

Code of Ethics

Nigeria's National Assembly

National Institute for Legislative Studies
National Assembly

Code of Ethics - Nigeria's National Assembly

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Rule 1

General Conduct

- 1.1 Legislators should appreciate that they are easily recognisable in public, among other reasons, at least, by the titles which they bear – “Senator,” “Honourable” – and that these titles patently identify them with the high institutions which they represent. They must, therefore, conduct themselves at all times and in all places in an exemplary manner. They should refrain from any behaviour which is inconsistent with acceptable social and moral standards as adjudged by the Chamber. The voters look up to them in trust and confidence.
- 1.2 A legislator should exhibit honesty and integrity, transparency and accountability in his dealings with others and maintain courteous and cordial relationship with them regardless of ethnic, religious, political or other differences, including differences in status. He or she should be decent in public at all times.

Rule 2

Conduct in the Chamber and in a Committee or within the Precinct of the National Assembly

Without Prejudice to the standing orders of the Senate/ House, a Legislator shall –

- 2.1 Not be in possession of any weapon while in the Chamber or within the precinct of the legislature.
- 2.2 Not by act or omission, obstruct or attempt to obstruct the proceedings of the legislature or of any Committee of the Legislature.
- 2.3 Not approach the Chair except when invited by the Presiding Officer (or in an emergency).
- 2.4 Switch off his/her cell phone or other electronic device likely to cause distraction while in the Chamber.
- 2.5 Desist from using derogatory, discriminatory, insulting, provocative, gender insensitive or any other language which may be construed as offensive or resort to assault or physical combat in the Chamber in a Committee or within the precinct.
- 2.6 Not engage in any speech or action likely to cause confusion or disaffection in the Chamber or in a Committee.
- 2.7 Not seize or attempt to seize or take unlawful possession of the Mace nor in the process engage or attempt to engage the Sergeant-at-Arms, his deputy or any Chamber staff in physical combat over possession of the Mace.
- 2.8 Adhere strictly to the spirit and provisions of the Standing Orders.

Rule 3

Conflict of Duty and Interest

Legislators, as elected representatives of the people are in positions of trust and therefore must not place themselves in a position where their personal interests conflict or may possibly conflict with their duties. Accordingly, a legislator shall –

- 3.1 Not use his or her official position and information which is received in confidence in the course of legislative duties for the purpose of financial gain or any other personal gain.
- 3.2 Not receive any benefit, or compensation nor permit compensation to accrue to his or her beneficial interest if acceptance or accrual of such benefits may possibly compromise his or her stand on an issue or on a piece of legislation.
- 3.3 Declare any interest financial or non-financial which he or she has, directly or indirectly, in any matter which is before the Chamber or before a Committee or which is likely to come before the Chamber or before a Committee. The declaration shall be made in writing to the President of the Senate or the Speaker of the House of Representatives (as seems appropriate) before the matter comes up for discussion in the Chamber or Committee. It should be specific as to the nature and extent of the interest including interests held by a wife or wives, children and blood relations. The declaration shall be entered in a Register of Interests maintained by the Committee on Code of Ethics.

A Legislator who makes a declaration of interest in respect of a matter before the House or committee for debate, shall not participate in a discussion or voting on the matter.

- 3.4 Not act as a paid advocate in any proceeding of the Legislature or its Committees or receive payment for voting or speaking or refraining from speaking or voting on a Bill or Motion under deliberation or accept

gratification on behalf of another member, a Committee or the leadership of the Legislature.

- 3.5 Not bid for, influence or accept contracts from the Legislature or any ministry, parastatal, government agency or company for which he or she has oversight functions.
- 3.6 Not hold any other remunerated employment, engage in, or participate in the day-to-day management of private businesses, professions or trade, as stipulated by the Constitution of the Federal Republic of Nigeria.
- 3.7 Not hold any paid executive position such as Managing Director, Executive Director, in any company or act as a remunerated member of a Board in any government-funded organisation.

Rule 4

Gifts

The Code recognises that legislators will from time to time be entertained, saluted, recognised for service, or otherwise honoured. However, legislators should avoid even the appearance of impropriety or potential conflict of interest in dealing with or accepting gifts, foods and services from others. Such gifts, even unsuspectingly, have a tendency to undermine or compromise the receiver's detachment or impartiality in any future relationship with the donor. And the more the value of the gifts, the more the hands of the receiver are tied in such relationships. The same applies to gifts given to spouses and dependent children. Gifts under one Million Naira need not be disclosed. While gifts given in a traditional or cultural setting may not be rejected, a Legislator must not allow such gifts to influence his or her future actions in connection with his or her official duties or the affairs of the Legislature. A Legislator in this situation may seek permission of the Chair to refrain from voting on any matter in respect of which he or she may feel obligated to show a favour.

- 4.1 A Legislator shall not accept or receive or agree to accept or receive any property or benefit of any kind for himself or herself or for another person on account of anything which he or she has already done or omitted or which is to be afterwards done or omitted by him or her in connection with his or her duties or the affairs of the Legislature. It is a criminal offence under the Penal Code to receive a gift under such circumstances.
- 4.2 A "thank you gift" offered to a Legislator in connection with the performance of his official duties shall, if not rejected, be handed over to the Presiding Officer.
- 4.3 A Legislator may accept reimbursement for the expenses of travel, lodging and subsistence as well as honorarium in connection with conferences, seminars and workshops which are related to his official duties if the reimbursement is not of such a nature as is likely to improperly influence him in the performance of his official duties.

Rule 5

Abuse of Office

A Legislator shall not –

- 5.1 Make improper use of any payments, allowances, or equipment provided to Legislators for official purposes. Administrative Rules that apply to such payments, allowances and equipment usage must be strictly observed, including returning all such equipment, supplies and funding at the end of their term or upon vacating office.
- 5.2 Divert funds intended for payment of staff salaries and other entitlements (personal, committee or constituency offices).
- 5.3 Fail to expose corruption in all forms or breaches of this Code or directly or indirectly engage in, encourage or abet any corrupt practices.
- 5.4 Place himself or herself under financial or other obligations to individuals and or organisations that may influence the performance of his or her duties, or compromise his or her position or the collective integrity of the Legislature.
- 5.5 Engage in any assault, battery, abusive, discriminatory or harmful conduct towards staff and colleagues, including sexual harassment.

Rule 6

Sponsored Travels

- 6.1 From time to time Legislators may be required to undertake local or foreign travels sponsored by individuals, private or public companies and other organisations. Such travels should be governed by the same ethical standards of transparency, accountability and openness typified by the provisions of this Code. They should not be undertaken unless they are in the public interest and will enhance legislative duties.
- 6.2 The Senate President or Speaker of the House of Representatives (as the case may be) must be notified in writing before the travel is to be undertaken and his approval obtained. A copy of the notification and approval shall be forwarded by the Legislator to the Senate Committee on Ethics, Privileges and Public Petitions or the House Committee on Ethics and Privileges (as the case may be).
- 6.3 The written notification must disclose the purpose, the sponsors and the duration of the travel.
- 6.4 Under no circumstances should a Legislator request or accept funding from the Legislature for travel that is fully funded or sponsored by an outside party.
- 6.5 A Legislator or Committee that undertakes any official travel sponsored by the Government, individuals, private or public companies or other organisations must submit a written report which must disclose the purpose of travel, to the Senate President or the Speaker of the House of Representatives (as the case may be) within two weeks on return from such travel. For this purpose the President or Speaker shall cause a designated staff or office to scrutinize the report for further action in the event that an infraction is detected.
- 6.6 Any oversight trip shall be fully funded by the legislature to ensure integrity and credibility of the oversight function.

Rule 7

Enforcement

- 7.1 Complaints of breach of this Code by any Legislator may be filed with the House Committee on Ethics and Privileges or the Senate Committee on Ethics, Privileges and Public Petitions (as the case may be) by a Legislator or a member of the public. Such complaints should be in writing, signed and dated, with the full names and address of the complainant.
- 7.2 The Committee shall formally certify such complaints as actionable before any investigation or further action can begin.
- 7.3 The Committee shall then forward the complaint to the President of the Senate or the Speaker of the House of Representatives (as seems appropriate) who shall inform the Senate or the House and then direct the Committee to proceed with the investigation.
- 7.4 The Committee may on its own initiate a complaint against a Legislator.
- 7.5 In conducting an investigation, the Legislator against whom a complaint is made must be given an opportunity to be heard and to make representations to the Committee within 14 days after investigation has commenced. The investigation shall normally be held in public unless the Committee considers otherwise.
- 7.6 Legislators shall cooperate fully during any investigation into their conduct.
- 7.7 If the Legislator against whom a complaint is made refuses to appear before the Committee, with or without a court order, the Committee may take all lawful, reasonable and necessary steps to compel his or her appearance or it may proceed to reach a finding in his or her absence.
- 7.8 The Committee shall within a period of 30 days from the date the complaint was referred to it for investigation send a full report of its findings and recommendations to the President of the Senate or Speaker of the House of Representatives (as seems appropriate) who shall within 30 days cause it to be debated by the Senate/House. The period of 30 days may be extended for good cause by the President of the Senate or Speaker of the House of Representatives.

- 7.9 No Legislator shall lobby members of the Committee in order to influence their consideration of a complaint.
- 7.10 If any sanctions are recommended by the Committee, these must be approved by the Chamber before they are imposed.
- 7.11 The Committee may maintain or seek the advice of legal counsel in carrying out its responsibility.
- 7.12 If a person attempts to induce a Legislator to commit a breach of this Code the Legislator shall report the matter in writing to the Committee on Ethics.

Rule 8

Sanctions

Any one or more of the sanctions set out below may be imposed with the approval of a simple majority of the Chamber. The severity of the sanction shall reflect the enormity of the breach. Account shall be taken of any remorse shown and of whether the offender is a first offender.

- 8.1 Reprimand, admonition or censure to be administered in writing by the President or the Speaker as the case may be.
- 8.2 Apology to the Chamber which may be oral or in writing.
- 8.3 Withdrawal of privileges for a specified period.
- 8.4 Removal from positions of responsibility including demotion and stripping of a Committee seat.
- 8.5 Suspension from the Chamber or from a Committee for a definite period.
- 8.6 Where a Legislator is facing a criminal charge in court for an offence involving corruption, fraud or dishonesty, the Chamber may suspend him or her on half salary during the duration of the trial. If he or she is acquitted he or she will be paid the outstanding balance of the salary.
- 8.7 The above sanctions are without prejudice to the right of the Legislature to report criminal misconduct to the appropriate authorities for necessary action.

Rule 9

Jurisdiction

The House/Senate Committee on Ethics shall have sole Jurisdiction over complaints alleging violations or breaches of this Code, and shall be the only Committee empowered to investigate and recommend steps to be taken in the enforcement of ethical standards. It shall have:

- 9.1 Primary responsibility for receiving complaints; conducting thorough investigations and hearings on allegations; preparing reports and recommendations; submitting such reports to the Speaker/President of the House/Senate for further action; and managing floor debate on reports as warranted.
- 9.2 Responsibility for making preliminary determinations and referrals on criminal allegations to the appropriate authorities if it determines that such action is necessary upon notice to the Speaker/President of the House/Senate.
- 9.3 Powers from time to time, to issue interpretive guidelines and propose amendments to clarify Code provisions and applications; sensitise Members on their responsibilities, procedures and ethical guidelines under the Code and generally educate the public about the Code.
- 9.4 A system of records documenting its actions, findings and recommendations and issue an annual report to the Speaker of the House on ethical concerns.

Rule 10

District/Constituency Office

Every Legislator shall –

- 10.1 Open a Constituency Office commensurate with the available resources provided by the National Assembly and shall employ designated staff.
- 10.2 Hold meetings with the constituents from time to time to brief them about activities in the Legislature and take their views on some important issues.

Rule 11

Campaign Activities

- 11.1 No campaign activities allowed in any of the chambers, office or room
- 11.2 No use of official resources (including equipment, supplies or files) for any campaign purpose
- 11.3 Criminal statute prohibits solicitation and acceptance of political contributions from or in any House building

Rule 12

Constituent work

- 12.1 Members have broad discretion in helping constituents before federal government agencies
- 12.2 Members shall treat all constituents fairly and on merit of their claims
- 12.3 Avoid “ex parte” communications in cases before agencies or courts –i.e. off-the record communications to the decision maker that are made without prior notice to all parties
- 12.4 Members and employees may not contact an agency on a matter in which they have a personal financial interest
- 12.5 May not directly or indirectly threaten reprisal against any agency official or promise favouritism or benefit

Rule 14

Outside Earned Income and Employment Limitations

- 14.1 No member shall engage in any paid professional services involving fiduciary relationship, including law, real estate or insurance sales, financial services or consulting or advising.
- 14.2 No affiliation for compensation with any firm that provides such professional services.
- 14.3 No use of name by any firm that provides such professional services
- 14.4 No paid service as officer or board member of any organization except by virtue of office a member holds
- 14.5 No paid teaching without the advance written approval of the Ethics committee

Rule 15

Distribution and Education

- 15.1 Each Legislator shall be given a copy of this Code of Ethics within 14 days after its adoption. Copies shall also be made available to members of the public.
- 15.2 Legislators should attend ethics and conduct orientation programme once in every two years.
- 15.3 Amendments to this Code shall be circulated to members and the public within sixty (60) days thereafter.

Definition of Terms

Corruption – includes asking for, accepting any gratification or benefit of any kind for himself or for another, for any act or omission made or favour or disfavour shown by a Legislator or to be afterwards done or shown by him or her in the discharge of his or her official duties.

Gifts – include cash, any tangible things which have value, such as wrist watches, clothes, cars, houses, etc. It also includes intangible things which have value and any gratification or benefit of any kind.

National Interest – includes anything that is in the best interest of Nigeria as a nation and its citizens, things that will promote the economy, security, peace and progress, unity, growth of democracy, and similar things.

Official Information – means any information or data which a member becomes aware of in the course of his official duties.

Personal Gain – Any benefit or gain that accrues to spouse, child or any person in whom he has interest.

Sexual Harassment – Unwanted conduct of a sexual nature may become sexual harassment if persisted in. But a single occasion may amount to sexual harassment depending on the nature and circumstances. It includes any indecent behaviour such as touching, kissing and caressing and other sexual approaches. Sexual harassment may be by words such as requests for sexual favours or insults of a sexual nature.

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