

# THE FORMATION OF AN INTEGRAL SYSTEM OF ETHICS MANAGEMENT IN LOCAL SELF-GOVERNMENT: THE APPROACH OF POLITICAL AND ADMINISTRATIVE LEVELS

RITA TOLEIKIENĖ, VITA JUKNEVIČIENĖ

## ABSTRACT

Local self-government is the level of governance which is closest to citizens; therefore, it must formulate and use instruments for trust building and maintenance, such as an integral system of ethics management. The aim of the article is to reveal political and administrative peculiarities of the formation of the integral system of ethics management in local self-government (municipalities), presenting evidence from Lithuania. This article presents the results of the empirical research which was undertaken in seven Lithuanian municipalities in 2014-2018, by using scientific methods such as document analysis and expert interviews. Empirical research has revealed that the integral system of ethics management in the municipalities includes both political and administrative levels, so the consistent integration of measures, processes and structures as well as the integral support of representatives of both levels is one of the important conditions for the efficiency of ethics management.

## KEY WORDS

Anticorruption commission, ethics commission, ethics management, integral system, municipality, self-government.

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**RITA TOLEIKIENĖ**

e-mail: rita.toleik@gmail.com

**VITA JUKNEVIČIENĖ<sup>1</sup>**

e-mail: v.jukneviociene@gmail.com

Šiauliai University,  
Lithuania

<sup>1</sup> Corresponding author

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## Introduction

Ethics management is a necessary element for the existence of public sector organisations, because it helps to identify and code organisational values, determine the organisation's identity and structure its decisions. It provides measures that are often chosen as an instrument to mitigate/eliminate ethics problems (corruption, abuse of position etc.), causing social-economic problems in the public sector,

and creating preconditions for the low level of trust of society in public institutions. Local self-government uses different instruments for trust building and maintenance. One such instrument is the integral system of ethics management.

Recent scholarly debates discuss the term 'integral system', which is increasingly often applied in ethics management (e.g. Maesschalck, 2011; Hoekstra and

Kaptein, 2012; Yuhariprasetya, 2015). Bunge (2004: 188) argues that the integral system is a complex object whose individual parts and components are specifically linked. An integral system of ethics management of local self-government (the municipality) must be composed of strategy, practical experience, all institutions and their integrity, politics, practices and instruments, which would contribute to the integrity of the certain municipality and to the resistance of local authorities to corruption and other ethical issues (Huberts and Six, 2012; Six and Lawton, 2013). Therefore, the integral system of ethics management unites all measures, processes and structures needed for continuous and efficient activity of the system and the implementation of ethics management goals. Structures of ethics management (national and local ones) using all measures and involved in all processes must ensure that the integral system works properly; therefore, they play a crucial role in the formation and the maintenance of the integral system of ethics management.

Given these facts, the aim of this article is to reveal political and administrative peculiarities of the formation of the integral system of ethics management in local self-government (municipalities). The objectives are: (1) to present the main features of the integral system of ethics management by emphasising the role of political and administrative levels therein; (2) to present how political and administrative levels (structures, representatives) contribute to the formation of the integral system of ethics management in Lithuanian municipalities.

This paper presents the results of the empirical research which was undertaken in seven Lithuanian municipalities in 2014-2018, by using scientific qualitative research methods such as document analysis and structured interviews. The paper is

structured as follows: the literature review is presented after the introduction, and is then followed by the presentation of methods used in the empirical research. The research results and discussion sections are presented afterwards. Conclusions are presented last of all.

## 1. Literature review

### 1.1. The specifics of ethics management in public administration

The trend of new public governance, meaning good governance in the public sector, is related to the governing function from the point of view of modes of action and the quality of governance (Sierak, 2015: 28). Good governance requires ensuring the rule of law, efficiency, accountability, political stability, implementable government policy, macro-economic policy, democracy, citizens' participation, and anti-corruption (Meyer, 2018: 208). Citizens' participation, as well as the requirements for transparency and anti-corruption, lead to the main keyword of the activity in the public sector – ethics. "Ethics is derived from the Greek word 'ethos' which means a person's fundamental orientation toward life" (Sroka and Lőrinczy, 2015: 157). It is closely connected with ethical behaviour and ethical decision making.

When ethics is analysed in a municipality in the public administration context, two main levels are considered essential – the political level (formation of public policy) and administrative level (implementation of public policy). Representatives of such levels (politicians and public servants) fulfil particular functions in ethics management. Public policymakers (representatives of public authorities) make decisions and take actions to solve problems, identifying them as a priority of the political agenda, while the realisation of those decisions must be conducted by various institutions, agencies and their personnel responsible

for the implementation of the public administration function (Knoepfel et al., 2007; Anderfuhren-Biget et al., 2014). Although the constant discussion on the political and administrative dichotomy continues, scientists have agreed that, irrespective of which element receives more attention, they are both essential to the concept of public administration; both elements are highly interdependent and cannot be completely separated, so both are important for the formation and implementation of ethics (Campbell and Peters, 1988; Cohen and Eimicke, 2000; Overeem, 2005; Yang and Holzer, 2005; Farazmand, 2009; Georgiou, 2014). According to Paine (1994), Hoekstra et al. (2016) and Scapin (2016), ethics management involves two strategies: compliance strategy, which is based on regulations and control systems, aiming to prevent and combat unethical conduct and integrity violations; and integrity strat-

egy, which is based on values, subjective responsibility and leadership, aiming to enable ethical conduct and moral reasoning. Thus, there were two strategic accesses that implied the entirety and the context of ethics management in the municipality on both political and administrative levels.

A municipality as an organisation must form a set of values, attitudes, feelings and beliefs, which could be shared among employees and framed by an organisation's code of conduct and performance, because it plays a key role in an organisation's success in achieving its objectives and strategies (Arbab and Mahdi, 2018: 11). Principles of ethical behaviour (ethics) are a guideline for the daily activities for those who work in public administration (both politically and administratively). Such principles are based on values, emphasised by the national systems according to the countries' context (Table 1).

**Table 1. Principles of required ethical behaviour for public servants (politicians) in various countries**

Principle \ Country (group)	USA	Canada	Australia	Japan	Great Britain	EU	Lithuania	
							Public servants	Politicians
Precaution		+						
Personal integrity	+	+	+	+			+	
Responsibility	+	+	+	+			+	+
Accountability		+	+		+	+	+	
Openness		+			+	+		
Cooperation		+					+	
Probity		+						
Effectiveness								
Good reputation			+	+				
Initiative		+						
Innovativeness		+	+					
Competence		+		+		+		
Confidentiality			+					
Avoidance of conflicts		+	+					
Creativity		+						
Leadership			+		+			
Equality		+					+	
Loyalty	+	+		+			+	
Selflessness	+			+	+		+	+
Impartiality	+	+				+	+	+

Independence	+	+	+					
Predictability								
Objectivity		+	+	+	+	+		
Decency	+		+				+	+
Respect		+	+	+			+	+
Obedience to the law		+	+	+		+	+	
Trust		+	+	+				
Reliability		+		+		+		
Exemplarity	+			+		+	+	+
Political neutrality		+				+	+	
Principality					+		+	
Productivity	+	+	+					
Performance	+	+				+		
Honesty	+	+	+	+	+	+	+	+
Transparency	+			+		+	+	+
Serving citizens	+	+	+	+		+		
Fairness	+					+	+	+
Freedom of action	+	+						
Publicity						+	+	+

**Source:** Conducted by authors based on (Palidauskaite, 2003: 84-85; Kudo and Maeschalck, 2005: 5; OECD, 2000; Australian Public Service Commission, 2015; Australian Public Service Commission, 2016; Civil Service Act of the Republic of Lithuania, 2018; Code of Conduct for State Politicians of the Republic of Lithuania, 2006.

Traditional public administration values prevail in different countries, so principles connected with professional ethics (obedience to laws (rule of law), serving citizens), organisational ethics (responsibility, objectivity) and individual ethics (personal integrity, exemplary, selflessness, honesty) are emphasised. However, Caron and Giauque (2006: 543-544) have emphasised that, out of the context of changes in public administration paradigms, new values have emerged that presuppose new principles of ethical behaviour: productivity, risk-taking and initiative, the ability to work with task-orientation, independence, and accountability, which unfortunately often lead to conflicts, paradoxes or questions about the identity of employees of public administration organisations, their ability to be ethical and critically cautious. In the context of Lithuanian public administration (self-government), according to the law, the administrative level is guided by more principles than representatives of the political level. This issue also leads to dis-

cussions about the different regulation of ethical behaviour.

As mentioned, principles and values must be embodied in the activity and behaviour of personnel in public administration; thus, the mission of the ethics management process is to find the axis uniting all elements of the system - measures, process and structures. The integral system of ethics management could become that axis.

## 1.2. Integral system of ethics management in a municipality

The integral system of ethics management must be composed of a number of elements. The first essential element of the integral system of ethics management is measures. Laws play the crucial role in the formulation of measures. Legislation is complemented by relevant legal acts (codes). Public administration practitioners are required to comply with established standards governing their work and behaviour at work, in order to gain public trust

and recognition. Codes of ethics reveal the professional status and identity in practice. Often, codes of ethics are based on a practical approach to ethics (Pattison and Wainwright, 2010). Codes of ethics can be interpreted more flexibly; thus, it is stated that their implementation is initiated by the human factor which, unfortunately, also leads to the emergence of problems of the effectiveness of ethics codes. In order to ensure that the ethics code would operate within an organisation, education, analysis of postulates and situations, and other elements of the ethical infrastructure must be used, and most importantly, their implementation should be delegated to appropriate ethics management structures.

The second element of the integral system of ethics management is processes. Processes are enabled only by actors in public administration – practitioners (politicians and public servants), citizens or particular institutions (structures). All actors use specific measures needed in a particular case to enable processes.

The third element of the integral system of ethics management is the structures responsible for ethics management, i.e. control institutions (ethics committees, commissions) that provide advice and recommendations on ethical issues to organisations, as well as analyse actions taken in specific situations. Ethics commissions are highly important within ethics management structures in public administration (they are also active in the context of municipalities). They were built up as forums with the mission to dispel citizens' doubts about the ethical behaviour of the people in power. Now they are regulated by the law and their activities strictly comply with it: they support and promote the internal control of public administration personnel (politicians and administrators), establish a legal framework / framework for external control to control employees,

act as both a controller and a leader and promote the ethical environment to ensure ethical behaviour (Smith, 2003). Such structures are also formed in Lithuanian public administration organisations in local self-government (municipalities). The functions of ethics committees and commissions include the preliminary solution of ethical problems, their insights, clarification of violations, anticipation of constructive measures and concrete suggestions, preliminary solutions to potential conflicts, and, if necessary, the introduction of ethics programmes or (at least) their guidelines (Vasiljeviene, 2006: 538).

As ethics management has only recently become an important issue in public administration (since 1990) in Lithuania (as a young developed country), the formation of the integral system of ethics management becomes the essential aim of ethics policy. The formation is described as a process which enables elements of this system and their permanent interaction (the systematic approach). Due to the specifics of public administration organisations – municipalities (including political and administrative levels) mentioned above – these organisations have to form and enable an appropriate integral system of ethics management, namely the entirety of ethics management measures, processes and structures, which are integrated into all activities of the municipality and enable the coherence of municipal values and actions (the expression of ethical values in practice). Here structures (national and local level) can play a crucial role in initiating and maintaining this process.

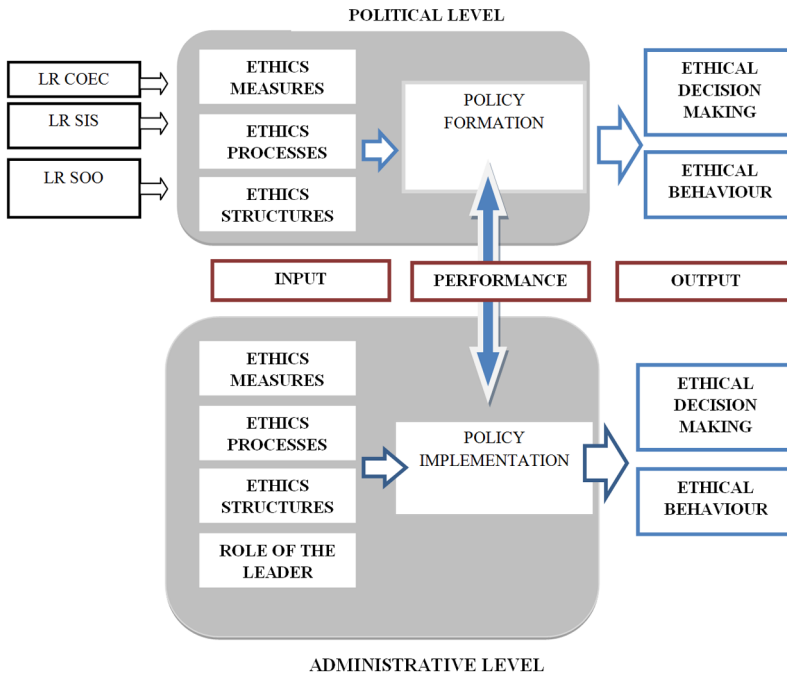
As this system is the subject of ethics policy and culture at the national level, models (frameworks) applied in each country may vary. The integral system of ethics management in Lithuanian municipalities (Figure 1) is also affected by the national level ethics management measures (Law,

Codes, Regulations) and structures such as the Chief Official Ethics Commission of the Republic of Lithuania (hereinafter - LR COEC), the Special Investigation Service of the Republic of Lithuania (hereinafter - LR SIS) and the Seimas Ombudsmen's Office of the Republic of Lithuania (hereinafter - LR SOO).

The abovementioned national structures play a crucial role in supervising, consulting, controlling, investigating, education and other fields. They affect municipali-

ties' ethics management systems: they present and regulate possible measures, initiate, supervise and control processes, guide, consult, and supervise local structures. However, local structures (such as ethics committees and commissions) play a crucial role in the integral system of ethics management, not only to format it, but maintain it as well, maintain its viability and carry out its mission properly – ensuring the ethical behaviour and decision-making of politicians and administrators.

**Figure 1. Integral system of ethics management in a municipality**



Source: Own elaboration.

The empirical research was conducted with the aim of revealing the current situation in terms of the integral system of ethics management (its formation and maintenance) in Lithuanian municipalities. Although this empirical research had many issues to investigate, this article is focused on the role of political and administrative

levels, which is closely connected to the approach of ethics management structures at the political and administrative levels (how they evaluate the situation and identify their role and contribution to the formulation of the integral system of ethics management in a municipality).

## 2. Methods

This paper presents results from the qualitative research based on document analysis and structured interviews with experts. From 60 municipalities in Lithuania altogether, seven municipalities were selected for the empirical research for several reasons. On the one hand, these municipalities completely cover one of ten counties of Lithuania. The county is one of the five largest in the country. The county (as well as its municipalities) does not considerably differ from the remaining counties and municipalities of the country in regard to their size, number of citizens or employees. There are also no particular differences in terms of institutions of ethics management as established by municipalities or public opinion of the prevalence of corruption in cities as measured by the Lithuanian Map of Corruption (2016). It can be assumed that the sample of selected municipalities is an appropriate one, because it involves representative cases in the Lithuanian context in terms of ethics management. The number of employees in the seven municipalities ranges between 159 and 249 (Report of Lithuanian Ministry of Internal Affairs, 2015), and the number of council members varies between 25 and 30 individuals. An additional reason to undertake the study in these seven municipalities was their geographical proximity to the University and the already established relationships between one of the authors and the representatives of municipalities dealing with the issues of ethics management and anti-corruption.

Publicly available documents at the state level as well as the municipality level were analysed in order to figure out the main features of the formation of the integral system of ethics management in selected municipalities. The document content analysis included the operating procedures of the

Ethics Commission and the Anti-Corruption Commission and the annual reports of these commissions from 2011-2014 in selected municipalities. The focus of the content analysis was the composition and activities of the ethics commissions and the anti-corruption commissions.

In order to elaborate on the attitudes of participants regarding the issue of the formation of the integral system of ethics management and, to a certain degree, everyday practices of ethics management in municipalities, 21 face-to-face interviews with experts (people responsible for ethical issues in seven municipalities in Lithuania) were conducted. Three different groups of experts were involved in the sample: eight chairs or representatives of anti-corruption commissions, six chairs or representatives of ethical commissions and seven heads or representatives of HRM departments, since these departments are often involved in the work of anti-corruption commissions. The interviewees turned out to be highly experienced in municipal issues (informants-experts). Their terms of employment ranged between four and seventeen years, and most of them were acquainted with several functions in the political or administrative layer.

Interviews were structured and conducted on the basis of an interview manual, which was developed on the basis of previous field experiences and literature studies. Themes which were addressed in interviews include instruments and everyday dealings with issues of ethics management, ethical atmosphere, critical occasions and experiences regarding ethical issues in the municipality. This article presents the results of interview questions focused on the contribution of structures to the ethics management processes by using the appropriate measures. The inter-

views took place in the offices of the interviewees, and the duration of the interviews was between 30 and 90 minutes. Since the topic of ethics was quite sensitive, the confidentiality of all interviewees was ensured. All interviews were recorded, transcribed and content-analysed using a deductive-inductive theme-analysis of sentences from the interviews and documents.

### 3. Research results and discussion

Many theoretical and empirical studies in Lithuania (Palidauskaite, 2003; Laurinavičius, 2004; Vasiljeviėnė, 2006; Palidauskaitė, 2010; et al.) have revealed that the legal regulation (measures) and procedures (descriptions of processes) are appropriate, purposeful and comprehensive (the system is based on the compliance strategy), but problems often arise in the field of their application in practice (personal values, performance, behaviour), when the actors of the system – citizens, practitioners and structures - are involved in such processes using measures (the lack of the integrity strategy). Therefore, it is important to investigate how structures in political and administrative levels contribute to the formation of the integral system of ethics management. At the municipal level in Lithuania two important ethics management structures work: the ethics commission of the municipal council (political level) and the anti-corruption commission of the municipality (administrative level).

#### 3.1. The role of ethics management structures at the political level of municipalities

An integral system of ethics management requires appropriate measures – legislation to enable the system actors. During interviews, the experts confirmed that

a sufficient legal framework at the national level is established to ensure the formation and operation of the Ethics Commission of the Municipal Council (political level) (hereinafter – Ethics Commission). Moreover, its provisions were transposed into municipal (institutional) legal documents. The expert has noted that the *“Council Regulation is followed firstly. Regulations of ethics commission of the council, Code of conduct for state politicians”* 4\_6. They define the procedure of forming the commission, its organisation, functions, the provisions of investigations into politicians' behaviour, and the procedures of publication of decisions and the basic ethics principles which must be followed by politicians in public life.

Although the composition of the Ethics Commission is defined in legal documents, different cases appear in practice: *“There is no opposition; there was a suggestion from us. There are representatives from all parties”* 3\_2; while the opposition does not nominate the chairperson for the mayor, *“the chairperson appointed by the mayor is assigned”* 6\_2. Then the possibility of choosing a chairperson who is more favourable to the mayor or the governing majority of the council arises, with the hope that the ethical misconduct of council members will be less noticeable or loyalty will be demonstrated without criticism, as seen in remarks about the non-compliance with ethical standards: *“Often mayors, when proposing the chairperson of the ethics commission, choose such a person (here I am talking about myself), when they think that he/she will not do anything bad, will not dare to criticise”* 3\_2. In such a situation, a notional tacit agreement appears which restricts the actions of the chairperson. When the activity of the chairperson becomes more active, dissatisfaction arises from members of the council and the mayor, especially when issues re-



lated to the implementation of politicians' ethical standards are raised: *"And when you start asking something, they become very surprised and frustrated"* 3\_2. Thus, this example shows how the purpose and effectiveness of the Ethics Commission as a structure for controlling and supervising the implementation of the Code of Conduct for State Politicians is questioned.

Moreover, legislation also provides that community members must be included in the composition of the Ethics Commission in order to achieve more transparent, impartial and effective action, eliminating the principle *"people consider their own"*. According to the expert, this requirement does not work in practice: *"I can hardly imagine that someone who is a member of society is able to make a decision about politicians' ethics in a municipality, if he/she has not been one. It is good if there are people who have the appropriate education, they have a certain position, such as a deputy elder, a local community representative or other activist. And then a man comes; you are sitting and thinking, God forbid he should say something stupid"* 6\_2. Experts have identified the main obstacles that determine the passivity of community members in the Commission's activities: ignorance of the politicians' activities, lack of competence, and lack of confidence in their knowledge in the field. Thus, the activities of these Commission members are often limited to formal participation without expressing their position and taking no responsibility for the issues under consideration. Expert insights were also confirmed by the content analysis of the minutes of Ethics Commissions and the determination of community representatives' activity during the meetings: it has been observed that these Commission members rarely speak during the assessment of the politicians' behaviour. In addition, there are some doubts about the independence of

the Commission members – elders and local community representatives – in decision-making. There is the direct subordination of elders to directors of municipal administrations (civil servants), who are also usually representatives of political parties. The same tendency is observable with local community representatives. Therefore, the impartiality of the Commission members is only partially guaranteed, and this can be considered as one of the reasons for the lack of activity and initiative of community members.

The Ethics Commission has several main functions contributing to ethics management processes. Despite the fact that the decision on the loss of a council member's mandate is taken by the Central Electoral Commission of the Republic of Lithuania, according to experts, the Ethics Commission has considerable power to determine politicians' continued representation on the council. Another function which was highlighted by experts is the consideration (debate) when: *"... a formal request or complaint has been received"* 3\_2 or articles on possible unethical behaviour by politicians have appeared in the press (*"... if there is a headline in the press or an article"* 4\_6). The most frequent complaints in practice are *"about the attendance at meetings"* 1\_2 and politicians' messages (reports) about the behaviour of other council members. It was emphasised that, in practice, not only politicians report to the Commission, but also citizens dissatisfied with the activities of council members (politicians). The procedures for dealing with a report received from citizens (how the question will be dealt with) and answers are given in the Regulation for the Commission's Activity. However, it is sometimes difficult to find solutions in practice. Although the Commission controls the declaration of public and private interests of politicians under the terms of the abovementioned

regulation, the experts did not mention this function often, and their opinions did not match: some thought that it was an individual responsibility, others that this control should be executed by representatives of political parties: *"We need to follow it by ourselves, but most often it is done by the opposition. It's very good"* 1\_2. There is a prevailing attitude that full control is not possible, because *"... the declaration is for appearances, but not a deep and comprehensive solution"* 7\_2. While analysing the functions of the Commission, one interesting approach of interviewees-experts can be highlighted, namely that the Commission is not a *"guardian of morality. It exists for dealing with cases where the principles are violated, rather than having to talk about the details in the meeting"* 7\_2, so it acts *"only after receiving complaints"* 6\_2. Such an approach (dealing only with the misconduct that has occurred) emphasises the perception of the formal side of the Commission's role.

The power of decision-making is also an important aspect of the Commission's work. In many cases, the commission, when analysing the received report and making a decision, avoids determining whether ethical standards have been violated or not, and limits itself to recommendations for politicians. Therefore, in individual cases, after reviewing the decision taken by the Ethics Commission in a municipality, the LR COEC recommends reviewing it again. Experts state that the Commission has too little power; therefore many important final decisions are made by other institutions (for example, due to the politicians' absence from meetings and the related issue of the mandate, decisions are taken by the Central Electoral Commission of the Republic of Lithuania – LR CEC). Thus, experts believe that the Commission's decisions and their publicity are not so important to society. This raises

the question of the commissioners' awareness of their activities' functionality, if the commission does not perceive its role in promoting the processes of political self-regulation.

It should be noted that experts indicate that they consult with lawyers working in the municipal administration: *"To lawyers. In all issues"* 6\_2. In this case, it should be noted that it is not only the members of the Commission who participate in ethics management, but also a lawyer who is an administrative civil servant. Thus, there is a synergy of political and administrative levels in the formation of an ethical environment in the municipality; a relationship between ethics and law arises in the conduct of consultations, when the perception in practice is based on the approach that "the legal is the ethical". However, the theoretical analysis already revealed that compliance with legal norms was merely in accordance with the ethical minimum; thus, the importance of activities meeting higher standards of behaviour is emphasised. After analysing the functions of Ethics Commissions and their practice, it was discerned that they are mostly focused on the implementation of regulated formal functions, but very rarely on the functions that require time and human resources: counselling, education, and prevention.

Experts have highlighted aspects for the development of the Ethics Commission which could ensure the better fulfilment of its mission and effectiveness of its activities. Experts emphasised the point that the Commission's members should not be politicians, thus avoiding the desire to protect their own people in making decisions. The position of the Commissioner should be permanent and paid. Commissioners (preferably) should have legal education or represent law enforcement bodies; they could be competent professionals (with knowledge and practical experience).

Members of the Commission should have an individual moral reputation and convictions leading to responsibility in the performance of their duties.

In summary, the results of interviews with experts have revealed that the integration of the activity of the ethics management structure (Ethics Commission) into the Municipal Council's decision-making and adoption processes and the formation of the politicians' ethical behaviour still lacks knowledge (the perception) of professional ethics. This becomes a reason to limit the performance of the Ethics Commission to formal (limited) functions, focusing on monitoring and controlling the compliance of politicians with the Code of Ethics (with little consultation, no training, etc.). Questions are raised as a result, such as who is responsible for the prevention of ethical problems and who should take care of anchoring the proper behaviour in the Municipal Council. The role of the Ethics Commission could be adjusted, taking into account factors leading to the efficiency of Commission activities identified by experts. With the goal of avoiding conflict situations (when opposing decisions are taken and leading to a deadlock in action), inter-institutional communication and cooperation between Ethics Commissions and Anti-corruption Commissions must be direct and balanced. Therefore, the experts were asked to express their attitude towards the role of the Anti-corruption Commission, the situation, experiences and aspects for its improvement.

### 3.2. The role of ethics management structures at the administrative level of municipalities

The Anti-corruption Commission co-ordinates the formation of anti-corruption policy and the implementation of measures in the municipality by involving other municipal departments and institutions in

this process. At the administrative level, the leader or the person appointed by the leader is responsible for the implementation of anti-corruption measures. The functions of these ethics management actors are separated by providing particular activities and responsibilities of anti-corruption policy formulation and implementation.

The Anti-corruption Commission is formed by and accountable for the Municipal Council. The Council coordinates and controls the activities of the Commission, so the Commission is obliged to report periodically: *"Every year we approve our report and submit it to the mayor" 1\_5*. However, the analysis showed that not all Anti-corruption Commissions present their activity reports in public.

It is important to emphasise that the composition of the Anti-corruption Commission was not regulated by law (when the interview was conducted) until 2015. Formally, the Anti-corruption Commission covered both political and administrative levels. In 2015, legal provisions established the composition of the Commission: "The members of Commissions formed by the Municipal Council may be members of the Municipal Council, civil servants, experts, representatives of residential communities – elders, representatives of local communities, representatives of society. Elders, local community representatives and representatives of society must make up at least 1/3 of the members of the Anti-corruption Commission" (Law on Local Self-Government of the Republic of Lithuania, 2017). Interview data was complemented by an analysis of the composition of the Anti-corruption Commissions, which revealed that two Anti-corruption Commissions of the Šiauliai Region did not include administrative representatives, the members of the Council dominated, and community representatives were included at a lower ratio than was regulated by the law. In those cases, the person

responsible for prevention in the administration is not included in the composition of the Commission, therefore, the clear separation of functions (willingness to separate) is founded: the Commission plays the role of anti-corruption policy maker (coordinator / controller), and the function of the administration is to implement anti-corruption activities provided for in the prepared municipal anti-corruption programmes. Since the composition of Commissions is not the same in all municipalities, it leads to different practices of the formation and implementation of the corruption prevention policy at institutional level.

The Anti-corruption Commission operates in accordance with regulations. The activities of the Commission can be identified as: planning process (preparation of institutional anti-corruption programme, coordination of its implementation); procedural measures (determination of corruption, anti-corruption assessment of legal acts and their projects); analysis of received reports (messages) about possible corruption situations; educational and publicity measures. The Commission foresees activities, measures and takes responsibility for their implementation in the process of preparing the municipal anti-corruption programme: *"Those are classified by areas and tasks for specialists. Activities are offered by the Commission. We continue to comply with recommended measures in the National Anti-corruption Programme. We try to write such activities which will be implemented" 2\_1.* Experts have shared their experience involving representatives of society in the preparation of the programme by giving proposals for preventive actions. This issue is considered a novelty in the programming process. Thus, programmes acquire some uniqueness by planning new, innovative activities and involving more representatives of society.

Experts have identified the detection of corruption as one of the most important functions, but did not disclose how problems identified should be addressed by the institutions' anti-corruption programmes and their plans for the associated measures. It is assumed that the experts' perception of the implementation of their activities is fragmented without the identification of links between components of the anti-corruption policy. Another important function is the analysis of reports (complaints) received from members of society. The number of such reports even determines the activity of the Commission. The report policy in a municipality is implemented using several channels: e-mails, mail, phone or special boxes. Often the box where the rapporteur puts the message, which sometimes is referred to as the possibility of submitting offers, was mentioned. The Commission foresees procedures and frequencies for information received in the box, and after receiving the notification, acts according to procedures. Experts have identified some cases where there was no violation, but an unclear, corrupt image of the situation: *"There was such a request to investigate a single case. They saw that there was corruption and wrong procurement. ... But the Commission met, decided to gather information. ... And the Commission decided that there were no corrupt manifestations in this particular procurement. They did not find any manifestation of corruption in it" 6\_1.* The Commission makes the decision that there is no violation, but it does not make any recommendation as to what needs to be changed in order to avoid such situations in the future. This situation can be explained by the understanding of commissioners' activity as short-term in nature, without taking responsibility for creating a transparent, fair, ethical environment. The Commission acts with the power of a judicial authority

and with one aim – to identify and punish violations. Often, decisions are limited to appealing to law enforcement authorities by handing responsibility for the situation over to them, or without making a decision, as the situation represents a delicate balance between legitimacy and illegality: *“All our actions are described in the regulations. There is nothing special to do, but if we see that the activity has criminal origins, then we transmit this to the prosecutor’s office”* 1\_5. In this case, the Commission does not take preventive measures in order to avoid such situations (for example, reviewing procedures, providing advice, etc.). Thus, its functions are focused on the identification of violations, the conducting of investigations, and the transferring of the decision to the legal authorities.

The preventive activity of the Anti-corruption Commission uses mere educational measures that form provisions of intolerance to corruption. Their implementation includes municipal administration departments: *“The school is an institution where events related to corruption prevention are quite frequent. Most often the Education Department contributes to the organisation of these events”* 5\_7. Also, some municipalities of Šiauliai region have a practice of cooperation in carrying out preventive activities: organising events (competitions, discussions, conferences), creating anti-corruption social advertisements, publicising information on the website with external institutions, social partners: *“I think that it is enough, because our municipality carries out preventive events and research in cooperation with students of Šiauliai University”* 2\_1. Anti-corruption activities are the most important tasks of the Commission. Prerequisites for reducing corruption include the introduction of accountability mechanisms and the development of anti-corruption infrastructure, which includes a wide range of tools, but this may be not enough in practice.

Experts have identified two important factors that currently interfere with the work of the Commission (and its efficiency): the perception of the Commission’s significance in the Council and the lack of leaders’ support. Commissions that allocate finances and make strategic decisions, whose activities are visible, clearly supported, more often discussed and have an impact on more groups of interest, are considered more interesting and significant in the municipality. Experts also point out that the Commission’s activity becomes a formality or even nonsensical with a lack of leadership support: *“Working with corruption is just a point of view. Everything depends on the leader. The Anti-corruption Commission invited me to work together and we had the mayor’s support”* 7\_1; *“It is difficult to work in this Commission, because neither the Director of the Administration nor the Mayor has any interest in disclosing corruption. Although it should be reversed, it is not”* 1\_5.

The research has required discerning what would help strengthen the position of the Anti-corruption Commission in the municipality and improve its performance. Firstly, experts identified changes in the composition of the Commission and the effectiveness of its activities. Contradictory opinions from experts were revealed. Some of them argue that an active and effective Commission should be less dependent on politicians – it was proposed that the Commission should only include representatives of society and specialists in a particular field. Other experts, on the contrary, believe that the commission must consist only of politicians in order to avoid holding multiple posts at the same time. Still another group of experts believes that the commission should include representatives of all parties working in the Council. Others note the question of the competence of Commission members and would

like to include a person with legal education. The fact that experts did not have the same opinion on the composition of the Commission was determined by their different experience of working in Commissions. Experts also emphasised four other aspects. Working in the Commission should be consolidated as a key function: *"It would be the employee's core function. Now you have to work on your functions and still have a bit to do..."* 6\_1. The Commission needs to ensure adequate funding for its activities: *"A non-funded commission cannot prepare events, measures, or preventive actions"* 1\_3. They also emphasised the importance of the Chairperson of the Commission - leadership with the courage and the ability to express one's own position, and the publicity of the activity, which is a precondition for transparency and activity.

### 3.3. Challenges for the collaboration of political and administrative structures in municipalities

The dualistic governance model determines that two cultures dominate in the context of the municipality: political and administrative. The research analysed possibilities for cooperation between the Ethics Commission and the Anti-corruption Commission in terms of creating an ethical climate. It was discovered that these commissions almost always fail to cooperate. According to the expert: *"We have no common points"* 5\_4. During the interviews only one case was identified when both commissions organised a joint meeting and made decisions: *"The joint meeting of both commissions was the only one ... There a joint decision was taken by the two chairpersons of the respective commissions"* 4\_6.

The main obstacles to cooperation between the two commissions are: different fields of activity (*"We do not see the point*

*of working together with the Ethics Commission. They look at who said what, and the Anti-corruption Commission – who did what wrong"* 1\_5); and the uncertainty of cooperation in accordance with laws or other documents. It can be stated that ethics management structures operate in a fragmented manner in the municipality, as separate segments.

Only a weak relationship between structures (commissions) was observed in terms of shaping the ethical behaviour of politicians and civil servants and in creating an ethical climate in the municipality. However, strong cooperation relations with other institutions (at the national level) were revealed during the research (see Table 2).

Authorities (institutions) coordinating ethics have a number of different functions, such as supervision of the Code of Conduct, investigation of violations, support for preventive initiatives, advising on ethical issues, and so on. Such functions extend the scope of the inter-institutional cooperation, because it requires the common efforts and contribution of more than one actor (institution, structure) in national ethics policy implementation. The nature of cooperation of the analysed commissions (local structures) with other institutions (national structures) is diverse: from the transmission (transfer) of decision-making, control (reporting) and investigation and assessment of the situation to seminars and training, counselling and other preventive activities (events, campaigns, competitions, exhibitions, discussions, etc.).

**Table 2. The nature of cooperation between the Ethics Commission, Anti-corruption Commission and other institutions**

Nature of cooperation Institutions	Transmission of the decision	Consultation	Preventives activities	Seminars/ trainings	Control	Investigations of situational assessment
LR COEC	EC	EC	-	EC; HRM	EC	-
LR SIS	AC	AC	AC	AC	AC	-
LR SOO	-	-	-	-	HRM	-
LR CEC	EC	--	-	-	-	-
NGO	-	-	AC	-	-	-
Prosecutor's office	AC	AC	-	-	-	-
Higher Education Institution	-	EC	AC	-	-	AC
Remarks: LR COEC - Chief Official Ethics Commission of the Republic of Lithuania LR SIS - Special Investigation Service of the Republic of Lithuania LR SOO - the Seimas Ombudsmen's Office of the Republic of Lithuania LR CEC - Central Electoral Commission of the Republic of Lithuania NGO – nongovernmental organisations ("Transparency international", "White Gloves", etc.) EC – Ethics Commission AC – Anti-corruption Commission HRM – Head of the Department of Human Resources Management						

Source: Own elaboration.

It could be stated that experts, representing the commissions in municipalities which were the subject of analysis, appreciate external cooperation (with national institutions) more than the common activity with internal (organisational) structures due to seeing the potential of joint activities or the requirements (regulation) to do so.

## Conclusions

The research has revealed that the integral system of ethics management in municipalities includes both political and administrative levels, so the consistent integration of measures, processes and structures as well as integral support of representatives of both levels is one of the important conditions for efficiency in ethics management.

The analysis of the manifestation of elements of ethics management in the municipal context (at a political and administrative level) identifies sufficient legal regulation and levels of ethics institution-

alisation (creation of structures); however, the implementation of ethics management measures is found to be fragmented.

Even the structures of ethics management in municipalities operate in accordance with the regulations; however, the identification of their mission and the understanding of the need for action is still a problematic phenomenon. For the solution to such a challenge, even the motivation of the members of such structures is not appropriate and sufficient. In this context, the coherence of ethical tools, processes and structures and the continuity of the implementation of ethics policy, as well as support from leadership positions, are required.

In summary, it can be stated that, despite the preconditions for the formation of the integral system of ethics management in a municipality (legislation, programmes, measures, guidelines, and the support of national institutions), the results of empirical research have revealed that the system in Lithuanian municipalities is still in the

primary stage of the formation process, because the system can be characterised by fragmentation. There is a lack of a systematic approach at an organisational level and a lack of understanding of the value of ethics management measures in creating ethics management practices (an appropriate ethical climate and ethical organisational culture).

This article has revealed how the balance between different levels (political and administrative) is needed to ensure the formulation of the integral system of ethics management and to reduce the lack of a systematic approach found in the Lithuanian municipalities analysed. The research results have some limitations because of the number of municipalities and experts included in the research. Therefore, further research could have several directions: empirical research conducted in more regions in Lithuania and/or comparative research conducted in neighbouring countries; the deeper analysis of processes in selected municipalities, which could be useful in identifying the practice and the real activity of structures; and the further analysis of leaders' roles in both levels of the formulation of an integral system of ethics management could be useful in order to identify the possibilities of strengthening those structures' activity and their cooperation.

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**Rita Toleikienė**, PhD, lecturer at Šiauliai University, Institute of Regional Development (since 2005), with more than 10 years of practical experience (training civil servants) in the field of ethics and anti-corruption policy. Scientific interests: ethics management in Public Administration, ethics in civil service, anti-corruption policy, and good governance in local self-government.

**Vita Juknevičienė**, PhD, associate professor and research fellow at Šiauliai University, Institute of Regional Development (since 2005), and Chairperson of the Coordination Committee of Researchers' Excellence Network (RENET) (since 2015). Scientific interests: the modernisation of Public Administration, good governance in local self-government, and the management of innovation systems.