

NATIONAL CODE OF INTELLIGENCE ETHICS (draft)

We would like to submit to a wide public debate the draft project of National Code of Intelligence Ethics, developed by Ukrainian experts in cooperation with foreign colleagues. The development of the Code follows the decision of the National Security and Defence Council of Ukraine with account of Recommendations 1793 (2005) of the Parliamentary Assembly of the Council of Europe.

We invite all intelligence experts, veterans of Ukrainian special services, NGO representatives and all those who are interested in this matter to take active part in debate over the Code.

Please, don't hesitate to send your ideas and comments on the matter on the e-mail: tokar@niisp.gov.ua

Ukraine's Project

National Intelligence Code of Ethics

National Intelligence Code of Ethics (hereafter – the Code) declares single conduct demands for officials, authorized to perform intelligence functions (hereafter – intelligence agents, Intelligence Service staff); the demands, which they must follow while being on duty and in personal life and which society use to estimate their activity.

The Code is addressed to all Intelligence community of Ukraine and to every single intelligence agent in particular, as to the individuals, whose activity is based on democratic values and enhances its consolidation.

I. Main Principles

1.1 Main terms

The terms, given in the Code, are used in following meaning:

An intelligence agent – a public official, who has exclusive trust from the state and is authorized to perform intelligence activity in the interests of the state;

Professionalism – high level of professional skills and culture, which is achieved by special attitude to the duty as to the art and constant self-perfection

due to obtaining knowledge and experience; it includes absolute devotion to the interests of people and state, that is represented by democratic government institutes;

Morality – dutiful following the demands of the Constitution of Ukraine, the laws of Ukraine and other normative and legislative acts; honest and respectful attitude to people, compliance with ethical norms of the society;

Corporativity – cultural professional surrounding in intelligence, which is formed by the system of moral and ethical principles, norms and traditions.

1.2 Basic Principles of Intelligence Activity

Basic moral values and conduct norms of intelligence agents and other Intelligence Service staff, mentioned in the Code, are based on the principles, determined by International Code of Conduct for Public Officials, adopted in 12.12.1996 by United Nations General Assembly, Council of Europe Parliamentary Assembly recommendations as for Intelligence Services, legislatively defined principles of Intelligence Services officers activity and they include modern humanistic trends in Intelligence Services of the major world states.

Basic Principles of intelligence activity and its ethics are:

- legitimacy;
- respect and compliance with human rights and freedoms, humanity;
- continuity and promptness in performing intelligence duties;
- competence and integrity, effectiveness and personal responsibility for duties performance;
- combination of public and private means, within the frames, determined by the law, rational correlation of transparency and confidentiality in official duties performance;
- delimitation of activity spheres of Intelligence agencies, interaction and coordination of their activities;

- independence and promptness in delivering intelligence information;
- impartiality, political candor and objectivity;
- accountability to corresponding government agencies within the frames, determined by the law;
- combination of sole managing and collective nature.

II. Behavior demands to intelligence agents

2.1 Efficiency and humanity

The right to perform intelligence functions envisages constant sense of high responsibility before Ukrainian people, who entrust an intelligence agent with special mission. Effective decisions, people's trust to the government and to Intelligence Services of Ukraine depend on honesty and professionalism of an intelligence agent.

An agent realizes that intelligence is just an instrument of the policy, which is the prerogative of state administration. He does his best to improve his professional and cultural level and proves high social definition of the profession, which is the result of past and present agents' hard work.

An agent performs his duty and fulfills the orders of agencies or people, to which he is subordinated, in a competent and efficient way; he tries to use state means and property effectively. He takes intelligence functions as a creative process, concentrating on the search of the most productive decisions.

An agent, being on duty and after it is completed, does not have the right to disclose information with limited access, which he got to know due to his work, or use it for personal demands or the demands of other juridical or physical persons, if official duties performance and justice do not demand otherwise.

Careful attitude to confidential information – it is not only professional demand but moral imperative to respect human rights and dignity and be responsible for human safety.

An important criterion of intelligence effectiveness is adequacy of possibilities especially for collecting, accumulating and using information, which concerns individuals, in order to achieve legal, just and specific objectives.

One can not refer to war threats or interests of national security to justify tortures, harmful for life and health, honor and dignity. As world experience shows, such measures are taken only by those, who do not have the most important feature of an intelligence agent: professionalism.

2.2 Loyalty and tolerance

An agent must be absolutely committed to the government interests of Ukraine, presented by democratic government institutions.

Intelligence philosophy does not allow subordination to opportunistic politicized impacts. It excludes agent's participation in political organization activity, usage of intelligence possibilities and resources in private or party interests.

An agent always shows loyalty to democratic government institutions, regardless of which parties it is formed by. While being on duty and in personal life an agent must avoid accentual demonstration of religious and political convictions.

While performing intelligence functions, an agent should not take into account the circumstances, which do not refer to the subject, including personal sympathy or enmity to anyone, show prejudice, based on ideological, religious and other features, such as gender, race, skin color, ethnical and social background, property, language and so on.

2.3 Corporativity

An agent sticks to honesty demands, to general rules of correctness and politeness, etiquette; respects professionalism and competency of colleagues.

The foundation of intelligence community consists of professionals, who create and maintain corporativity, support inexperienced colleagues and cultivate in them professional skills, culture, pragmatic attitude to specific situations, connected with the difficulties of ethical order.

Authority and human qualities of the leaders, intelligence management style plays an important role in corporate ethic stimulation in order to make the atmosphere of solidarity and mutual assistance, productive traditions of professionals a part of credo of each agent, especially among newcomers.

Critical remarks of the manager as for agent's work must not humiliate personal dignity but stimulate an agent to correct possible mistakes, to widen its knowledge and to improve professional level.

Corporativity must be the foundation for formation of atmosphere of partnership and cooperation of Ukrainian intelligence community with the partners from other states in the interests of defending human rights and common struggle against modern threats to security, peace and humanity.

Enhancing healthy competition of intelligence services, one should not let confrontation dispositions towards colleagues or foreign partners. In case someone loses sane mind (open aggressiveness and support of international terrorism and so on) – give to the subject the label of tough opponent.

2.4 Unfulfilling illegal orders

In case a resolution or an order contradicts the law of Ukraine and has inhuman content, an agent must motivate his objections and refusal to carry on an order in written form. If the manager insists on fulfilling the order – an agent should inform the manager of the higher rank or corresponding control agencies.

No one can be fired or be forced to quite or be persecuted in some other way for informing about illegal actions.

An agent is responsible for all his actions and for the actions by his order of those, he is in charge of.

2.5 Avoiding collision and conflicts of the interests

An agent must not misuse the money, property, services or information, that he obtained during his duty and with those means fulfill the activity, not connected to the official functions.

Agents do not use on-duty possibilities in order to get personal or financial benefits, to meet private needs and interests of his or members of his family or connected to him physical or juridical persons.

Intelligence functions exclude any abuse and any situation, which can lead to collision between his duty and his personal interests (or those of members of his family or any other connected physical or juridical persons).

An agent must inform the leaders about the circumstances, which can lead to conflict of the interests and urgently take some measures in order to avoid such circumstances, which can influence honest behavior of an agent.

III. Peculiarity of ethical limits in intelligence activity

Certain ethical norms have its own peculiarity and their ignoring creates preconditions for materialization of moral losses and real obstacles for execution intelligence activity, danger of criminalization of actions and even treason. That's why certain documents regulate the order of:

- implementation of discipline statute;
- usage and exchange of official information;
- receiving presents, benefits and other signs of attention.

IV. Control and prevention of the Code norms breaking

The leaders must take measures in order to prevent not honest behavior of inferiors by organizing and conducting trainings as for explanation of the Code and provide constant control of its implementation.

Following the Code rules will influence the estimation of an agent's work as well as the decision of promotion.