a few years. The Polish Sejm followed Nolan in basing its code of ethics on a set of core principles, with proponents arguing that this helped to establish a sense of cross-party professionalism, encouraging Members to rise above party politics in upholding the highest standards. More recently, as the Serbian parliament started work on drafting a code in 2011, then President of the National Assembly of Serbia Slavica Djukić-Dejanović made very similar arguments:

*“When deputies from different parties arrange freely, through dialogue and compromise, an ethical system they will respect and publicise...we can expect our citizens to evaluate us positively and support us.”*

In an Irish Dáil debate on the introduction of that institution’s code on 28 February 2002, parliamentarian Jim O’Keeffe made a slightly different argument,

*“We need to encourage new blood to enter politics and must do so on the basis of trying to have the highest standards.”*

That argument is just as relevant in Eastern Europe, where it is often difficult to tempt the best people to take on the risks, uncertainty and demands of political careers. One parliamentarian interviewed for this research lamented the fact that, upon losing his seat after 12 years in politics during the post-communist transition, he found himself out of a job and without relevant skills in an economy that had, in the meantime, been transformed.

Moreover, some of the factors that make codes of conduct seem particularly important for the legislatures of young democracies also raise questions about whether the self-regulatory model can work. Research on self-regulation suggests that it emerges organically and works most effectively in communities where there are already common values. Yet in democratizing countries, there may not be an established consensus on how parliamentarians should behave. There might rather be local informal norms that conflict with the rules commonly set out in codes, such as an informal expectation that MPs should channel state resources to relatives, funders or local interest groups. Such nepotism or patronage is seen as a legitimate part of a legislator’s role in many countries, but regarded as highly inappropriate in others.

Another challenge is that, in a necessarily partisan environment such as a parliament, a code might be used as an instrument for politically motivated attacks against one’s opponents. In the UK, the 1997–2001 parliament saw several tit-for-tat complaints, with political parties trading allegations against each other’s members and the Commissioner for Standards wasting much time in investigating accusations of minor misconduct which appeared unfounded and politically motivated. As a result, the rules around when to investigate and report on minor breaches of the code were changed, while the Standards and Privileges Committee warned that frivolous or partisan complaints would be classified as such in their reports.

In more particularistic societies, where there is typically less consensus about the rules of the game, partisan complaints might be seen as legitimate weapons. In the workshops observed in this research, several parliamentarians from South-eastern Europe expressed concerns that ethics regulation could and would be used for partisan attacks. Many were also skeptical that self-regulation could work. Members of the Macedonian and Albanian parliaments argued that the political situation in their countries was so polarised that it would be impossible to gain agreement on a code in the first place, much less to implement it. Some Members thought that a soft-law code could never be effective in motivating parliamentarians to behave well, and that only hard-law prohibitions on certain activities backed up by law would be sufficiently strong to change behaviour. In contrast, several MPs in Georgia were confident that reputational considerations would play an important regulatory role. One commented that, “every MP could afford to pay a fine for misbehavior but it would cost them much more to pay with reputation”.

None of these issues provide reasons to abandon codes of conduct. Self-regulation is likely to represent the best way of regulating political conduct in most institutional contexts. But it is critical to involve as many parliamentarians as possible in the drafting of such codes. The opportunity to thrash out opinions on common ethical dilemmas, openly discuss informal expectations that exert pressure on legislators, and set standards to which all members can aspire should not be missed. Codes of conduct do not turn Members of Parliament into saints or eliminate political corruption, but they are important tools for building consensus and professionalism in an institution where competition and conflict are business as usual.

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*This post is based on the following journal article: [Dávid-Barrett, Elizabeth. 2015. 'Nolan's Legacy: Regulating Parliamentary Conduct in Democratising Eastern Europe'. Parliamentary Affairs 68/3: 516. It represents the views of the author, and not those of Democratic Audit or the LSE. Please read our \[comments policy\]\(#\) before posting.](#)*

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