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DRAFT CODE OF CONDUCT FOR THE IRAQI COUNCIL OF REPRESENTATIVES

October 2011

Contract No. 263-I-03-06-00015-00 (REDI Task Order No. 3)

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DRAFT CODE OF CONDUCT FOR THE IRAQI COUNCIL OF REPRESENTATIVES

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Draft Code of Conduct for the Iraqi Council of Representatives

Context

This draft Code was developed based on the Iraqi Council of Representatives Rules of Procedures, and international best practices in drafting similar Codes for Parliaments. This document is designed to be a starting point for discussion, to assist the COR in its efforts to develop its own Code of Conduct for MPs.

Purposes

1. The purpose of this Code is to:
 - a) ensure individuals that work with COR Members that integrity is the benchmark of professionalism;
 - b) uphold and enhance public confidence in the integrity of COR Members as well as in the COR as an institution;
 - c) demonstrate that the COR is a transparent and cooperative body;
 - d) illustrate to the public that the COR has standards, and COR Members are held to those standards that prioritize public interests above Members' private interests; and
 - e) provide a reference for COR Members in how to reconcile their private interests with their public duties, functions, and responsibilities as elected members.

Principles

2. Iraqi COR Members are expected:
 - a) to act in conformance with the law, and with the rules of the COR;
 - b) to consistently make their best efforts to be accessible to and represent their constituents;
 - c) to act solely in the public's interest;
 - d) to act in the best interests of the nation of Iraq;
 - e) to fulfill their duties in an honest manner and with integrity, avoiding real or apparent conflicts of interest;
 - f) to arrange their private affairs so as to prevent real or apparent conflicts of interest;
 - g) to resolve all conflicts that do arise in favor of the public interest;
 - h) to make choices on merit in the course of their daily work at the COR;
 - i) to be as open and honest as possible in their work, their decisions, and their reasons for action or inaction;
 - j) to not accept any gift that might compromise or appear to compromise their integrity, judgment or neutrality except in accordance with this Code;
 - k) to avoid real or apparent financial or other obligations to individuals or organizations outside the COR that may attempt to influence them in the performance of their COR duties;
 - l) to be accountable to the public for their decisions and actions;
 - m) to not use their position of office to provide preferential treatment to any person;
 - n) to not use their position as a COR Member to influence a decision of another person so as to further his or her own position or private interests;
 - o) to not use their position as a COR Member to influence a decision of another person so as to further his or her family's interest, or the interests of another person; and
 - p) to not use information obtained in their position as a COR Member that is not generally available to the public to further his or her private interests, those of a member of his or her family, or of another person.

Application

3. The provisions of this Code apply to all Members of the Iraqi COR.

4. Nothing in this Code prevents COR Members from any of the following, as long as they simultaneously comply with the provisions of this Code:
 - a) practicing a profession;
 - b) engaging in employment;
 - c) implementing a business;
 - d) being involved in a company, non-profit organization, or any type of association or other group; and
 - e) being a partner in a partnership¹.

Rules of Conduct

Disclosure statement

5. A COR Member shall file with the COR Registrar a statement disclosing any of the Member's private interests that may conflict with their work at the COR.
6. The Member is required to register those interests within 60 days after the notice of his or her election to the COR.
7. If a COR Member has no interests that require disclosure, a statement of that fact must be submitted.

Kinds of interests to be disclosed

8. The following kinds of interests must be disclosed:
 9.
 - a) financial interests that may compromise or may be seen to compromise a Member's integrity;
 - b) sources of remunerated employment outside the COR; and
 - c) foreign travel (other than personal visits paid for by the Member, business visits unrelated to the Member's role at the COR and official and formal visits paid for by the state or the COR Member's party).

Details of interests to be disclosed

10. The following details of interests must be disclosed:
 - a) financial interests that may be seen to compromise a Member's integrity:
 - i. the name of that company;
 - ii. the nature and value of the financial interests;
 - iii. information about the corporation's activities; and
 - iv. the names of any other corporations that corporation owns, or is affiliated with.
 - b) sources of remunerated employment outside Parliament:
 - i. the type of employment; and
 - ii. the name, and type of business activity, of the employer.
 - c) foreign travel:
 - i. a description of the journey, including locations visited and purpose of the same; and;
 - ii. details of the sponsoring party.

Late Registration

¹ Note that Article 19 of the current Rules of Procedure state that "Membership in the COR shall not be combined with any business or other official position".

11. Where a COR Member has omitted to register an interest due, for example, to an oversight or misunderstanding, the Member must register that interest within seven days of the Member becoming aware that registration was required.

Gifts and other benefits

12. Neither COR Members nor any member of their families can accept a gift or other benefit that might have been given to influence the COR Member in the exercise of a duty or function of his or her office, or may be seen to have been given for this reason.

Exception

13. Despite section 11, a COR Member or a member of their family may accept gifts or benefits received as an accepted expression of courtesy or protocol.

Sponsored travel

14. Despite section 11, a COR Member may accept sponsored travel that arises from or relates to his or her official duties with or position at the COR.

Declaration of Private Interests to COR Committees

15. COR Members must:
 - a) declare any private financial or business interest that the COR Member may have in a matter before a committee of which that COR Member is a member;
 - b) withdraw from the proceedings of that committee when that matter is considered; and
 - c) If the COR committee determines the Members' interest is not relevant, or is trivial or unlikely to affect the integrity of the discussion or vote, the committee may agree to allow the Member to participate and/or vote.

COR Committee on Standards, Procedures and Ethics

16. The COR may create, for the purposes of implementing this Code, a COR Committee on Standards, Procedures and Ethics.
17. The COR Committee on Standards, Procedures and Ethics shall have as its jurisdiction, all matters relating to the ethics of COR Members, procedures COR Members are required to follow and all other matters that fall under this Code.

COR Registrar and Registry

COR Registrar to Register Interests

18. COR Members must register interests by lodging written statements with the COR Registrar.
19. The Register must contain an entry for each COR Member.

Entries in Register

20. The Register of COR Member interests shall have two parts; one of which shall be open to the public, the other that shall be kept confidential.
21. The Registrar will record all details of interests in the public part of the Register, except the following, which must be recorded in the confidential part:

- a) Details of foreign travel when those details should be kept confidential for security, or other reasons relating to COR business; and
 - b) Details that allow access to information regarding Members' private residences, families or other similarly sensitive information.
22. Once the Registrar has received a statement of interest from a COR Member, the Registrar has 30 days from the date of receipt within which to register these interests in the Register.
 23. The Register applies only to the current session of the Parliament. On dissolution of the current session, all entries in the register will be deleted. A new register is set up at the beginning of each new session of Parliament.
 24. The Registrar shall delete entries in case of a Members' death or resignation.
 25. All old Registers and entries must be kept for a period of five years. These are kept with the current Registrar and are made available for public inspection unless the entry is recorded in the confidential section of the Register.

Inquiries

Request for an inquiry

26. Any COR Member has a right to request, through the COR Committee on Standards, Procedures and Ethics, an inquiry into contraventions of this Code;
27. COR Members must have reasonable grounds to believe that another COR Member has contravened this Code prior to making a request for an inquiry.

Form of request

28. The COR Member making the request must do so in writing.
29. The Member must sign the request, and identify in detail the alleged contravention of the Code. The Member must also clearly lay out, in writing, the reasonable grounds for believing a contravention has occurred.

Notice

30. The Registrar must forward the written request for the inquiry, complete with details contained within, to the COR Member who is the subject of the request within 10 days.
31. The COR Member will be given 30 days from the date of receipt of the inquiry request to respond, in writing, to the attention of the Registrar.
32. The Registrar must forward the written request for the inquiry, complete with details contained within, to the COR Committee on Standards, Procedures and Ethics.

Preliminary review

33. On behalf of the COR Committee on Standards, Procedures and Ethics, the Registrar will conduct a preliminary review of the inquiry request and of the response by the COR Member whose behavior is at issue.
34. The Registrar shall notify in writing the Member who made the request, the Member who is the subject of the request, and the COR Committee on Standards, Procedures and Ethics of the results of the Registrar's review within 15 working days of receiving the COR Member's response to the inquiry request.

Requests Without Merit

35. If the COR Committee on Standards, Procedures and Ethics is of the opinion that a request for an inquiry was frivolous, malicious or was not made in good faith, the Committee is obligated to record this in the written report dismissing the request.
36. The COR Committee on Standards, Procedures and Ethics may recommend that sanctions be imposed against the COR Member who made the request if the committee comes to the conclusion that the request has no merit.

Inquiry to be private

37. The COR Committee on Standards, Procedures and Ethics is required to conduct an inquiry when a request is made.
38. The COR Committee on Standards, Procedures and Ethics shall conduct any inquiry in private.
39. The COR Member concerned shall be given an opportunity to explain their actions throughout the inquiry.
40. The COR Member shall be given a copy of any documentation obtained, and written statements describing other evidence being considered by the COR Committee on Standards, Procedures and Ethics.

Cooperation

41. COR Members are required to cooperate with the Registrar and with the COR Committee on Standards, Procedures and Ethics on inquiries and other relevant matters.

Written Report

42. Any inquiry shall be completed by the COR Committee on Standards, Procedures and Ethics within 90 days of receipt of the Preliminary Review as forwarded by the Registrar.
43. At the end of an inquiry, the COR Committee on Standards, Procedures and Ethics will draft a written report detailing their findings and submit this report to the Speaker's Office.
44. The Speaker has the option to present the report to the COR.

Contravention

45. The COR Committee on Standards, Procedures and Ethics must clearly state in the written report if the committee concludes that the Member did not comply with this Code.
46. The COR Committee on Standards, Procedures and Ethics must give detailed reasons for any conclusions reached under section 44.

No contravention

47. If the COR Committee on Standards, Procedures and Ethics concludes that the Member did not contravene this Code, the committee shall clearly state this in their report.
48. The COR Committee on Standards, Procedures and Ethics must give detailed reasons for any conclusions reached under section 46.

Mitigated contravention

1. If the COR Committee on Standards, Procedures and Ethics concludes that a COR Member did not comply with this Code but made every attempt to properly and fully comply with the Code, the COR Committee on Standards, Procedures and Ethics shall note this in the written report and may choose not to recommend sanctions.
2. The COR Committee on Standards, Procedures and Ethics may conclude that the COR Member's action, omission or behavior at issue was trivial or occurred through an error made in good faith. The committee will note this in the written report and may choose not to recommend sanctions.

Reasons

3. The COR Committee on Standards, Procedures and Ethics shall include in their report detailed reasons for any conclusions, recommendations, and sanctions.

General recommendations

4. The COR Committee on Standards, Procedures and Ethics may include in their report recommendations relating to the general interpretation of this Code and any recommendations for revision of this Code if the Committee considers them appropriate.

Sanctions

5. Depending on the outcome of their findings, the COR Committee on Standards, Procedures and Ethics may choose to recommend sanctions in the written report.
6. If the COR Committee on Standards, Procedures and Ethics is of the opinion that a request for an inquiry was frivolous, malicious or was not made in good faith, the Committee may choose to recommend sanctions against the involved COR Member.
7. If the COR Committee on Standards, Procedures and Ethics concludes that a COR Member has not complied with an obligation under this Code, the Committee may recommend sanctions against the involved COR Member.
8. The COR Committee on Standards, Procedures and Ethics may recommend any of the below sanctions, or any other sanctions the Committee deems appropriate:
 - a) exclusion of a member from proceedings of the COR generally or specifically, for example, proceedings at particular meetings of the Parliament or its committees;
 - b) exclusion from other activities which a member might normally have a right to attend;
 - c) withdrawal of a right of access as a member to the COR complex;
 - d) withdrawal of a right of access as a member to COR services;
 - e) removal of representational, ceremonial and related privileges which a member might normally enjoy as a member;
 - f) withdrawal of a member's allowance or salary or any part of an allowance or salary.
9. The COR will determine on a case by case basis what rights and privileges will be withdrawn from a member and the duration of withdrawal.

General Conduct

Treatment of Parliamentary staff

10. COR staff are required to treat Members with courtesy and respect. COR Members must show staff the same consideration.
11. Staff includes contractors providing services to the COR.

Treatment of other COR Members and their Staff

12. Members must treat other Members and the staff of other Members with courtesy and respect.

Allowances

13. No COR Member will make improper use of any payment or allowance made to for public purposes.

Debate and voting

14. If a COR Member has a private interest in a matter, he or she shall not participate in debates on or vote on questions that are relevant to the matter in any forum in the COR, or within his or her official COR business or responsibilities.

Evasion

15. A COR Member shall not take any action for the purpose of circumventing any of the Member's obligations under this Code.