



CONFLICT OF INTERESTS WITHIN PARLIAMENT: ANALYSIS ON THE COUNCIL OF ETHICS AND PARLIAMENTARY DECORUM OF THE CHAMBER OF DEPUTIES OF BRAZIL

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Abstract: The parliamentary ethics councils are the target of criticism because they are composed of parliamentarians who are responsible for judging other parliamentarians, a situation that can generate conflict of interest. This article proposes to analyze the occurrence of these conflicts based on the Case Study at the end of the first Council of Ethics and Parliamentary Decorum of the Chamber of Deputies of Brazil, the mapping of political parties actions, and the member deputies through methods of Descriptive Statistics and the development of an unprecedented database. The results showed a tendency to spare allies and attack political opponents, suggesting the competition of personal interests with the public interest, which can characterize conflict of interests, opening the way for the discussion of alternative models of the councils.

Keywords: Political Behavior; Ethics Councils; Parliamentary Ethics; Legislative Branch; Case Study.

1. Introduction

Adapting the conduct of parliamentarians to ethical precepts is a challenge common to all parliaments. Two instruments stand out among the efforts to promote behavior worthy of the exercise of the political mandate: the codes and the ethics councils. While the former inform general principles and rules to be observed, the latter have the task of prosecuting parliamentarians who have violated the code of conduct.

The councils or committees of parliamentary ethics, as a rule, follow a model in which the members of parliament judge their own peers, that is to say, they are bodies whose members are also parliamentarians, to whom fall the responsibility of judging other parliamentarians. This model is the target of several criticisms, which include accusations of corporatism, bias in decisions, and the possibility of generating conflict of interest. Criticism casts doubt on the ability of an parliamentarian to be exempt when it falls on him/her to investigate and judge a colleague who is part of the same party or the same governing coalition. Only recently have alternative models of parliamentary ethics councils emerged, such as in the United States, England, and France, which have innovated by assigning non-members of parliament to investigate allegations of misconduct of deputies (MASKELL; PETERSEN, 2008; CHÊNE, 2016; LEONE, 2017).

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Despite the obviousness of these criticisms, there were no studies aimed at proving the occurrence of conflict of interest in the decisions of these bodies. Some papers addressed issues about councils, such as the coercive power of the Ethics Council of the Chamber of Deputies (CARVALHEIRO, 2007), councils as an instrument of control (ARAGÃO, 2005), and studies for the renewal of ethics in the Colombian parliament (HERNÁNDEZ, 2003), but none that address conflict of interest.

This work aims to fill this gap by analyzing the conflict of interest within the Council of Ethics and Parliamentary Decorum of the Chamber of Deputies (CEDP). To this end, we analyze the actions of parties and deputies in the CEDP in all 167 disciplinary processes processed in the CEDP between 2001 and 2019. The aim is to address two specific issues: know who represents against which parties and how parliamentarians vote when deciding on the conviction or acquittal of their colleagues in parliament. In both situations, we sought to understand the functioning dynamics of the CEDP in view of the occurrence of conflicts of interest motivated by the party affiliation of those involved, the condition of belonging or not to the same government coalition (mainly being a member of the governing or oppositionist coalition), and the ideological identity.

The article is structured in three more parts. The following section discusses the different models of organization of ethics councils. This section describes the functioning of the Brazilian ethics council in the light of the international experience that has been innovating by delegating the task of investigating deviations of conduct to external members. Next, we present the results of this research on parliamentary behavior in the 167 actions processed in the CEDP council. After analyzing the results and disclosing the conclusions, it is expected that this article will fill the gap on the topic, contributing to the research of conflict of interest in the political sphere, opening the path for new work on the topic and bringing the discussion to Brazil.

2. The different models of ethics council

The parliamentary ethics councils are relevant bodies in the structure of the Legislative Branch and plays a fundamental role in a representative democracy. On the one hand, they are instruments to guarantee ethics in the exercise of parliamentary mandate, punishing abusive behavior and contributing to the good image of the institution before public opinion. On the other hand, the councils have the task of beginning the process that can conclude by the loss of the mandate of a parliamentarian, an exception measure reserved for very specific cases in representative democracies. Codes and ethics councils work in a complementary form since the mere provision of rules in a code would not be sufficient to ensure compliance, demanding a system of supervision, investigation, and punishment for possible violations (ALCÂNTARA SÁEZ *et al*, 2013).

The most common parliamentary conduct supervisory body model is composed of the

parliamentarians themselves, that is, its members are parliamentarians who prosecute and judge their peers. This model is known as *self-regulation*, in which the body that supervises and judges its members integrates the very structure of the Legislative Branch and is composed exclusively of parliamentarians. This model in which parliamentarians judge themselves in case of ethical violation is the target of many criticisms, which undergo issues of bias in their decisions and the possibility of generating conflict of interest. The center of the criticism is that parliamentarians would have internal incentives to not condemn colleagues in parliament, especially if they are from the same party, ideological block, or parliamentary coalition (POWER, 2007; THOMPSON, 2007).

Due to these criticisms and limitations, the parliamentary ethics councils were subject to changes that culminated in the revision of their structure and composition, giving rise to alternative models to the *self-regulation*. Among them, there are at least two other formats of parliamentary conduct supervisory bodies: *external regulation* and *co-regulation*. In summary, the *external regulation* is the model in which a body with a certain independence of the Legislative Branch is responsible for supervising the conduct of parliamentarians, sending its conclusions to the committee or commission responsible for the appropriate measures in the case of ethical violations. They are composed of members who are not parliamentarians. This model is adopted in the USA, whose investigative phase is the responsibility of the *Office of Congressional Ethics*, a body with a certain independence from the Legislative Branch and whose members are not parliamentarians but attorneys and specialists in legislation on ethics and research.

The *co-regulation* model is characterized by a non-parliamentary person responsible for the initial investigative process, who may be a commissioner, as in the United Kingdom (CHÊNE, 2016), where it is up to the *Parliamentary Commissioner for Standards Office* (in the House of Commons) to receive complaints about the conduct of a parliamentarian, conduct investigations, and, if appropriate, send its conclusions to the responsible Committee (*Committee on Standards*). The *Déontologue de l'Assemblée Nationale* in the French parliament assumes a similar role, which also oversees the conduct of parliamentarians and forwards their considerations to the President of the National Assembly in cases where it is necessary (DAVID-BARRETT, 2012).

These innovations in the parliamentary ethics councils focus, as is perceived, in their composition, bringing elements from outside the Legislative to integrate these bodies. These are relatively recent changes limited to parliaments located in the countries that are part of the Organization for Security and Cooperation in Europe (LEONE, 2017).

Table 1 – Models of bodies supervised in the OSCE and Latin America

Country	Models of supervisory bodies	Year of implementation
Germany	<i>Self-regulation</i>	1972
Argentina	None	-
Belgium	None	-
Bolivia	Self-regulation	2010
Bosnia and Herzegovina	<i>Self-regulation</i>	2008
Brazil	Self-regulation	2001
Bulgaria	<i>Self-regulation</i>	2014
Canada	<i>Self-regulation</i>	2005
Chile	Self-regulation	1998
Colombia	Self-regulation	1992
Costa Rica	None	-
El Salvador	Self-regulation	2019
Ecuador	None	-
Slovenia	None	-
USA	<i>External regulation</i>	2008
Estonia	<i>Self-regulation</i>	2004
Finland	Self-regulation	2015
France	<i>Co-regulation</i>	2011
Guatemala	Self-regulation	*
Netherlands	None	-
Honduras	Self-regulation	*
Ireland	<i>Self-regulation</i>	2002
Iceland	<i>Self-regulation</i>	2016
Italy	<i>Self-regulation</i>	2016
Latvia	<i>Self-regulation</i>	2006
Lithuania	<i>Self-regulation</i>	2006
Luxembourg	<i>Self-regulation</i>	2014
Malta	<i>Self-regulation</i>	1995
Mexico	Self-regulation	2016
Montenegro	<i>Self-regulation</i>	2014
Nicaragua	Self-regulation	*
Norway	None	-
Panama	Self-regulation	*
Paraguay	None	-
European Parliament	<i>Self-regulation</i>	2012
Peru	Self-regulation	2005
Poland	<i>Self-regulation</i>	1998
United Kingdom	<i>Co-regulation</i>	1995/1996
Dominican Republic	Self-regulation	2017
Sweden	<i>Self-regulation</i>	2016
Uruguay	None	-
Venezuela	None	-

Source: The author, based on Alcántara-Sáez (2013) and Leone (2017) and updated from own research, 2021.

Note: * Information not available.

Table 1 shows that the parliaments that have ethics councils adopt, in their vast majority, the *self-regulation model*. The USA, France, and the United Kingdom are the only ones that diverge from the prevailing model, incorporating elements external to their Legislative Branches. The self-regulation model prevails in Brazil, where all the stages of processes of breach of ethics and parliamentary decorum follow in the hands of the parliamentarians. The following section describes the internal structure and operational dynamics of the CEDP of the

Chamber of Deputies.

3. The Ethics Council of the Chamber of Deputies and the Conflict of Interest

In Brazil, there are ethics councils in all spheres of the Legislative Branch. Thus, there are ethics councils in the Senate, Chamber of Deputies, in the Legislative Assemblies of the States and the Federal District, and in the Municipal Chambers. In the federal sphere, the Chamber of Deputies created the Council of Ethics and Parliamentary Decorum (CEDP) in 2001, an organ that integrates the Legislative Branch and is composed of deputies who judge their colleagues in the legislature, following the model adopted in almost all international parliaments, being therefore the target of the same criticisms and mistrust reported above.

Following the trend of most international parliaments, the CEDP integrates the structure of the Legislative Branch and all its members are deputies. It has the task of investigating and prosecuting deputies for possible violations of the Code of Ethics and Parliamentary Decorum. Established from Resolution nº 25 of 2001, the CEDP has the task of investigating, punishing or proposing penalties to deputies through a disciplinary process provided for in the Code of Ethics and Parliamentary Decorum, in addition to fulfilling the function of an advisory body on political-disciplinary matters³.

The CEDP is composed of twenty-one deputies appointed at the beginning of each legislative session by the parties or parliamentary blocks, observing proportionality in the same form in which the vacancies in the Standing Committees in the Chamber are distributed for a term of two years.⁴ There are questions regarding whether there is a possibility of conflict of interest within the framework of the CEDP since it is a body composed of deputies who judge other deputies. To better analyze this issue, the concept of conflict and interests will be examined in more detail in the following paragraphs.

The *self-regulation* model is justified, in part, by protecting parliamentarians against pressure from other State institutions due to their opinions and actions since it ensures that only parliamentarians can judge themselves (DAVID-BARRETT, 2012). However, it is questioned whether there is the possibility of conflict of interest between parliamentary political activity and the function of investigator/judge. According to Thompson (2007), the daily life of a parliamentarian requires dialogue and the constant search for agreements and political support among members of parliament, either for the purpose of passing bills or even for the formation of coalitions or thematic benches. As the author cautions:

[...] members of Congress depend on each other to do their job. They have worked together in the past and should work together in the future. The obligations, bonds of loyalty, and courtesies that are necessary, and even admirable, in these circumstances make it difficult to

³ Article 6 of Resolution 02 of 2011.

⁴ Article 21-E of the Internal Rules of the Chamber of Deputies.

judge colleagues objectively or act according to judgments, even when made objectively (THOMPSON, 2007, p. 2).

In fact, parliamentary political activity is characterized by the search for political support among deputies, senators, and parties for the approval of laws and the formation of alliances and coalitions. Consider, for example, a member who comes to judge a member of his/her own party or who belongs to the same parliamentary coalition in an ethics council. A deputy does not cease to be a politician when he/she becomes a member of an ethics council or committee, so that the concomitant exercise of legislator and judge functions can cause tensions and conflicts between them. Finally, the member of an ethics council may be criticized by the public for being lenient with his/her peers or for being too harsh in the judgments by his/her colleagues (MASKELL; PETERSEN, 2008).

All these criticisms and suspicions that orbit the ethics councils whose members are also parliamentarians lack, so far, research to verify the existence of conflict of interest. The following section tries to offer possible answers to this problem.

4. Parliamentary Behavior in the Council of Ethics and Parliamentary Decorum

We will address the behavior of parties and members of parliament who work in the CEDP to assess the existence of conflicts of interest within its scope. Both strongly act before the organ. The political parties have the legitimacy to represent against a deputy, initiating a disciplinary procedure, while the deputies members of the CEDP participate directly in the proceedings and decide on the conviction, acquittal, or dismissal of the representations. The actions of these actors were mapped to answer the question regarding the occurrence of conflict of interest, that is, who are the targets of the parties when they trigger the CEDP and how the deputies vote in the disciplinary procedures.

Data were collected on the individual votes of each deputy in disciplinary procedures since the creation of the CEDP, that is, from 2001 to 2019⁵. This unpublished database allowed us to map the political behavior of deputies and parties, how they vote when the proposed situations are present, whether they have political opponents as a preferential target of denunciations, and what in fact occurs when faced with the judgment of allies.

The first observation to be made is that the number of convictions is low. Among the 167 cases processed in the CEDP of the Chamber of Deputies, in only 22 (13.2%) the parliamentarians approved an opinion for the loss of the mandate of their peers and in another five occasions (3.0%) the parliamentarians voted for minor penalties, such as the application of verbal censure, suspension of the mandate, or application of the written censure penalty (Table 2). The opinion for filing the representation is the most common decision, reaching 32.3% of

⁵ The option not to include 2020 and 2021 procedures is justified because many have not been concluded, which would make it impossible to analyze their final decisions.

cases. Attention is drawn to the high number of cases in which the procedure was terminated as a result of the end of the Legislature (23.4%). Such numbers initially suggest that there is no punitive behavior of its peers within the CEDP.

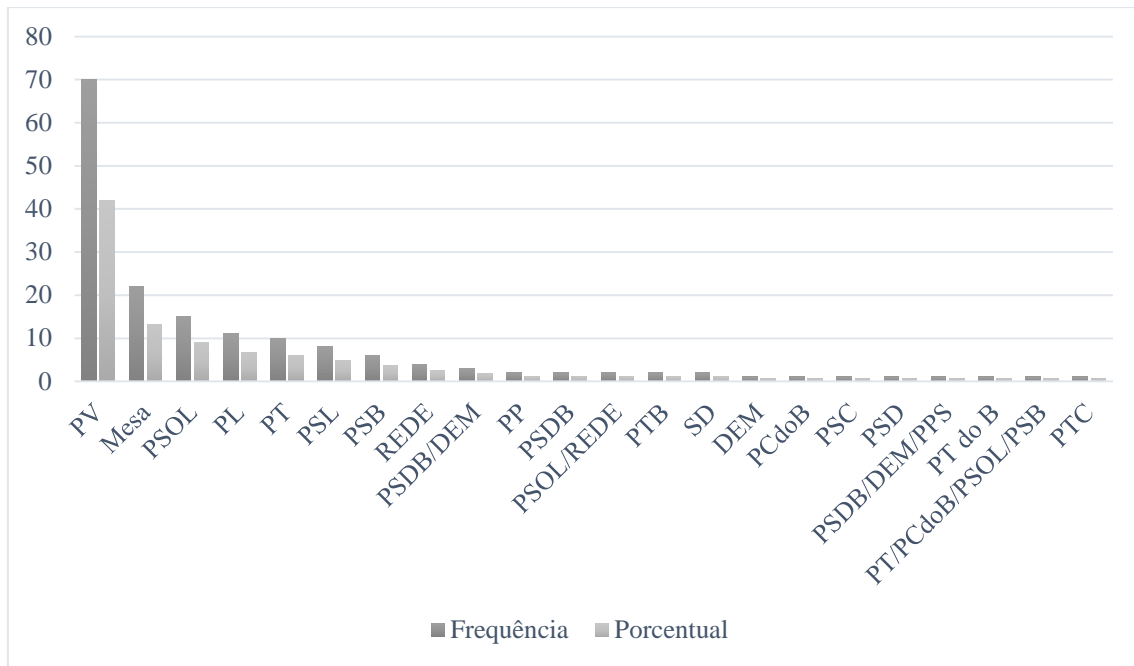
Table 2 – Results of Trials in the CEDP (2001-2019)

Result	Frequency	%
Joinder	2	1.2
Approval of opinion on the application of verbal censorship	1	0.6
Approval of opinion on non-application of representation	9	5.4
Approval of opinion on the defect of the representation	7	4.2
Approval of opinion on loss of mandate	22	13.2
Adoption of an opinion for suspending the mandate	2	1.2
Approval of opinion for the closure of the case for lack of just cause	2	1.2
Approval of opinion on the closure of the representation	54	32.3
Approval of opinion recommending the application of the written censure penalty	2	1.2
Filing based on previous representation	1	0.6
Filing of representation for resignation from office	2	1.2
Filing due to the end of the Legislature	39	23.4
Filing due to pending matter of deliberation damaged by having lost the opportunity	22	13.2
Request of the party author of the representation for the purpose of processing the proposition	2	1.2
Total	167	100.0

Source: The author, based on data from the Chamber of Deputies (2001-2019).

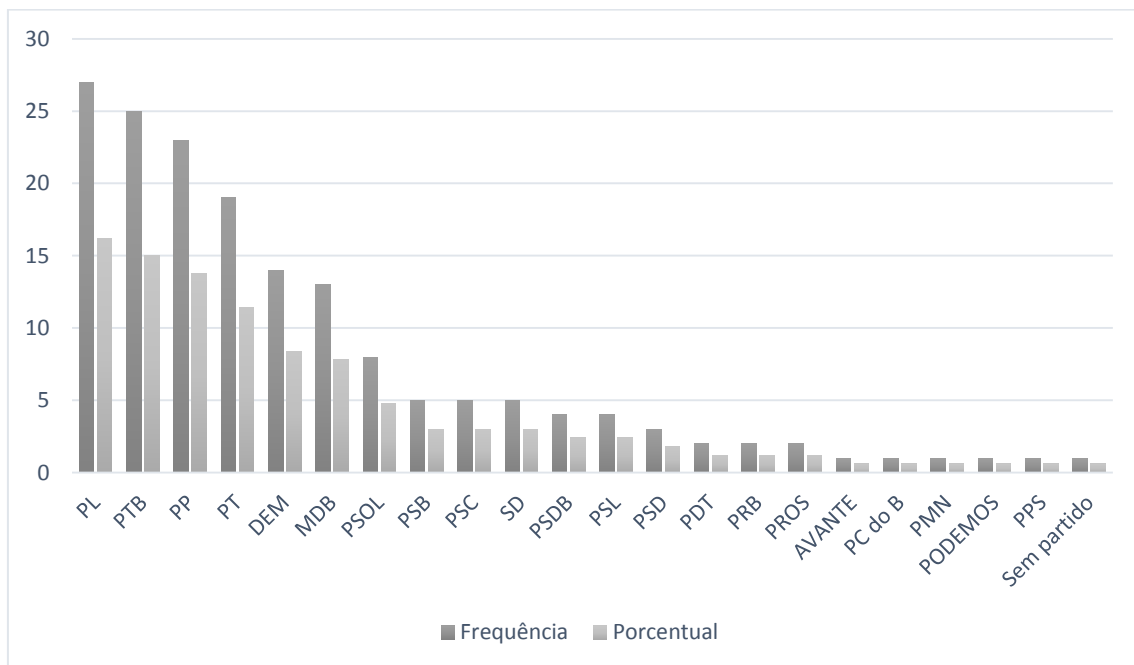
Political parties are the main protagonists in the implementation of the CEDP: of the 167 representations, 145 were presented by parties (86%) and the remaining 22 by the Bureau of the Chamber (14%). Analyzing the behavior of parties with the CEDP is relevant because parties are political actors with their own interests and objectives and their performance in the CEDP can clarify whether the accusations of violation of decorum are used as a political weapon, as warns Thompson (1995). Above all, it opens the way to verify whether the issues of conflict of interest raised in the present investigation apply, in a certain way, to parties. Graphs 1 and 2 indicate the parties that are most active and those that are most active in the CEDP of the Chamber of Deputies.

Graph 1 – Authors of the representations in the CEDP (2001-2019)



Source: The author, based on data from the Chamber of Deputies (2001-2019).

Graph 2 – Targets of the representations in the CEDP (2001-2019)



Source: The author, based on data from the Chamber of Deputies, 2021.

The graphs above reveal, in the first place, which parties most triggered the ethics council and which were the most triggered. In total, 18 parties represented against 22 parties (in some situations, there was partnership between two or more parties as authors of the

representation). PV, PSOL, PL, PT and, on account of more recent actions, PSL appear as the most active parties. The high number of representations by the PV seems to correspond to an atypical year (2006) when the party presented 70 representations in series, related to the “escândalo das sanguessugas”. Another factor worth highlighting was the departure of the PV from the government coalition that supported President Lula (PT) in his first term. The PV was part of the governing coalition until the first half of 2005 (FIGUEIREDO, 2007) and, in 2006, represented against PL and PP deputies, parties that continued to be part of the governing coalition. This data is important because it allows us to verify the behavior of parties in the CEDP in relation to parliamentary coalitions, a subject that will be addressed later⁶.

Secondly, Graph 2 shows the frequency of parliamentarians who suffered representations by party affiliation. In absolute numbers, PTB (25 representations), PP (23), PL (27), and PT (19) were the most triggered in the CEDP, also highlighting the DEM (14) and MDB (13). Part of these results can be explained by the involvement of parties such as the PP, PTB, and PT in the corruption scandals of the “mensalão” and the “máfias das sanguessugas”, already mentioned earlier. Another possible explanation is the difference in the number of deputies that make up the benches of each party, namely, MDB and PT, in the period analyzed, which represented two large benches compared to parties such as PCdoB and Podemos, which could reflect in the result of the absolute numbers of representations.

When analyzing who represents against whom, the first fact that deserves to be highlighted is that, as a rule, a party does not represent against a member of their own party. This is a relevant fact because it informs that no matter the severity of the complaint against a deputy, his/her party gives up investigating him/her, suggesting that political interests and not the public interest can guide parties in these situations. The only exception to this rule is on account of the PSL, which in 2019 presented representation against deputy Carla Zambelli (PSL-SP).

To analyze more closely the hypothesis of the conflict of interest within the framework of the CEDP of the Chamber of Deputies, we will group the representations into two analytical structures. In the first moment, we will analyze the representations within the ideological blocks that normally guide the conduct of parliamentarians. In this analysis, we want to know if parties considered left-wing, center, and/or right-wing represent against parliamentarians of the same ideological axis or if they privilege parliamentarians of the opposing ideological axis. In the second moment, we will analyze the conflict within the parliamentary coalitions. The objective here is to assess whether the parties that make up the governing base represent against opposition parliamentarians (and vice versa) or whether the conflict takes place within the same

⁶ Over the years, the parties have been changing their names. In this article, we will always use the acronym of the most recent name for simplification. Thus, the cases of the old PR were coupled with the cases of the PL, PFL with DEM, PMDB with MDB, and so on.

parliamentary block.

Before proceeding to analyze the situations mentioned above, it is necessary to seek an ideological classification of political parties, a topic that does not find consensus in Brazilian political science and is the subject of several studies that use the most varied methods. Some articles resort to *surveys* with parliamentarians (POWER; ZUCCO, 2009), while others resort to the analysis of party programs (MADEIRA; TAROUCO, 2009). Still, others use analysis of parliamentary performance (Dias *et al*, 2012), of *expert surveys* (MADEIRA; TAROUCO, 2015), or even by the combination of the results of different methods (MACIEL *et al*, 2018). Given these various theoretical and method approaches and the different results obtained in the aforementioned surveys, and, considering that the ideological classification of the parties is also influenced by the passage of time (POWER; ZUCCO, 2019), the parties were classified simply as follows: PCdoB, PCB, PDT, PT, PSB, PSOL, and network (Left-wing), MDB, PV, and SD (Center), and Avante, DEM, NOVO, PSL, PL, PRB, PSC, PSD, PSDB, PTB, PTC, PTdoB, Podemos, and Progressistas (Right-wing).

Table 3 presents the data regarding the representations made according to the ideology of the parties. It is possible to observe that the left-wing parties represented more often against deputies of right-wing parties (64%), followed by center parties (28.2%), and few cases of representations against deputies of left-wing parties (7.7%). Although these results should be analyzed together with other possible variables, such as the number of deputies who effectively integrated the left-wing, center, and right-wing parties during the period, it is possible to infer that the left-wing parties have a preference for representing against deputies of the right-wing and center parties, avoiding representing those of parties of the same ideological field. The use of representation before the CEDP by parties of the left-wing may thus serve the particular interests of the parties of the left-wing and not precisely the interest in investigating some ethical violation.

Table 3 – Ideological Conflict in the CEDP

Ideology of the Author of the Representation	Ideology of the Represented			Total
	Left-wing	Center	Right-wing	
Left-wing	7.7%	28.2%	64.1%	100.0%
Center	8.3%	8.3%	83.3%	100.0%
Right-wing	52.9%	8.8%	38.2%	100.0%
Bureau	36.4%	9.1%	54.5%	100.0%
Total	21.0%	13.2%	65.9%	100.0%

Source: The author, based on data from the Chamber of Deputies (2001-2019).

On the other hand, the right-wing parties present more balanced results compared to the left-wing ones. Although they represented more often against deputies from left-wing parties

(52.9%), they also acted against deputies from right-wing parties in considerable numbers (38.2%). Still, there is a certain preference for acting against members of the left-wing and avoiding those of the right. Concerning the center parties, although attention is drawn to the marked volume of representations against right-wing party deputies (83.3%), such a result should be observed with reservations due to the atypical activity on behalf of the PV in 2006 due to the so-called “escândalo das sanguessugas”, a year that presented seventy representations in that single year.

Political conflicts within parliament are not limited to issues of an ideological nature. Because of the Brazilian institutional model, which combines presidentialism with proportional representation of an open list, we know that elected presidents do not have a parliamentary majority and, thus, must build coalitions with other parties that may or may not be homogeneous from an ideological perspective (LIMONGI and FIGUEIREDO, 2017). Thus, a typical conflict that emerges in the parliamentary game is the clash between governing parties and oppositionists. We use the list of government coalitions presented by Figueiredo (2007) to analyze the conflict from this perspective, whose data will be combined with the list of representations made by the parties to the CEDP⁷.

The result shows that 103 of the 167 (62%) representations occurred between parties of the governing coalition and opposition parties. In other words, the CEDP was triggered by parties of the governing coalition against opposition parties or by opposition parties against government in most cases. These results indicate that political parties within the framework of the CEDP have a preference to represent against deputies linked to parties that are their opponents from the perspective of “governmental base *versus* opposition”. It is possible to infer that the main targets of the parties that make up the governing coalition are deputies who make up the opposition parties.

However, there is a marked difference in behavior between these two blocks of actors (Table 4). It is noted that the internal conflict within the governing group is greater than the internal conflict in the oppositionist block. Among the parties that make up the allied base of the government, 46% of the representations presented can be characterized as “friendly fire”, that is, they involved parties that were supposed to be allies. On the other hand, the opposition behaves more “faithfully” to each other, favoring to represent against government members in 75% of cases. Finally, the Bureau of the Chamber prioritizes government parliamentarians in almost 70% of the time, behavior that deserves to be better understood since the presidency of the Chamber tends to be historically an allied representative of the Executive Branch, with obvious exceptions, such as when Eduardo Cunha (PMDB) was declared opponent of former President Dilma Rousseff (PT).

⁷ Professor Argelina Figueiredo kindly gave the updated list of all government coalitions, thus complementing the information provided in Figueiredo (2007).

Table 4 – Conflict between government and oppositionist coalitions in the CEDP

Author of the Representation	Represented		Total
	Government	Opposition	
Government	46.2%	53.8%	100.00%
Opposition	74.8%	25.2%	100.00%
Bureau of the Chamber	63.6%	36.4%	100.00%
Total	68.9%	31.1%	100.00%

Source: The author, based on data from the Chamber of Deputies (2001-2019).

The data shown above indicate that representations in the ethics councils can often consider criteria other than the public interest, that is, the investigation and punishment of deputies for ethical violation, but rather private and cyclical political interests. The robustness of the numbers (62% of the occurrences) may indicate that the political behavior of the parties in the CEDP is guided by issues other than only the public interest, an interest in which public agents should be guided in the exercise of their functions.

5. Deputies members of the CEDP: how they vote

The presentation of representations against parliamentarians is the first stage of the process of cassation of a parliamentary mandate. The conflict of interest can again manifest itself within the Ethics Council at the time of consideration of the processes. Basically, parliamentarians can file the cases, acquit, or approve some kind of penalty ranging from verbal censure to full reception with the recommendation of the loss of mandate. This section aims to analyze the vote of parliamentarians exclusively in the 22 situations in which there was the approval of the opinion for the loss of the mandate (see Table 2 above). Of this total, six were approved unanimously and 16 by an absolute majority of the votes. Unfortunately, we were able to raise the individual vote of only 15 cases of which three were approved unanimously and 12 by an absolute majority.

The first situation to be analyzed is the one that occurs when a deputy member of the CEDP is faced with the judgment of a colleague of the party. However, situations of this kind are rare in practice. Of the 232 votes cataloged in the study, only 17 parliamentarians needed to position themselves against or in favor of parliamentarians from the same party. Of this total, only four voted in favor of the cassation of mandate: Cesar Colnago (PSDB-ES) and Izalci (PSDB-DF) voted in favor of the cassation of Carlos Alberto Leréia (PSDB-MA) and Gustavo Fruet (PMDB-PR) and Alberto Filho (PMDB-MA) voted against André Luiz (PMDB-RJ) and Eduardo Cunha (PMDB-RJ), respectively.

In some other situations, the only dissonant vote of the conviction comes precisely from the member of the CEDP who belonged to the same party as the deputy represented, as in the

case of Rep. 48/2005 in which the CEDP decided by ten votes to one in favor of the opinion that suggested the loss of the mandate of the deputy Josias Gomes (PT-AC), being the only vote for acquittal rendered by deputy Neyde Aparecida (PT-GO). The PT is, in this case, a disciplined party when it comes to protecting the members of its parties. Of the six votes of PT deputies in cases against PT deputies, all were in favor of filing the representation.

The second potentially generating situation of conflict of interest occurs when a member of the CEDP is faced with the judgment of a member whose party is ideologically in the same position as the party of its judge. The results found do not suggest strong conflicts of interest. Right-wing politicians voted to condemn right-wing politicians 79% of the time and voted to condemn left-wing politicians 72% of the time. Left-wing politicians proved to be stricter. These voted for the cassation of mandate of right-wing politicians in 87% of cases and against politicians of the left-wing in 71% of cases. However, in both situations, it is noted that the large majority, whether left-wing or right-wing, voted in favor of the opinion for the loss of the mandate.

Table 6 – Voting pattern between governing coalition *versus* opposition

Ideology of the member of the CEDP	Ideology of the Represented	Vote		Total
		Valid	Invalid	
Center	Center	50.0%	50.0%	100.0%
	Right-wing	84.2%	15.8%	100.0%
	Left-wing	93.8%	6.3%	100.0%
	Total	84.6%	15.4%	100.0%
Right-wing	Center	64.7%	35.3%	100.0%
	Right-wing	79.1%	20.9%	100.0%
	Left-wing	71.8%	28.2%	100.0%
	Total	74.8%	25.2%	100.0%
Left-wing	Center	100.0%	0.0%	100.0%
	Right-wing	86.5%	13.5%	100.0%
	Left-wing	70.8%	29.2%	100.0%
	Total	82.9%	17.1%	100.0%

Source: The author, based on data from the Chamber of Deputies (2001-2019).

Finally, the third potential source of conflicts of interest occurs when a member of the CEDP is confronted with the judgment of a member of the same parliamentary coalition. Again, the conflict of interest has the potential to manifest itself at a time when deputies from the governing base must judge deputies who are also from the governing base and oppositionists must judge oppositionists.

It is possible to observe that the conflict within the governing coalition is intense. In the situations in which the governors were facing a coalition colleague, in 74% of the times the votes were in favor of the cassation of the mandate and in only 26% the votes were for acquittal. Although the percentage of votes for the conviction of oppositionists is even higher (81%), the

numbers found call into question the idea that the bond of belonging to the base of support of the Executive Branch serves as a screen to exonerate politicians who respond to processes in the Ethics Council (Table 6).

Table 6 - Voting pattern between governing coalition *versus* opposition

Member of the CEDP	Represented	Vote		Total
		Valid	Invalid	
Government	Government	71.4%	28.6%	100.0%
	Opposition	80.6%	19.4%	100.0%
	Total	73.6%	26.4%	100.0%
Opposition	Government	90.9%	9.1%	100.0%
	Opposition	69.2%	30.8%	100.0%
	Total	85.4%	14.6%	100.0%

Source: The author, based on data from the Chamber of Deputies (2001-2019).

We see a slightly different picture when we look back at the possible conflict of interest between parliamentarians who are not part of the government coalition. Opposition deputies vote to condemn members of the government base 91% of the time but this percentage drops to 70% when opposition deputies judge colleagues who are from the opposition.

6. Conclusions

This article aimed to verify the occurrence of conflict of interest within the framework of the CEDP and bring the subject to Brazil, inviting debate on our own models of parliamentary ethics supervisory bodies. The results indicate distinct situations when the focus of appreciation evolves from the presentation of representations to the voting process.

The analysis of the 167 representations made against parliamentarians in the CEDP between 2001 and 2019 showed a tendency to preserve allies and attack political opponents. First, it was verified that deputies do not usually represent against colleagues from their party. This situation was verified only once, when the PSL represented against the deputy Carla Zambelli (PSL-SP). Second, the representations follow a pattern of conflict between ideological groups or parliamentary blocks. Left-wing parties tend to represent more against right-wing parties and right-wing parties against left-wing parties. In the same manner, much of the representations follow a line of conflict between government and opposition.

A slightly different reality was observed when the focus of analysis turned to the process within the CEDP. Parliamentarians from the same parties continued to protect each other. Deputies voted in favor of the rapporteur's opinion on just four occasions because of the loss of the mandate of a deputy of the same party. The only dissenting vote in the conviction often came from a parliamentarian of the same party, as was the case in the sentencing process

of former minister and former deputy José Dirceu (PT-SP), who obtained the vote of support of his party colleague Ângela Guadagnin (PT-SP).

On the other hand, the hypothesis of conflict of interest was not evident when the voting process was carried out from the ideological groups and parliamentary blocks. In both cases, right-wing and left-wing parliamentarians voted overwhelmingly for the condemnation of deputies from the same ideological axis, as well as parliamentarians from the government did not spare their colleagues with whom they shared support for the government. These results may reflect the decision to analyze only the processes that resulted in the approval of the opinion for the loss of mandate or it may mean that other variables, not observed in this study, may better explain behaviors, such as the vigilant gaze of the press and the pressure of public opinion.

In any case, the data presented in this article shed light on a problem little explored in Brazilian political science and put into discussion the Brazilian model of supervision and judgment of ethics and parliamentary decorum. Far from exhausting the topic, it is expected that this article serves to stimulate the debate and help improve Brazilian public institutions, in which this small but relevant body is a part.

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