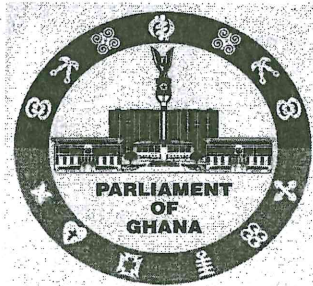




**IN THE SECOND SESSION OF THE SIXTH
PARLIAMENT OF THE FOURTH REPUBLIC
OF GHANA**



**REPORT OF THE AD-HOC COMMITTEE
ON THE CODE OF CONDUCT FOR
MEMBERS OF PARLIAMENT OF GHANA**

NOVEMBER, 2014

**IN THE SECOND SESSION OF THE SIXTH PARLIAMENT OF THE
FOURTH REPUBLIC**

**REPORT OF THE AD-HOC COMMITTEE ON A DRAFT CODE OF CONDUCT
FOR MEMBERS OF PARLIAMENT OF GHANA**

1.0 INTRODUCTION

- 1.1 On Thursday, 4th July, 2013 the House approved a motion moved by the Majority Leader, Hon. Benjamin Bewa-Nyog Kunbuor and seconded by the Hon. Deputy Minority Leader, Hon. Dominic Bingab Aduna Nitiwul to compose an Ad-hoc Committee to make recommendations for a Code of Conduct for adoption by the House. This action was informed by earlier attempts of the House to have some standards to guide the conduct of Members in the discharge of their duties.
- 1.2 It is trite knowing that the Parliament of Ghana has no specific document that contains a comprehensive code of ethics and conduct. Whatever rules of ethics or conduct guiding the appearance, comportment and conduct of Members of Parliament could be gathered from many sources. Among these sources are: a section titled "Code of Conduct" and other rules of dos and don'ts in: *A Guide to the Parliament of Ghana, The Standing Orders of the Parliament of Ghana, the 1992 Constitution of the Republic of Ghana and the consequent numerous laws in the Country.*
- 1.3 It will be recalled that between 2007 and 2010, efforts were made to enact a Code of Conduct for Parliament and Parliamentarians. A number of Workshops were organized by the then Parliamentary Leadership and the Commission on Human Rights and Administrative Justice to educate and build the capacity of Members and staff of Parliament on the subject of Ethics and Code of Conduct for Members of Parliament.

1.4 The absence of such a Code of Conduct is of grave concern to Members of Parliament and Parliament as an Institution. The absence of a Code makes it very difficult to measure and assess the conduct of Members to determine whether they are acting within the acceptable perimeters of honourability or not. The views and sentiments expressed by the House on the 4th July, 2013 captured the frustration and dilemma of Members. Following the debate, the Rt. Hon. Speaker, directed that an Ad-hoc Committee should be set up.

2.0 MEMBERSHIP OF THE COMMITTEE

2.1 Acting on the directives of the Rt. Hon. Speaker, an Ad-hoc Committee was set up at the conclusion of the debate. The Committee which comprised the under listed Members were further directed by the Rt. Hon. Speaker to commence work immediately and to submit its report to the House as soon as possible for consideration:

- (i) Hon. A. S. K. Bagbin - Chairman
- (ii) Hon. Papa Owusu-Ankomah - Vice-Chairman
- (iii) Hon. Laadi Ayii Ayamba - Member
- (iv) Hon. George Kofi Arthur - Member
- (v) Hon. Isaac Osei - Member
- (vi) Hon. Ahmed Ibrahim - Member
- (vii) Hon. Ignatius Baffour Awuah - Member

3.0 METHODOLOGY

3.1 The Committee at its maiden meeting decided to appoint a sub-Committee to submit a draft Code for the consideration of the Committee. The Clerk to the Committee placed at the disposal of the Committee, a zero draft Code as a guide to the sub-Committee.

- 3.2 The sub-Committee took the zero draft Code as an initial source document but proceeded to gather and review all available materials and literature on the subject matter, including the various Constitutions and relevant laws of Ghana.
- 3.3 The Committee also sought the assistance of Professor Samuel N. Woode, former Chairman of the Public Services Commission and Mr. Vitus Azeem, Executive Secretary to the Ghana Integrity Initiative, both of whom have vast knowledge and experience in ethics and anti-corruption rules and practice. The Committee acknowledges with gratitude, the guidance and contribution of these two personalities.

4.0 PURPOSE, PRINCIPLES AND VALUES OF THE CODE

4.1 Public office, as you all know, is a public trust; therefore public officers including Parliamentarians are enjoined to use the trust to provide service to the public. It is therefore incumbent on public officers, including Parliamentarians, to have in mind that in the performance of their duties, they should conduct themselves in such a way as to:

- reflect a high degree of selflessness, integrity, objectivity, accountability, openness and leadership:
- conform to an established professional and personal standards of life, measured against the background of integrity, trust and honesty: and
- comply with a system of moral principles established by the Society.

The purpose of the Code is therefore to assist all Members in the discharge of their obligations to the House, their constituents and the public at large. These values and principles are meant to ensure that the Officers, Members of Parliament and Parliament as an Institution are not only doing the right thing, but manifestly seen by the people to be behaving right and doing what they have been purposed to do.

4.2 Indeed, the draft Code provides an opportunity to come to a common understanding and more importantly, arrive at a consensus on what to expect of each other as

Legislators. If Members imbibe these values and principles and reflect them in the performance of their duties, a common understanding, indeed a culture would have been forged as to what is acceptable and proper behaviour in the conduct of the public's business in the House. Ultimately, this culture or behaviour will greatly enhance the trust and confidence of the public in Members and Parliament as an institution of State.

- 4.3 In the search for acceptable conduct in public life, it is crucial for Members of Parliament to know the distinction as to what is legal, ethical, and appropriate. Knowledge and understanding of what is legal, ethical and appropriate will provide Parliament with a generally accepted benchmark for measuring the behaviour of those who go against what is agreed as acceptable standard of conduct – a standard which allows Members to judge themselves, making external regulation and control unnecessary. The Committee believes that this understanding will also help the House in resolving the complex and many-sided nature of the “integrity challenge” encountered in the work of Members of Parliament.

5.0 DELIBERATIONS

- 5.1 The zero draft Code and the literature on the subject, together with the materials procured by the sub-Committee, were given to each Member of the Committee and also made available to the two personalities named earlier. The zero draft Code, literature and materials were reviewed independently by them and each submitted a separate draft proposal. The sub-Committee reviewed the two proposals, after a detailed presentation by Prof. S. N. Woode. The sub-Committee after an extensive discussion, compiled a simple, easy to understand and act upon draft Code for the consideration of the Members of the entire Committee. The product of the deliberations of the Committee is what is now before the House.
- 5.2 The literature, relevant materials, constitutions, laws and regulations from Ghana and the Legislatures of some countries on Ethics and Code of Conduct reviewed during the Committee's work are as follows:

- i. The 1969, 1979, and 1992 Constitutions of Ghana,
- ii. The Standing Orders of the Parliament of Ghana,
- iii. Guidelines on Conflict of Interest to assist Public Officials Manage and Resolve Conflicts of Interest, compiled by the Commission on Human Rights and Administrative Justice,
- iv. Code of Ethics for Ministers and Political Appointees, Republic of Ghana,
- v. United States House of Representatives' Code of Conduct,
- vi. Rules of the Arizona House of Representatives,
- vii. New Hampshire Manual of the General Court,
- viii. Rules of Procedures and Members Code of Conduct Regulation of the House of Representatives of Ethiopia,
- ix. Members Code of Conduct, Parliament of Victoria, Australia,
- x. Code of Conduct for the Parliament of the Republic of Sierra Leone,
- xi. Code of Conduct for Members of the House of Commons, Canada,
- xii. Code of Conduct for Members of the House of Commons, United Kingdom,
- xiii. Code of Conduct for South Africa Parliament,
- xiv. Code of Conduct for Members of Rajya Sabha, India,
- xv. Code of Conduct for Members of Lok Sabha, India,
- xvi. Background Study: Professional and Ethical Standards for Parliamentarians. Published by the OSCE Office for Democratic Institutions and Human Rights, Miodowa 10, 00-251 Warsaw, Poland.

xvii. Legislative, Ethics and Codes of Conduct by Rick Staphenurst and Riccardo Pelizzo; and

xviii. Living the Values and Ethics of Public Service by Samuel N. Woode.

5.3 During the deliberations, the Committee discovered that more than 182 Countries have legislated on various types of Codes of Conduct. These Countries include Algeria, Australia, Austria, Belarus, Belgium, Bolivia, Bulgaria, Cape Verde, the Czech Republic, Egypt, Equatorial Guinea, Estonia, the Fiji Islands, France, Hungary, Indonesia, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Lesotho, Namibia, New Zealand, Poland, Portugal, Sierra Leone, Slovakia, Spain, Sri Lanka, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, the United Kingdom, the United States of America, Uruguay and Zambia. The Committee noted that the Second Deputy Speaker of our Parliament, Hon. Joe Ghartey was the consultant and lead expert in drafting the Code of Conduct for the Parliament of Sierra Leone. The Committee commends Hon. Joe Ghartey for drafting a good Code of Conduct for Sierra Leone and for making Ghana proud.

6.0 SCOPE OF THE CODE

6.1 The Committee believes, it is important to repeat ad nauseam, that a Code of Conduct serves as an inspirational biding guide and a constant reminder of what is an acceptable behaviour or conduct and what is not. In other words, it is intended to promote a political culture that places considerable emphasis on propriety, correctness, transparency, and honesty of Members of Parliament. A Code does not seek to control Members but it simply acts as a measure of the true commitment of Members of Parliament to provide, promote and protect the common good. Parliamentarians ought not to turn this privileged opportunity to serve the public into self-service.

6.2 The draft Code before Hon. Members is simple, easy to read, accumulate and commit to memory. It consists of the seven (7) 'Nolan Principles' as revised: Selflessness,

Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership and ten (10) Rules of Conduct. Admittedly, the ten Rules do not provide detailed guidance to Members on all situations and circumstances. Consequently, the Committee recommends the compilation of a comprehensive Guide or Manual to provide details to help Members navigate through the integrity challenges of the rather difficult and stormy public office.

- 6.3 The Committee proposes that a Preamble precedes the seventeen (17) points or principles of ethics and codes. The Committee decided for ease of presentation to prepare a draft Code and attach a copy to the report for the consideration of the House.
- 6.4 It is important for Members to note that, the obligations set out in this Code are additional to those which apply to all Members by virtue of the procedural and other rules of the House and rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

7.0 RECOMMENDATIONS AND CONCLUSION

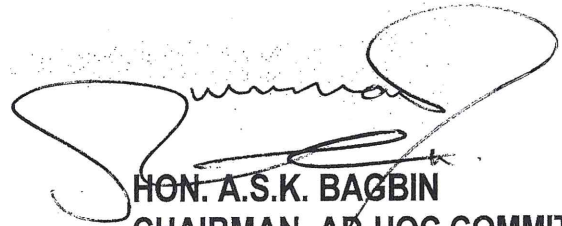
- 7.1 The Committee recommends the compilation of a Guide/Manual for the House and Members of Parliament. The development of a Guide/Manual to the Code is crucial and necessary since the Manual will outline in detail, the ethical issues raised by actions or inactions of Members of Parliament on each of the general principles of the draft Code. It will also outline the processes and procedures to be followed by Members in complying or applying the rules. The Manual will further codify the appropriate remedial action to be taken or sanction to be imposed on a breach of a rule on a Member when the House considers it necessary on.
- 7.2 The Committee recommends the establishment of a Standards or Ethics Committee with the responsibility of implementing and enforcing the Code of Conduct and reviewing the Code from time to time to make it a living document.

- 7.3 The Committee recommends the establishment of a Register of Interest for Members to formally declare their financial, business, proprietary, and other monetary interest in the Register.
- 7.4 Finally, the Committee recommends the draft Code of Conduct to the House and calls on Members to unanimously adopt it. If Members adopt this Code and apply themselves to the Rules therein, Members would have effectively led in contributing to the virtues and values of society as successful people live by rules. And to quote Mark Twain (1835 – 1910), ***“laws control the lesser man...Right conduct controls the greater one”***.

Respectfully submitted.



**M. ABREFA TAWIAH
CLERK, AD-HOC COMMITTEE
ON CODE OF CONDUCT FOR
MEMBERS OF PARLIAMENT**



**HON. A.S.K. BAGBIN
CHAIRMAN, AD-HOC COMMITTEE
ON CODE OF CONDUCT FOR
MEMBERS OF PARLIAMENT**

November, 2014

CODE OF CONDUCT FOR THE MEMBERS OF PARLIAMENT OF THE REPUBLIC OF GHANA

INTRODUCTION

The Members of the Sixth Parliament of the Fourth Republic of Ghana resolved on the 4th day of July 2013 to consummate the concerns and efforts of earlier Parliaments of the Republic to formally codify the rules of ethics and code of conduct for Members of Parliament of the Republic. Consequently, an ad-hoc Committee was established to submit a draft Code of Conduct for the consideration of the House. This Code is the outcome of the work of the Committee.

The Committee looked at the Codes of Conduct of various institutions in Ghana, and relevant laws of Ghana. The views of Members and some concerned citizens that the existing rules of ethics and conduct in Ghana's Parliament are too general in character, lacked clarity and scattered in numerous documents were also taken into consideration.

The Committee reviewed the literature on the subject and the codes of conduct of several Parliaments in the World. The Committee's work was also informed by international conventions, guidelines, working papers of the World Bank Institute and writings of experts on the subject.

A common characteristic of all these Codes is the emphasis on the principle that Members must at all times, conduct themselves in a manner that will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring Parliament and its Members into disrepute.

The Code of Conduct for the Parliament of Ghana reflects the 'Nolan Principles' as revised - selflessness, integrity, objectivity, accountability, openness, honesty and leadership and further stresses the principles of loyalty to the State and the Constitution of the Republic.

In drafting the Code, the Committee considered that while we should keep as close as possible to international standards, the political and ethical contexts of our Country and the House should also be reflected in the Code.

This Code is therefore a bold attempt at capturing in a summary form, all the rules of ethics and conduct in a formal document. For the purposes of Members of Parliament and drawing from the experience of other Parliaments, the Code is in simple language, easy to read, understand, commit to memory and practice.

The Code sets out the limits of what can and cannot be done. It can be considered both as a sword and a shield to Members of Parliament. This is a sword that can be raised as an empowering tool for Members to act, and a shield to protect Members from attacks.

The Code will assist Members of Parliament in complying with their duty to promote and maintain high standards of conduct and provide leadership in good governance for the people of Ghana.

Details and guidelines to the Code are to be compiled in a Manual which will clarify the principles in the Code and serve as a useful tool and reference point for the interpretation of the Code.

The experience and expertise of Professor Samuel N. Woode and Mr. Vitus Azeem were handy and helpful. The Committee appreciates and acknowledges with gratitude the invaluable contribution they made to the development of this Code. It is the hope of Committee Members that this Code will serve as a useful tool to the conduct of Honourable Members of the august House.

PREAMBLE

We the Members of the 6th Parliament of the Fourth Republic of Ghana,

RECALLING the oath or affirmation of a Member of Parliament to bear true faith and allegiance to the Republic of Ghana: uphold, preserve, protect and defend the Constitution of Ghana: and faithfully and conscientiously discharge the duties of a Member of Parliament:

CONSCIOUS as elected representatives of the people of Ghana that we are to render selfless service to the people and not convert this privileged position to serve our private or personal interest:

CLEAR in our minds that the trust and confidence of the people in Parliament and Parliamentarians depend on the integrity and honesty of the Members of Parliament and Parliament as an institution:

HAVING a common understanding of the ethical standards and code of conduct that Members of Parliament must uphold and abide:

COMPLYING with the provisions of Chapter Twenty-Four of the 1992 Constitution, and the various enabling laws and guidelines on Code of Conduct for Public Officials in Ghana:

BELIEVING that good and smart governance rests on the pillars of trust, competence and accountability of political leaders:

AND IN SOLEMN declaration and affirmation of our commitment to multi-party democracy, human rights, the rule of law, good and smart governance and the equitable development of Ghana:

DO HEREBY ADOPT AND GIVE TO OURSELVES THIS CODE OF CONDUCT

THE CODE

PURSUANT TO THE RESOLUTION OF PARLIAMENT DATED 4TH JULY, 2013

1.0 PURPOSE OF THE CODE

The purpose of this Code of Conduct is to assist all Members in the discharge of their obligations to the State, 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 and trust in the standards expected of all Members and in the commitment of the House to upholding these rules.

2.0 SCOPE OF THE CODE

- (a) The Code applies to a Member's conduct which relates in any way to his/her 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 as a whole or of its Members generally.
- (b) 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 rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

3.0 GENERAL PRINCIPLES OF CONDUCT

Public office is a public trust. In carrying out Parliamentary and Public duties, Members of Parliament will be expected to observe the following general principles of conduct - the 'Nolan Principles' as revised: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct outlined in this Code.

3.1 Selflessness

Members of Parliament should act solely in terms of the public interest.

3.2 Integrity

Members of Parliament must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interest and relationships.

3.3 Objectivity

Members of Parliament must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

3.4 Accountability

Members of Parliament are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

3.5 Openness

Members of Parliament should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

3.6 Honesty

Members of Parliament should be truthful.

3.7 Leadership

Members of Parliament should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

4.0 RULES OF CONDUCT

4.1 FAITHFULNESS AND LOYALTY TO GHANA

A Member of Parliament shall be faithful and loyal to the Republic of Ghana.

4.2 THE CONSTITUTION AND THE LAWS OF THE REPUBLIC

A Member of Parliament shall protect the Constitution, respect the spirit and the letter of the laws of the Republic of Ghana and adhere to the rules of the House contained in the Standing Orders and other documents of the House.

4.3 CONFLICT OF INTEREST

A Member of Parliament shall protect the public interest and the common good of the Republic and avoid placing him/herself in a position where his/her personal interest will make it impossible for him/her to protect the public interest or promote the common good.

4.4 GIFTS

A Member of Parliament shall not accept gifts which might reasonably be considered as given with the intention of influencing the Member's ability to perform his/her duties conscientiously.

4.5 PERFORMANCE OF OFFICIAL DUTIES AND OUTSIDE ACTIVITIES

A Member of Parliament shall devote his/her full time and attention to the performance of his/her Parliamentary duties. Except as provided by Article 98 (2) of the Constitution, and Order 173 (2) (a) and (b) of the Standing Orders of Parliament, a Member of Parliament shall not engage in any business or professional activity or paid employment which might conflict with the conscientious performance of his/her Parliamentary duties.

4.6 PRIVATE GAIN

A Member of Parliament shall not use his/her position for private gain or the advancement of the interests of his/her business associates, friends or relatives.

4.7 USE OF CONFIDENTIAL INFORMATION

A Member shall not use information acquired in the performance of a Parliamentary duty as a means for making money for him/herself or for that of a business associate, friend or family Member.

4.8 USE OF PUBLIC RESOURCES

A Member of Parliament shall ensure that public resources entrusted to his/her care are used for the intended purpose and expose corruption whenever discovered.

4.9 HONOUR AND DIGNITY OF PARLIAMENT AND THE PARLIAMENTARIAN

A Member of Parliament shall conduct him/herself in a manner that reflects creditably on the dignity of the House and not to conduct him/herself in a manner which could reasonably be regarded as bringing his/her position or the House into disrepute.

4.10 OPENNESS AND ACCOUNTABILITY

In addition to complying with the constitutional and legal requirements with regards to the declaration of assets and interests, a Member shall further declare his/her business, financial, pecuniary, proprietary or other monetary interest in the Register of Financial Interests as part of the official records of the House.

5.0 UPHOLDING THE CODE

The application of this Code shall be a matter for the House, and particularly for the Committee on Standards/Ethics Committee. The Committee may investigate a specific matter relating to a Member's adherence or otherwise to the rules of conduct under the Code and submit its report together with its recommendations and conclusions to the House. The House may impose a sanction on the Member where it considers necessary.

Members shall cooperate, at all stages with any such investigation by or under the authority of the House. No Member shall lobby a Member of the Committee in a manner calculated or intended to influence its considerations of an alleged breach of this Code.