

Parliamentary Values and Best Practices

Participants' Handbook

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

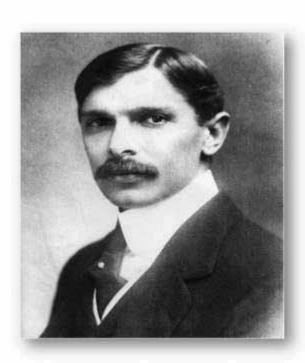


Parliamentary Values and Best Practices

Participants' Handbook

Module 9

May, 2013



The first and the foremost thing that I would like to emphasize is this — remember that you are now a Sovereign Legislative body and you have got all the powers. It, therefore, places on you the gravest responsibility as to how you should take your decisions.

(Presidential Address to the Constituent Assembly of Pakistan on 11th August, 1947)



	PIPS MOL	DULE SER	IES
"Your reputation Follow through Your credibile built from the	gh on what ity can only	you say yo be built o	ou're going to ver time, and
		_	Maria Razumic



PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES

PREFACE

Parliamentary democracy is based on age old traditions of public participation, integrity, accountability and transparency, which are hallmarks of effective Parliaments the world over. These best practices help Members of the Parliament to win the trust of the public, who then provide them complete support in undertaking public reforms and contributing towards making the country strong and prosperous.

We are pleased to share this Handbook on Parliamentary Values and Best Practices with the kind readers. The book is aimed at developing insights about some of the international parliamentary values and best practices cherished by world democracies.

The handbook is especially prepared by the Pakistan Institute for Parliamentary Services for its New Members Orientation Programme 2013 for the newly elected Members of the National Assembly as well as the four Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh. This would be the eighth New Members Orientation Programme the Institute is organising since its inception in 2008.

We extend our special thanks to our partner Improving Parliamentary Performance in Pakistan (IP3), EU, who have provided key intellectual input and support for printing the first issue of the Institute's Handbook Book on Parliamentary Values and Best Practices.

Khan Ahmad Goraya **Executive Director**

Islamabad Thursday, May 9, 2013

ACKNOWLEDGEMENTS

Islamabad, May 9, 2013

The core values of integrity, accountability and transparency are the hallmark of effective Parliaments and public representatives the world over. These outline the basic principles that all Members of the Parliament are expected to comply in order to win the trust of the public, who then provide them complete support in undertaking public reforms and contributing towards making the country strong and healthy.

In this context, the Pakistan Institute for Parliamentary Services has taken it as a priority area for its capacity building agenda for the members and officials of the National Parliament and the provincial assemblies as well as holders of public offices.

This 2013 edition of the module, Parliamentary Values and Best Practices has been conceived by the Research and I.T wing of the Pakistan Institute for Parliamentary Services. Ms Tehseen Khalid, Senior Research Officer at PIPS, worked hard to prepare the initial draft of the handbook. PIPS officials Mr Muhammad Maqbool Khan, Research Associate, Mr Muhammad Aslam Waseem A.D (legislation) and Mr Muhammad Aslam, Legislative Officer, added the Code of Conduct in Assembly. We are also proud to acknowledge that Ms Arooj Iqbal, PIPS intern from Fatimah Jinnah Women University, who designed the Title page and Quaid's quote.

The Module was thoroughly reviewed by Mr Alistair Doherty, former Clerk of House of Commons UK, during his visit to Pakistan in April 2013 as a Consultant for the EU funded Improving Parliamentary Performance in Pakistan (IP3) programme. This Handbook draws on work carried out by Oonagh Gay of the House of Commons Library, (UK) for Global Partners and Associates. Muhammad Rashid Mafzool Zaka, Director Research and I.T edited the final version of the Handbook for publication as part of Institute's special MPs' Folder for the scheduled New Members Orientation Programme for Members of the National Assembly as well as the four Provincial Assemblies after the 2013 General Elections in Pakistan.

We are grateful to the EU funded Improving Parliamentary Performance (IP3) programme, for supporting PIPS in publication of this Handbook on Parliamentary Values and Best Practices.

We welcome any feedback and suggestions by the participants and readers of the handbook at: research@pips.org.pk

Research and I.T Wing

Pakistan Institute for Parliamentary Services

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O B J E C T I V E S

The objectives of this handbook are

- i. To provide reform-minded parliamentarians useful guidance to develop the numerous building blocks of an effective conduct and values regime for creating a positive culture within a legislature.
- ii. To develop understanding viz a viz core values of Parliamentary practice, which would enhance the public trust in democratic political system and in the Members themselves.

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PARLIAMENTARY VALUES AND BEST PRACTICES (2013)

Participants' Hand Book

Section 1

CONDUCT VS ETHICS



PARLIAMENTARY VALUES AND BEST PRACTICES (2013)

Chapter 1

INTRODUCTION

Rationale

Parliamentary Codes of Conduct have become common in the last couple of decades. The development is linked in part with greater public awareness and expectations from parliamentarians and other figures in public life.

The Codes are an attempt to set out the basic qualities to be exercised by a conscientious parliamentarian in the legislature. A new wave of Codes were developed by new and emerging parliaments in eastern Europe, partly as a way of demonstrating that the new legislatures represented change from the old Communist dominated assemblies and partly so that new deputies could have an accessible guide to proper parliamentary conduct as a legislator. Codes were found useful to reinforce parliamentary procedure.

Codes represent a method of building common understandings in order for the legislature to work effectively.

TERMINOLOGY

The word 'Code'

The term code of conduct is frequently used. This may give rise to misinterpretation: in some countries 'code' may have a legal connotation, whereas in countries with a common law tradition a 'code' implies something that is developed by agreement within an organisation and its application rests on non-statutory regulation. This is a matter which will affect the regime for enforcement of a code and any legal immunity for MPs: are the Courts to play a role or not?

ETHICS AND CONDUCT

The two terms are often used interchangeably and many codes are a mixture of the two; however, strictly speaking:

A Code of Ethics expresses principles that provide guidance in cases where no specific rule is in place, or where matters are unclear. It describes the minimum requirements for conduct, and behavioural expectations rather than specific activities. In simpler terms, ethics is the broader paradigm of values whereas conduct is its practical manifestation in day to day life of individuals, groups and societies.

Ethics primarily evolved out of human systems and societies who practised at most times a divine value system that focused human behaviour on prized values of truthfulness, honesty and integrity based on a social consensus to live and let live. These values as practised by the personality of the Holy Prophet Muhammad (Peace Be Upon Him) formed the basis of the code of life prescribed by Islam. The Prophet (PBUH) emphasised the key values of truth, accountability, equality, no discrimination, mutual responsibility of citizens in his historic last sermon and said:

"Oh people, be mindful of those who work under you. Feed and clothe them as you feed and clothe yourselves."

The Pakistan's first Constituent Assembly recognised the same core values as the basis of the new State in the form of the Objectives Resolution as early as in 1949, which later became the preamble and the substantial part of the 1973 consensus Constitution of the country.

The Preamble of the Constitution clearly identifies the authority of chosen representatives and also underlines the key values, which they would be expected to practise in the following words:

"And whereas it is the will of people of Pakistan to establish an order;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed..."

"A legislative code of conduct is a formal document which regulates the behaviour of legislators by establishing what is considered to be acceptable behaviour and what is not. In other words, it is intended to create a political culture which places considerable emphasis on the propriety, correctness, transparency, and honesty of parliamentarians' behaviour. However, the code of conduct is not intended to create this behaviour by itself."

Stapenhurst and Pelizzo

A Code of Conduct is a written list of rules (and sometimes principles) to guide conduct. It is expected to be more specific than a code of ethics and aims to provide clarity to MPs about expectations and, when it goes as far as to list the 'do's and don'ts', it provides a measure by which MPs can be held to account.

Codes of conduct have two purposes

For the institution itself, where the purpose is to guide behaviour both inside the house or and outside the Parliament, specifically relationship with other parliamentarians and during formal proceedings.

For the wider public, where the purpose is to provide criteria that can be used to judge acceptable and unacceptable actions and in doing so to promote trust in the institution of Parliament

and in parliamentarians themselves. The idea is that if public know the standards, and apply them, and if parliamentarians know the standards, live by them and apply them, then trust in the system will be enhanced and promoted.

DRAFTING A CODE

Sometimes political parties take the lead in driving reform, adopting tougher rules for their own members and using them to take lead against other parties into putting ethics reform on the agenda.

However, reforms driven by Parliament as a whole and rooted in consensus will be easier to enforce than those that are developed in a heavily politicised process. This highlights the importance of involving parliamentary authorities and a broad cross-section of parliamentarians, as well as senior political party leaders, to obtain cross-

party commitment to, and ownership of, the code. Drafters should also think about how the legitimacy of the code can best be secured. For example, whether it is important to have the code adopted by the plenary, or whether deputies should be asked to sign the code individually.

It is also important that one body takes responsibility for driving the process of reform. It is common for an *ad hoc* committee within the legislature to be given the responsibility. The main alternative would be a parliamentary Bureau, as in the French National Assembly. International comparisons and examples help, but each code will be unique and designed to address the particular problems within a Parliament. The support and active involvement of the Speaker/Presiding Officer is essential.

Irrespective of which body drafts it, a good code needs to satisfy the following requirements set out by the Organization of Economic Co-operation and Development (OECD)¹, and be:

Clear: legible for all staff members;
Simple: as simple as possible, but not forgetting that integrity is a complex
topic;
Concrete: uses specifics and examples, avoiding generalisations;
Structured: is logically centred around a number of core values;
Consistent: uses concepts in a consistent way;
Linked: includes cross references to other documents and guidelines; and
Relevant : moves beyond the obvious to issues where guidance is needed.

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¹ 78 OECD, "Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation, 23 April 2009, https://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/GF(2009)1&doclanguage=en.

TYPES OF CODE

Codes can be short documents annexed to Rules of Procedure containing general principles of conduct, or they can be more detailed, cross referencing to the Constitution or the Rules, so that they are an over-arching guide for all forms of legislative behaviour. They can be adopted by parliamentary resolution or included within the constitution of a state. They can be rules-based containing specific prohibitions, or principles based listing general aspects of good behaviour. These approaches are not mutually exclusive. Codes which only contain aspirations for good behaviour are unlikely to be effective.

Ideally, it is for the parliamentarians to develop the Code, but their drafting should also respond to demands from civil society. Many states embed the Code within the law of the state; others consider that the Code should be more flexible and subject to change after its use in practice. Much depends on the context within a particular legislature. If the Code can be redrafted easily then there may be concerns about manipulation by majority parties — the objective of the Code should be to raise professional standards, rather than provide a stick with which opposing parties to beat each other! The Australian code tackles this possibility by inserting in its code the provision that MPs will:

"Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexations or only for political advantage2".

It is inevitable, however, that practical experience of any Code will to lead to demands for changes in drafting. The UK House of Commons Code of Conduct has undergone three major revisions since its adoption in 1996.

http://www.parliament.act.gov.au/members/ethics/ReviewCodeofConduct

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² Skehill. S 2012. Review of the code of conduct for members of the legislative assembly for the Australian Capital Territory. Available At:

CONTENTS OF A CODE³

Codes will generally contain a statement of ideals to act in the best interests of the state and for the people. These are aspirational in nature. The Seven Principles of Public Life drawn up by the UK's Committee on Standards in Public Life in 1994 has proved very influential. The seven principles set out in full below are intended to guide those holding public office and not just parliamentarians.

 $^{^{\}rm 3}$ See Appendix 1 for the 2012 Organization of Security and Co-operation in Europe (OSCE) study which sets out the main contents of a Code

Seven Principles of Public Life (UK)

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Codes may also require parliamentarians to support the parliament as a collective body. This may be particularly useful when attempting to create a positive culture within a new legislature.

But a Code must also contain specifics, so that there are benchmarks by which to compare behaviour. It may be An Indian (*Lok Sabha*) guide to etiquette in the chamber include:

- No personal insults or threatening behaviour
- No waving flags or symbol
- Listen to one another
- No barracking, or chanting slogans
- Remaining seated according to the seating arrangements
- Obeying the chair's rulings

appropriate to cover detailed etiquette in the chamber and in committee.

Codes may need to address behaviour in Parliament but outside the chamber. Parliamentarians also spend time in the parliamentary precincts, conducting meetings, talking to staff, making media announcements. A good code document would focus on consistent standards of behaviour no matter they may have different enforcement mechanisms.

CONFLICT OF INTEREST

Parliamentarians are expected to work for a common good, rather than their own private interests. To encourage that to happen, more and more parliaments have adopted specific rules on transparency. These can include a register of financial interests. The 2006 IPU study listed the types of registers which exist.

The disclosure of interests, that parliamentarians should declare their interests before debating an issue related to those interests, is also a relatively common protection against the so called 'conflict of interests'. This practice is included in the ethics rules of several countries, including: Australia, Canada, Czech Republic, France, Germany, Ireland, Korea, Mexico, Poland, South Africa, Spain, Sweden, Taiwan, the United Kingdom and the USA. In all of these countries conflict of interest restrictions try to prevent personal gains from the exercise of the public mandate.

Broadly, four categories under which declarable interests fall are assets, income, liabilities, gifts and travel.

- a) Assets: In general parliaments do not require disclosure of assets. Provisions for placing assets in blind trusts apply to parliamentarians in the USA but that reflects the specific roles of Members of Congress under the separation of powers. In Westminster-type systems, where ministers are also parliamentarians, there may be blind trust arrangements for ministers' assets so as to avoid any suggestion of undue influence on their governmental decisions.
- b) *Income:* In most countries there are restrictions on certain forms of outside employment, deemed incompatible with holding elected office. Some Nordic states ban MPs from outside employment, or require MPs to make their tax returns public. But few countries have an outright ban on outside employment, and many MPs combine their official role with professions that can be pursued part-time such as journalism, the law or medicine. Where this is the case MPs should be obliged to declare by whom they are employed and how much they are being paid.
- c) *Liabilities:* If liabilities are built up the register needs to include details of how much is owed, to whom, the rate of interest and the reason for the debt.
- d) Gifts and Travel:
 - i. **Argentina**: Direct ban on gifts directly related to the MP's position.
 - ii. **Australia**: MPs are allowed to accept gifts, provided they do not present a direct conflict of interest.
 - iii. **UK**: Gifts are acceptable, and do not have to be disclosed if they are unrelated to membership of parliament. But where they are related and valued above 1%⁴ of the annual parliamentary salary MPs are required to declare them and their value in the register of interests.

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⁴ The 1% value threshold was introduced following a spate of trivial declarations in the register of members' interests which, though of amusement value to the media, threatened to make the system the subject of ridicule.

- iv. **USA**: No gift valued at more than \$100 can be accepted by an elected official.
- v. **Pakistan**: MPs and public office holders are only allowed to accept small souvenirs/ gifts, provided they do not present a conflict of interest. Gifts valuing more than Pak Rs 10,000/- have to be submitted to specific institution "Tosha Khana," in the Cabinet Division of the Federal Government.⁵

Initially the UK adopted an approach of simply registering interests, thinking that transparency was all that mattered and that provided interests were known it was for the electorate to decide on an MP's conduct, to a situation now in which certain activities (such as paid advocacy) are simply prohibited. Additionally, in the UK, there is a requirement to declare non-pecuniary interests if they might be perceived as having an influence on a member's actions in any parliamentary proceeding.

Codes are generally expected to be transparent and open, requiring MPs to note a financial interest when speaking, or bringing forward amendments to legislation. The extent to which interests are detailed in a register is for the Parliament and the country's civil society to decide. France and Belgium keep these registers private and not open to public inspection, in Poland it is on the Parliament's website; in the UK the register is available for inspection and its periodic updating is eagerly awaited by the media.

PRIVACY AND PERSONAL CONDUCT

Declarations of interest may be most effective at reducing corruption (or the suspicion of it) if they are made publicly available and are scrutinised by civil society. But disclosure may need to be balanced with a right to privacy if otherwise suitable candidates are not to be deterred from standing as parliamentary candidates. Some Codes require parliamentarians to be upright and honest in their private lives, for example in business deals, or personal life, or minor offences. This may be resisted by MPs, who consider that what they do outside of politics should

⁵ Federal Government of Pakistan - Establishment Division Notifications

be private. However, some parliaments, including the UK and Lithuania, have decided that where the MP's private behaviour might bring the institution into the disrepute, such behaviour should be regulated.

REGULATING MINISTERS

In Westminster-style legislatures, where ministers remain as MPs while holding office, the normal Code of Conduct for MPs still applies. However ministers' role in using executive power is different from that of an ordinary MP. Canada and the UK have developed separate Codes of Conduct for ministers, recognising their distinct position, especially in relation to taking up employment after leaving ministerial office.

Codes of conduct are *MORE SPECIFIC* than codes of ethics,⁶ which may require members of the legislature to disclose their interests concerning:

- 1) Tax returns
- 2) Sources of patrimonial income
- 3) Investments
- 4) Sources of income of business of a partner or shareholder
- 5) Ownership interest in a business
- 6) Real estate interests
- 7) Offices and/or directorships held
- 8) Creditor indebtedness
- 9) Leases and other contacts with public entities
- 10) Retainers
- 11) Compensated representation before public entities
- 12) Fees and honoraria
- 13) Professional or occupational licenses held
- 14) Reimbursement of travel expenses from private sources
- 15) Deposits in financial institutions
- 16) Cash surrender value of insurance

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⁶ Power, G. Handbook on Parliamentary ethics and conduct A guide for Parliamentarians. The GOPAC Global Task Force on Parliamentary Ethics.

- 17) Private employer or nature of private employment
- 18) Professional services rendered
- 19) Identification of trusts by trustee
- 20) Identification of trusts by beneficiary
- 21) Names of immediate family members
- 22) Financial interests of spouse.

RESTRICTIONS

Codes of conduct may enforce some additional *RESTRICTIONS* while asking legislature to disclose their interests including restrictions while legislator is in office or after the completion of his tenure in office.

The list of restricted activities generally includes the following items:

☐ Use of public position to obtain personal benefit
☐ Providing benefits to influence official actions
☐ Use of confidential government information
☐ Post-governmental employment for 2-years
☐ Receipt of gifts by officials or employees above a certain value
☐ Receipt of fees or honoraria by public officials or employees
☐ Representation private clients by public officials or employees
☐ Financial conflicts of interest
☐ Nepotism (favouritism granted to relatives regardless of merit)
☐ Political activity by employees
☐ Competitive bidding
☐ Outside employment or business activities by public officials or employees
☐ Travel payments from non-government services

Restrictions on ministers

No reporting public office holder shall, except as required in the exercise of his or her official powers, duties and functions,

- a. Engage in employment or the practice of a profession
- b. Manage or operate a business or commercial activity
- c. Continue as, or become, a director or officer in a corporation or an organization
- d. Hold office in a union or professional association
- e. Serve as a paid consultant
- f. Be an active partner in a partnership

Conflict of Interest Act, Canada

CODES AND BEHAVIOUR IN PARLIAMENT

Codes of Conduct have a part to play in establishing acceptable norms of behaviour. Building a positive parliamentary culture ensures that codes of conduct can operate successfully. This is no easy task and may take decades to create.

Symbolism and ceremony have a place in encouraging MPs to think about their distinctive role. A mace of office, to indicate when the parliament is sitting, and the formal rules of procedure apply, is a tradition in Westminster-style parliaments. Alternatives are formal procession of entry or religious prayers or moments of contemplation. All are measures designed to calm MPs and formalise their behaviour.

KEY REQUIREMENTS FOR A FUNCTIONING PARLIAMENT

The IPU has identified standard prohibitions in almost all parliaments on speech or behaviour which insult or intimidate another member or which obstruct the freedom of debate or voting; or which show disrespect to the institution or its Presiding Officer (PO).

Norms of appropriate behaviour can be grouped as follows:

SECURITY

- Safe access to Parliament-MPs must be able to reach the chamber safely and without being impeded.
- Security within Parliament for MPs and their staff, not facing abuse, physical intimidation etc.
- Confidence in the security services maintaining safety of Parliamentariansagainst internal and external threats.

ORDER

- Ritual and ceremony is used to create sense of order—symbols of Parliament, nation are displayed and respected.
- Order in the chamber maintained by Presiding Officer- there are no physical fights, level of insults is kept within acceptable bounds.
- Defamation of one MP by another is normally dealt with by disciplinary procedures within Parliament.
- There is respect for the decisions of the Presiding Officer and other officers of parliament.
- MPs should not crowd around or attempt to intimidate the PO or his officials.
- Order and calm is maintained in environs of Parliament- no hunger strikers, orderly lobbies of parliament.

EQUALITY OF ACCESS

- There is an open speaking list or the Presiding Officer calls MPs from all parties
- The record of proceedings is accurate.
- Female MPs or representatives of minorities are protected from abuse and receive equal access to debate.
- Translation/Interpretation services are provided where there is a proven need.

Plenary and committee papers prepared by the secretariat are available at the same time to all parties and factions with the parliament.

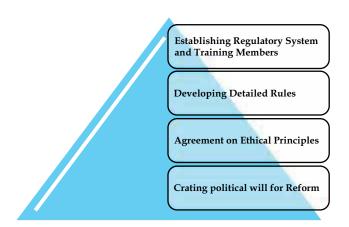
ATTENDANCE

Regular attendance of MPs is essential for the full functioning of a legislature. Most parliaments regulate their Members' attendance at

- Committees and plenary sessions through their standing orders, which typically require notification to the Presiding Officer of reasons for absence.
- Boycotts of parliament are challenged, either by mediation or through sanctions.

DEVELOPING A CODE OF CONDUCT

Developing code of ethics and conduct means establishing political agreement around the purpose of the regime in a certain culture where it needs to operate. In the early stages of its development, a wide range of MPs need to be involved through general debates and discussion. In the later stages however, a committee could be convened especially delegated the task for writing the rules, but again it must be accompanied by in house discussions and consultations.



Steps of developing code of ethics

QUESTIONS TO CONSIDER WHEN ESTABLISHING A CODE OR RULES TO CONTROL BEHAVIOUR

- 1. Should the Code or Rules be set out in the constitution or the law/rules governing the Assembly? Some states have requirements that Rules are drawn up, but leave the detail to the legislatures themselves.
- 2. Should there be an external form of regulation presided over by the courts, or an internal form of regulation by the Speaker or a parliamentary committee?
- 3. What is the best forum or committee to draw up the Rules, so that all parties may have a role in drafting?
- 4. Should MPs be subject to requirements on attendance?

- 5. Should parties be subject to sanctions if their MPs disobey the rules? If so, what type of sanction?
- 6. How far should the rules apply to the parliamentary outbuildings or precincts?
- 7. Should there be rules requiring MPs to be respectful to parliamentary staff or to their own staff?

SOME CAVEATS ON THE ATTEMPT TO REGULATE CONDUCT BY CODES

A key consideration is how a code fits into a country's legislative and constitutional structure – that will determine what a code needs to cover. And in terms of enforcement, are the circumstances such that adjudication is possible in a reasonably non-partisan way. There is a danger of the international community seizing on codes as a cure-all to raise standards, the Catch--22 is that codes have to be implemented and enforced and you need the set of behaviours which the code seeks to create already in place if the code is to work effectively.

Some commentators talk of codes helping to raise standards of professionalism. But is being an MP a profession? In most cases there is no minimum entry requirement – in Pakistan for example similar to even democracies as old as UK, the suggestion of a minimum educational standard is seen as socially exclusive and counter to principle of representation – and, at least historically, discriminating against a vast majority of people or at least the interests of any of the major parties.

In the UK parliamentarians do not have criminal immunity, so the Code covers matters which are NOT criminal – and there are arrangements to makes sure criminal matters go to the police. Other countries have provisions to waive immunity in these cases.

Some Codes refer to loyalty to the country, or to the values on which the country is felt to be based. Where does this leave separatist parties such as the (highly successful) Scottish National Party?

All European Union member states have ceded significant national sovereignty to the EU. In the UK especially this is a politically contentious matter. Would such acts be compatible with a requirement to show loyalty to the nation, were such a requirement to be in a code?

GUIDING PRINCIPLES FOR PARLIAMENTARIANS

- ➤ Have a duty to uphold the law, including the laws against discrimination
- ➤ Behave with integrity: your political opponents are also your fellow parliamentarians; attack the policies not the person
- ➤ Know and use the Rules of Procedure; they are your rules and if you find fault in them, work to change them
- Attend and participate in assembly sessions and committee activities
- > Develop a limited number of specialisms and become an authority on them
- Use many sources of help available to you from the Secretariat and PIPS;
 expect respect from the staff and give it in return
- ➤ Aim to persuade and seek consensus but recognise that others have the right to express and register their disagreement with you
- Make your speeches and interventions relevant and to the point
- Care for the good name of the parliament
- ➤ Use parliament to ensure the accountability of government

- ➤ Be a constructive opponent; do not use wrecking tactics
- ➤ Accept the authority of the speaker and the chair in committees
- Work for the common good or the national interest however you see it
 and not for your own private interests. Resolve any conflict between
 public and private interest, at once, and in favour of the public interest.
- Be scrupulous and honest in your use of parliamentary allowances and expenses
- Advocate for your constituents, irrespective of whether they are your supporters or not. But educate them as to your role and what therefore it is proper for you to do for them and for them to expect from you.
- ➤ Use the media to good effect but do not become the person who they can turn to for a comment on everything it will undermine your credibility.

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Section 2

INTERNATIONAL
PARLIAMENTARY PRACTICES



PARLIAMENTARY VALUES AND BEST PRACTICES (2013)

Chapter 2

EXTRACTS FROM CODES OF CONDUCT IN VARIOUS PARLIAMENTS

These extracts are provided as examples of Codes addressing both ethical standards for all areas of a parliamentarian's activity, and also specific behaviours and etiquettes during parliamentary proceedings themselves.

AUSTRALIA

Extracts from "The recommendations from the Ethics and Integrity Adviser to the review of the code of conduct for members of the legislative assembly for the Australian Capital Territory".

- "A Code of Conduct should not descend into administrative minutiae. To do otherwise would have to significantly adverse impacts:
- First, the underlying messages of the Code would risk being lost in a sea of detail, with a risk that the guiding value of the Code may be negated; and
- Second, there would be a need for the Assembly to amend the Code every time administrative necessity or efficiency dictated a change to detailed procedures.

Rather, I recommend that the primary purpose of the Code should be to set out:

- Statements of principles that guide Members in honouring the commitments they give and thereby allow their colleagues and the community to form value-based judgements about the propriety of their conduct; and
- More detailed provisions only in relation to major conduct issues where the need for an enduring rule can be established.

Further, I recommend that the Code should relate only to conduct of Members as Members and not intrude unnecessarily into their quite separate and distinct roles as private citizens and (in most cases) as members of political parties."

Comment

There is a recommendation here that the code should not intrude into MPs conduct as private citizens. These views are widely held and even in a parliament which seeks go further, such as the UK, the approach is tentative with the requirement that MPs "shall...never undertake any action which would bring the House of Commons, or its Members into disrepute."

STATE LEGISLATURE OF VICTORIA, AUSTRALIA

The State Legislature sets out the normal rules of behaviour under these headings:

- Rules of debate
- Members must show courtesy to the Chair
- Members can only speak from allocated places
- No distracting behaviour
- Dress code in the Chamber
- Electronic device etiquette
- Leaving the Chamber

Comment

The rules are designed to ensure that debate in the chamber takes on a formal manner, with no disruptions such as taking mobile phone calls or waving banners, or shouting out during speeches, apart from making a point of order to the PO. Respect is shown to the Chair by silence when he stands to call for calm. A short brief document is useful in explaining to Members what is expected, as well as reassuring the public that rules apply to their deputies.

THE UK HOUSE OF COMMONS

I. Purpose of the Code

- 1. The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the House, their constituents and the public at large by:
- (a) Establishing the standards and principles of conduct expected of all Members in undertaking their duties;

- (b) Setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
- (c) Ensuring public confidence in the standards expected of all Members and in the commitment of the House to upholding these rules.

II. Scope of the Code

- 2. The Code applies to a Member's conduct which relates in any way to their membership of the House. The Code does not seek to regulate the conduct of Members in their purely private and personal lives or in the conduct of their wider public lives unless such conduct significantly damages the reputation and integrity of the House of Commons as a whole or of its Members generally.
- 3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

III. Duties of Members

- 4. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
- 5. Members have a duty to uphold the law, including the general law against discrimination.
- 6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.
- 7. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

IV. General Principles of Conduct

8. In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part V of the Code.

[the Seven Principles are repeated here]

V. Rules of Conduct

- 9. Members are expected to observe the following rules and associated Resolutions of the House.
- 10. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
- 11. No Member shall act as a paid advocate in any proceeding of the House.
- 12. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.
- 13. Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.

- 14. Information which Members receive in confidence in the course of their parliamentary duties should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.
- 15. Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.
- 16. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.
- 17. The Commissioner may not investigate a specific matter under paragraph 16 which relates only to the conduct of a Member in their private and personal lives.

VI. Upholding the Code

18. The application of this Code shall be a matter for the House of Commons, and particularly for the Committee on Standards and Privileges and the Parliamentary Commissioner for Standards acting in accordance with Standing Orders Nos 149 and 150 respectively.

Comment

Some aspects of this Code might be thought to clash with free political expression. Paragraph 4 (bear true allegiance to Her Majesty the Queen) no doubt offends republicans but it inconceivable that it would be used to stifle political republicanism.

Paragraph 6 — a general duty to act in the interests of the country as a whole, would seem to constrain separatist parties, but has never been used to that effect.

Paragraph 11 — the prohibition on paid advocacy, was brought in after some MPs were discovered to have taken money for tabling specific questions. The ban has severely constrained what had been till then a growth in paid parliamentary consultancies.

Paragraph 18 is parliament's way of telling the courts to keep out of the matter! Enforcement of the code is for the House itself to do.

THE SCOTTISH PARLIAMENT

Key principles underpinning the Code of Conduct

3.1.2 These principles set the tone for the relationship between members and those they represent and between the Parliament and the people of Scotland.

Public duty

3.1.3 Members are expected to act in the interests of the Scottish people and the Scottish Parliament. Members should uphold the law and act in conformity with the rules of the Parliament.

Duty As A Representative

3.1.5 Members should be accessible to the people of the areas for which they have been elected to serve and represent their interests conscientiously.

Selflessness

3.1.6 Members should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefit for themselves, their family or friends.

Integrity

3.1.7 Members have a duty not to place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Honesty

3.1.8 Members should act honestly. They must declare any private interests (as required by the Interests of Members of the Scottish Parliament Act 2006) relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Accountability and Openness

- 3.1.9 Members are accountable for their decisions and actions to the Scottish people. They should consider issues on their merits, taking account of the views of others.
- 3.1.10 Members should be as open as possible about their decisions and actions.

Leadership

3.1.11 Members should promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the Parliament and its members in conducting public business.

Comment

This is based on the seven principles. A preamble makes the interesting point that key principles are aspirational in nature. Their intent is to guide and inspire members toward the very highest ethical ideals. The key principles, in contrast to ethical standards, do not represent obligations and do not form the basis for imposing sanctions.

CANADA

The Canadian House of Commons makes provision for how members conduct themselves in the chamber and during debate. Many of these requirements are in common with the UK House of Commons. For example:

Any Member who wishes to participate in the proceedings must stand and be in his or her designated place to be recognized and to speak.

When the Chair occupant rises, a Member must sit down.

Members have been discouraged from sitting on chair arms or on desks with their backs to the House.

Any Member participating in debate must address the Chair, not the House, a particular Minister or Member, the galleries, or the television audience. Since one of the basic principles of procedure in the House is that the proceedings be conducted in terms of a free and civil discourse, Members are less apt to engage in direct heated exchanges and personal attacks when their comments are directed to the Chair rather than to another Member.

Proper Attire

While there is no Standing Order setting down a dress code for Members participating in debate, Speakers have ruled that to be recognized to speak in debate, on points of order or during Question Period, tradition and practice require all Members, male or female, to dress in contemporary business attire. Members of the House who are in the armed forces have been permitted to wear their uniforms in the House.

Reading Speeches

While not formally prohibited by a Standing Order, practice holds that when addressing the House, Members should not read from a written, prepared speech. A Member may, however, use notes when delivering a speech. The purpose of this rule, which derived from British practice, is to maintain the cut and thrust of debate, which depends upon successive speakers addressing to some extent in their speeches the arguments put forward by previous speakers.

A speech should not consist of a single long quotation or a series of quotations joined together with a few original sentences.

Displays, Exhibits, Props

Speakers have consistently ruled out of order displays or demonstrations of any kind used by Members to illustrate their remarks or emphasize their positions. Similarly, props of any kind, used as a way of making a silent comment on issues, have always been found unacceptable in the Chamber.

Comment

Some of these requirements may seem dated. However the principle is well established and codes or rules concerning behaviour in debate will need to address the issue of using handheld electronic devices such as mobile phone. Use of mobile phones may merely be discourteous but what about using an i-pad as an autocue for a speech which is being written contemporaneously by an outside source?

As for the prohibition on use of props, one practical reason is that the sense of what is being conveyed cannot be reflected in the written Hansard report.

EXTRACT FROM SOUTH AFRICAN CODE OF CONDUCT

What is the purpose of the Code of Conduct? — The Code of Conduct is intended to:

- > Help Members conduct themselves appropriately as public representatives
- > Give specific guidelines based on the tasks of office
- ➤ Hold Members of Parliament accountable for their exercise of power
- > Outline acceptable behaviour by Members of Parliament
- Establish minimum standards of behaviour
- > Through disclosure, reduce secrecy and ensure that Members' personal interests are open to public scrutiny

Codes generally benefit from an understanding of their purpose, as the above South African example illustrates.

LATVIA

Extracts from the Latvian Code of Conduct

7. A Member of Parliament avoids using words, gestures and other actions that can be insulting and does not use offensive or otherwise inappropriate

statements that may dishonour the Saeima. A Member of Parliament bases his/her decisions on facts and their fair interpretation, as well as on logical argumentation.

8. A Member of Parliament does not use statements and does not support actions that may be regarded as incitement to illegal activity.

A Member of Parliament observes the principles of human rights and does not appeal to race, gender, skin colour, nationality, language, religious beliefs

17. A Member of Parliament keeps learning and acquires knowledge about democratic and political culture in his/her own country and other countries.

Comment

This is highly aspirational and is a call to base arguments on facts. But in a charged political atmosphere what is 'fair interpretation'?

The American Institute of Parliamentarians and The National Association of Parliamentarians jointly adopted following Code of Ethics on behalf of the entire parliamentary profession in the year 2001. It is noteworthy that unlike in many countries, these non-official forums of MPs treat the parliamentarians as professionals and devise/recommend guidelines of their conduct accordingly.

1. Universal Standards for Parliamentarians

A parliamentarian shall:

- 1.1 Assist in upgrading and improving the profession.
- 1.2 Assist in maintaining the integrity and competence of the profession.
- 1.3 Maintain high professional standards and keep abreast of the latest research in the field.
- 1.4 Promote a spirit of cooperation, ethical practice, and fair dealing with colleagues.
- 1.5 Conduct oneself so as to reflect credit on the profession and inspire the confidence, respect, and trust of clients and the public.
- 1.6 Encourage non-discriminatory standards in all aspects of parliamentary practice.

2. Ethical Standards within the Profession

A parliamentarian shall:

- 2.1 Refrain from misrepresentation or other conduct that may reflect adversely on the profession.
- 2.2 Avoid attacking the motives of any colleague, and shall refrain from gratuitously making adverse comments about the work, knowledge, fitness, or other qualifying aspect of a colleague.
- 2.3 Immediately report to the ethics committee any known or suspected violation of this code of ethics. When requested, the parliamentarian shall provide testimony to the ethics committee, and shall assist the committee in the fulfilment of its charge.

3. Ethical Standards Related to Obtaining Appointments

A parliamentarian shall:

- 3.1 Not misrepresent credentials, education, or experience to a client.
- 3.2 Refrain from making gratuitously adverse comments about competing applicants.
- 3.3 Refrain from giving anything of value to anyone for recommending the parliamentarians' services, except for the reasonable cost of advertising and the usual charges of a referral service.
- 3.4 Avoid unsolicited bidding for a position known to be filled.
- 3.5 Decline any appointment that the parliamentarian is not competent to handle.
- 3.6 Decline any appointment in which the parliamentarian is likely to be unduly restricted in the exercise of independent professional judgment.

4. Ethical Standards in Relation to Clients

A parliamentarian shall:

- 4.1 Adhere to the terms of any contract or written agreement between the parliamentarian and the client.
- 4.2 Prepare adequately for each job and fulfill all commitments.
- 4.3 Advise the client on the proper application of the accepted rules of parliamentary procedure notwithstanding the client's personal desires in the matter.
- 4.4 Not accept gratuities or favors that might appear to warp professional opinions nor shall parliamentarians offer any favor, service, or thing of value to obtain special advantage.
- 4.5 Keep in confidence any information obtained in the course of professional service.
- 4.6 Maintain a position of objectivity and impartiality and refrain from participating in debate.
- 4.7 Call to the attention of the presiding officer any deviation from the rules that may be harmful to the organization.
- 4.8 Not withdraw from employment without first taking reasonable steps to avoid foreseeable detriment to the client

The Eight Universal Laws of Leadership⁷

- **1. Maintain absolute Integrity-**It is more than being truthful...It is doing the right thing making the leaders responsible for their actions
- 2. Know yourself and others-Having heightened personal insight
- **3. Declare Your Expectations-**effective communication of plans and expectations from a member as a team leader
- 4. Show Uncommon Commitment-This suggests to avoid risks
- **5.** Expect Positive Results- Having positive attitude
- **6. Take Care of Your People-** Be empathetic as leader takes care of his people, he will be rewarded
- **7. Put Duty Before Self-** Prioritization of interests of public before their own
- **8. Get out in Front-** This means the leader should get out where they can analyse the situation and be seen by the team members

 $^{^{7}}$ Adopted from The News Art of the Leader by William A. Cohen, PH.D., Major General USAFR, Ret

Why Leaders Fail?

- 1. Have no vision
- 2. Believe that being at the top means that they order people what to do
- 3. Set goals without their team's input
- 4. Have no succession planning
- 5. Think they have everything it takes to be a leader
- 6. Do not communicate enough or provide constructive feedback
- 7. Forget to remember, encourage and reward good ideas/efforts
- 8. Never hold themselves accountable
- 9. Over Judgemental
- 10. Take credit for what others are doing
- 11. Refuse to perform outside the lines of job description
- 12. Talk about other team members behind their backs
- 13. Speak poorly for those in authority
- 14. Make others look Bad
- 15. Fail to get to know their team members

PARLIAMENTARY VALUES AND BEST PRACTICES (2013)

Participants' Hand Book

Section 3

CODE OF CONDUCT IN PAKISTAN



PARLIAMENTARY VALUES AND BEST PRACTICES (2013)

Chapter 3

CODE OF CONDUCT IN PAKISTAN

In Pakistan, there are established Rules and Procedures for both Senate and the National Assembly with which an MP must make himself familiar with as soon as he or she is elected to the House. Article 67 of the Constitution of Pakistan allows that a House may make rules for regulating its procedure and conduct of its business.

Accordingly, the conduct of business in Federal and Provincial assemblies of Pakistan and the prescribed rules to be observed are regulated by relevant provisions of the Constitution and the rules and procedures framed, from time to time, either by the assembly itself or by the governor. Legislatures follow the procedural guideline to direct and monitor their working, and steer the proceedings and business in the house. These customs and practices which prevail in the assembly are based on the past practices, the rulings of the presiding officers and on the unrecorded traditions of Parliament which a Member comes to know through his practical experience in the Parliament.

Rules to be observed by the member of Senate and National Assembly are as follows:

RULES TO BE OBSERVED BY MEMBERS WHILE PRESENT IN THE SENATE8

Extracted from following Rules and Procedures the Senate of Pakistan

Rules to be observed by members while present in the Senate. (Rule 225)
Rules to be observed while speaking in the Senate. (Rule 226)

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 $^{{}^8}$ Source: Senate of Pakistan - Rules of procedure and conduct of business in the Senate 2012

Rules to be observed by members while present in the Senate

Whilst the senate is sitting a member--

- i. shall not speak except with the permission of the Chair;
- ii. shall not read any book, newspaper or a document except in connection with the business of the Senate;
- iii. shall not interrupt any member during his speech by disorderly or objectionable gesture, expression, noise or any other manner whatsoever;
- iv. shall not pass between the Chair and any member who is speaking;
- v. shall not sit or stand with his back towards the Chair;
- vi. shall not obstruct proceedings and shall avoid making running commentaries when speeches are being made in the Senate or engage in cross talk;
- vii. shall not chant slogans, display banners, placards, throw and tear Table documents and reports, etc.;
- viii. shall not indulge in rowdy behaviour;
- ix. shall not approach the dais of the Chairman in a threatening manner;
- x. shall not act to erode the sanctity of the House or act in a manner which lowers the dignity of the House;
- xi. shall not act in any manner detrimental to the order, decorum and dignity of the House;
- xii. shall not applaud or make a reference to, when a stranger enters any of the galleries or the Special Box except when a foreign dignitary is specially invited to address the Senate or witness the proceedings of the Senate;
- xiii. shall not occupy a seat in the galleries nor while in the Chamber engage himself in conversation with any visitor in a gallery;
- xiv. shall not use a mobile phone or a camera;
- xv. shall not chew or drink or smoke;
- xvi. shall not carry any walking stick unless permitted by the Chairman under exceptional circumstances;
- xvii. shall bow to the Chair when taking or leaving his seat;

- xviii. shall always address the Chair and shall do so in a respectful and decent manner;
 - xix. shall keep to his usual seat while addressing the Chair; And
 - xx. shall maintain silence when not speaking in the Senate.

Rules to be observed while speaking

- 1) The subject matter of every speech shall be relevant to the matter before the Senate.
- 2) Except with the permission of the Chairman a member may not read his speech but may refresh his memory by reference to his notes.
- 3) A member while speaking shall not
 - a) discuss any matter which is sub-judice;
 - b) reflect upon the President in his personal capacity:

Provided that nothing in this paragraph shall preclude any reference, subject to the provisions of the Constitution, to the President in relation to any act done by him in his official capacity;

- c) discuss the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties;
- d) make a personal charge against a member, Minister or the holder of a public office, except in so far as it may be relevant in regard to the matter before the senate;
- e) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Senate;
- f) use offensive expressions about the conduct or proceedings in the joint sitting, Senate, National Assembly or a Provincial Assembly or a Committee thereof;
- g) unnecessarily cast reflection on the conduct of any person who cannot defend himself before the Senate;
- h) reflect on any decision of the Senate except on a motion for rescinding it;

- i) use the President's name for the purpose of influencing the debate; or
- j) utter unreasonable, seditious or defamatory words or make use of offensive or un-parliamentary expressions or which may hurt the religious susceptibilities of any class or persons.

RULES TO BE OBSERVED BY A MEMBER WHILE PRESENT IN NATIONAL ASSEMBLY⁹

Extracted from Rules and Procedures of National Assembly

Provisions of Rules of Procedure regarding Conduct of Member

- ☐ Conduct of members while present in the Assembly. (Rule 30)
- ☐ Conduct to be observed while speaking. (Rule 31)

Conduct of members while present in the Assembly

While the Assembly is sitting, a member-

- i. shall not read any book, newspaper, or letter except in connection with business of the assembly;
- ii. shall not pass between the Chair and any member who is speaking;
- iii. shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- iv. shall always address the Chair;
- v. shall keep to his usual seat while addressing the Assembly;
- vi. shall maintain silence when not speaking in the Assembly;
- vii. shall not obstruct proceedings and shall avoid making running commentaries when speeches are being made in the Assembly;

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 $^{^{9}}$ Source: National Assembly of Pakistan - Rules of procedure and conduct of business in the National Assembly 2007

- viii. shall not chant slogans, display banners or placard, throw and tear Table documents and reports, etc,;
 - ix. shall not indulge in rowdy behavior;
 - x. shall not approach the dais of the Speaker in a threatening manner;
 - xi. shall not act to erode the sanctity of the House or act in a manner which lower the dignity of the House
- xii. shall not act in any manner detrimental to the order and decorum of the House;
- xiii. shall not applaud when a stranger enters any of the galleries except when a foreign delegation or a foreign dignitary is specially invited to the sitting;
- xiv. shall not while speaking make any reference to a stranger in any of the galleries except when a foreign delegation or a foreign dignitary is specially invited to the sitting;
- xv. shall not occupy a seat in the galleries nor while in the Chamber engage himself in conversation with any visitor in a gallery;
- xvi. shall not use a mobile telephone;
- xvii. shall not chew or eat or drink or smoke; and
- xviii. shall not bring any stick unless permitted by the Speaker.

Conduct to be observed while speaking

- 1) The subject matter of every speech shall be relevant to the matter before the Assembly.
- 2) Except with the permission of the Speaker, a member may not read his speech but refresh his memory by reference to his notes.
- 3) A member while speaking shall not--

- a) discuss any matter which is sub-judice;
- b) reflect upon the President in his personal Capacity:

Provided that nothing in this paragraph shall preclude any reference, subject to the provisions of the Constitution, to the President in relation to any act done by him in his official capacity;

- c) discuss the conduct of any Judge of the Supreme Court or High Court in the discharge of his duties;
- d) make a personal charge against a member, Minister or the holder of a public office, except in so far as it may be relevant in regard to the matter before the Assembly;
- e) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly;
- f) use offensive expressions about the conduct of proceedings in the joint sitting, National Assembly, Senate or Provincial Assembly or a Committee or Subcommittee;
- g) un-necessarily cast reflection on the conduct of any person who cannot defend himself before the Assembly;
- h) reflect on any determination of the assembly except on rescission motion'
- i) use the President's name for the purpose of influencing the debate;
 or
- j) utter treasonable, seditious or defamatory words or make use of offensive or un-parliamentary expression

PARLIAMENTARY VALUES AND BEST PRACTICES (2013)

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Appendices

Appendix-I

The 2012 OSCE study sets out the main contents of a Code Key elements of a parliamentary standards system

Institution	Description	Objectives	Points to consider
Code of conduct	Written list of principles and/or rules to guide conduct	Provide clarity to MPs about expectations. Facilitate accountability	Compatibility with existing laws? Principles or rules? Accompanying guide to the code of conduct?
Registry of Interests	Centralized list of the private interests of MPs that could influence or appear to influence their decisions	Ensure that private interests do not influence MPs' judgement	What needs to be registered? Who will get access? What about privacy concerns?
Declaration of Assets	Statement listing total assets of an individual MP	Deter corruption by allowing scrutiny of assets gained while in public office	How are declarations submitted (electronically, paper, etc.)? Should declarations be publicly disclosed? Do family members need to make declarations? Can declarations be checked against tax

Expenses and allowances	Rules about what expenses are permissible and accounting	Ensure that public money is not wasted or used to supplement income	returns? Should allowances differ for different types of MPs? Should MPs' expenditures be centralized?
Conduct in the chamber	Rules about conduct within debates, respect for colleagues, language to be used or avoided, dress code	Ensure that parliament operates professionally and is able to perform its duties, that there is an atmosphere of respect for one's colleagues	Should demeanour be regulated? Are informal practices in the chamber inhibiting debate? Are gender and ethnic equality upheld?
Rules about relations with lobbyists	Rules and restrictions on the kinds of relations that MPs can have with lobbyists and interest groups	Ensure that MPs do not abuse office, receiving money from lobbyists in exchange of political favours	What kind of information should be provided in a registry of lobbyists? What is the balance between good lobbying and improper political influence?

CONSTITUTION OF PAKISTAN

Appendix-II

ينسبد المؤالة لحمل الكيسسية. (In the name of Allah, the most Beneficent, the most Merciful.)

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN

[12TH APRIL, 1973]

Preamble

Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust;

And whereas it is the will of the people of Pakistan to establish an order;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah;

Wherein adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures;

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

Wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein the independence of the judiciary shall be fully secured:

CONSTITUTION OF PAKISTAN

Wherein the integrity of the territories of the Federation, its independence and all its rights, including its sovereign rights on land, sea and air, shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity:

Now, therefore, we, the people of Pakistan;

Conscious of our responsibility before Almighty Allah and men;

Cognisant of the sacrifices made by the people in the cause of Pakistan;

Faithful to the declaration made by the Founder of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah, that Pakistan would be a democratic State based on Islamic principles of social justice;

Dedicated to the preservation of democracy achieved by the unremitting struggle of the people against oppression and tyranny;

Inspired by the resolve to protect our national and political unity and solidarity by creating an egalitarian society through a new order;

Do hereby, through our representatives in the National Assembly, adopt, enact and give to ourselves, this Constitution.

Appendix-III

Founder of the Nation Quaid-e-Azam Muhammad Ali Jinnah's presidential address to the Constituent Assembly of Pakistan

August 11, 1947

Mr. President, Ladies and Gentlemen!

I cordially thank you, with the utmost sincerity, for the honour you have conferred upon me - the greatest honour that is possible to confer - by electing me as your first President. I also thank those leaders who have spoken in appreciation of my services and their personal references to me. I sincerely hope that with your support and your co-operation we shall make this Constituent Assembly an example to the world.

The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing the future constitution of Pakistan and the second of functioning as a full and complete sovereign body as the Federal Legislature of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan. You know really that not only we ourselves are wondering but, I think, the whole world is wondering at this unprecedented cyclonic revolution which has brought about the clan of creating and establishing two independent sovereign Dominions in this sub-continent.

As it is, it has been unprecedented; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regards to it is that we have achieved it peacefully and by means of an evolution of the greatest possible character.

Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few things as they occur to me. The first and the foremost thing that I would like to emphasize is this: remember that you are now a sovereign legislative body and you have got all the powers.

It, therefore, places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.

The second thing that occurs to me is this: One of the biggest curses from which India is suffering - I do not say that other countries are free from it, but, I think our condition is much worse - is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so.

Black-marketing is another curse. Well, I know that blackmarketeers are frequently caught and punished. Judicial sentences are passed or sometimes fines only are imposed. Now you have to tackle this monster, which today is a colossal crime against society, in our distressed conditions, when we constantly face shortage of food and other essential commodities of life. A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These blackmarketeers are really knowing, intelligent and ordinarily responsible people, and when they indulge in blackmarketing, I think they ought to be very severely punished, because the entire system of control and regulation of foodstuffs and essential commodities, and cause wholesale starvation and want and even death.

The next thing that strikes me is this: Here again it is a legacy which has been passed on to us. Along with many other things, good and bad, has arrived this great evil, the evil of nepotism and jobbery. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly of indirectly brought to bear upon me. Whenever I will find that such a practice is in vogue or is continuing anywhere, low or high, I shall certainly not countenance it.

I know there are people who do not quite agree with the division of India and the partition of the Punjab and Bengal. Much has been said against it, but now that it has

been accepted, it is the duty of everyone of us to loyally abide by it and honourably act according to the agreement which is now final and binding on all.

But you must remember, as I have said, that this mighty revolution that has taken place is unprecedented. One can quite understand the feeling that exists between the two communities wherever one community is in majority and the other is in minority. But the question is, whether it was possible or practicable to act otherwise than what has been done, a division had to take place.

On both sides, in Hindustan and Pakistan, there are sections of people who may not agree with it, who may not like it, but in my judgement there was no other solution and I am sure future history will record is verdict in favour of it. And what is more, it will be proved by actual experience as we go on that was the only solution of India's constitutional problem. Any idea of a united India could never have worked and in my judgement it would have led us to terrific disaster. Maybe that view is correct; maybe it is not; that remains to be seen.

All the same, in this division it was impossible to avoid the question of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do? Now, if we want to make this great State of Pakistan happy and prosperous, we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges, and obligations, there will be on end to the progress you will make.

I cannot emphasize it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community, because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on, and among the Hindus you have

Brahmins, Vashnavas, Khatris, also Bengalis, Madrasis and so on, will vanish. Indeed if you ask me, this has been the biggest hindrance in the way of India to attain the freedom and independence and but for this we would have been free people long, long ago.

No power can hold another nation, and specially a nation of 400 million souls in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time, but for this.

Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State. As you know, history shows that in England, conditions, some time ago, were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God, we are not starting in those days. We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another.

We are starting with this fundamental principle that we are all citizens and equal citizens of one State. The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the government of their country and they went through that fire step by step. Today, you might say with justice that Roman Catholics and Protestants do not exist; what exists now is that every man is a citizen, an equal citizen of Great Britain and they are all members of the Nation. Now I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State. Well, gentlemen, I do not wish to take up any more of your time and thank you again for the honour you have done to me. I shall always be guided by the principles of justice and fair play without any, as is put in the political language,

prejudice or ill-will, in other words, partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and co-operation, I can look forward to Pakistan becoming one of the greatest nations of the world.

ABOUT THE AUTHOR

Mr Alistair Doherty is a retired clerk of House of Commons. He has 32 years' experience of working with Department Committees and Chamber Services in the UK House of Commons. Mr Alistair commenced select committee inquiries for the International Development Committee, Transport Committee, Scottish Affairs Committee and the European Scrutiny Committee. He has also worked in the legislation service of the House of Commons advising the Speaker and Committee chairs on drafting and selection of amendments to bills. He has been counseling MPs and the Speaker on the Rules of Procedures and on drafting parliamentary questions. Since 2008 he has worked on numerous short overseas assignments for the Westminster Foundation for Democracy and the EU in Parliamentary Capacity Building and the training of staff in overseas Parliaments including Egypt, Morocco, Serbia, Ukraine, Ghana, Azerbaijan, Libya and Democratic Republic of Congo.

ABOUT THE AUTHOR

Ms. Tehseen Khalid is presently working as Senior Research Officer of Pakistan Institute for Parliamentary Services (PIPS). She has versatility, research and interpersonal skills and experience in working with diverse institutions and streams of knowledge. Ms Tehseen has served as a faculty member for more than ten years at the Karakoram International University and other higher education Institutes. She holds a degree of Masters of Philosophy from Quaid-e-Azam University Islamabad in addition to a degree in Education. She has steered various research projects and has been a member of PIPS research wing that has organized trainings for Parliamentarians and Parliamentary functionaries. She has also conducted various research papers for Parliamentarians. Her educational and research background has focused on identifying potential challenges and problem solving.

EDITOR'S PROFILE

Mr. Muhammad Rashid Mafzool Zaka is the Director (Research and Information technology) and a member of the pioneering team of the Pakistan Institute for Parliamentary Services. He has 15 years' experience in academia, research and legislative reforms and has to his credit publications on parliamentary democracy, society and comparative religion. Mr Zaka commenced the PIPS exclusive Research on Request Services for parliamentarians in 2009 and has conducted numerous research papers for individual MPs and Standing Committees in addition to steering Institute's training programmes since November 2010. He is a certified trainer in legislative research, assessing laws, human rights and disaster risk management from the Asian Institute for Human Rights, Thailand and UNDP. Mr Zaka had served on leading positions including Head, Deptt. of Social Sciences, Iqra University; Director, CPDI and Legislative Capacity Advisor, PLSP in addition to being one of the founding faculty members who established the Foundation University, Islamabad. Mr Zaka has supervised numerous MS dissertations at reputable universities and has been Member, Board of Studies at FJWU. He holds an M. Phil. degree in International Relations and M.Sc in Strategic Studies with distinction from Pakistan's top ranking Quaid e Azam University, Islamabad.

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Campus: Ataturk Avenue (Service Road), F-5/2, Islamabad Islamic Republic of Pakistan Email: research@pips.org.pk Web: www.pips.org.pk

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