The Future of Anti-corruption Measures in Lithuania

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In the 1990s, Lithuania - like most other Central European countries - implemented a wide-reaching anti-corruption programme. Supporting most anti-corruption programmes in these countries has been an ad-hoc assortment of anti-corruption training conducted by various public sector institutions. Using analysis redolent of a neo-functional perspective, this article argues that the hodge-podge of anti-corruption training programmes form a more or less coherent system. Like any system, design directly impacts on performance. The lack of systemic training programme design in the Central and Eastern Europe has resulted in the sub-optimal performance of these anti-corruption programmes. Thinking about the systemic properties of anti-corruption training – by evoking the concept of the National Anti-Corruption Training Program (NACTP) – can help with the assessment and improvement of anti-corruption in Lithuania and the region.

1. Introduction

Lithuania has ostensibly done much to fight corruption in the last 15 or so years. The Lithuanian Parliament (or Seimas), like most other countries in the region, has adopted laws on the financing of political parties and political organisations, public procurement, and the prevention of corruption. In January 2002, anti-corruption work was seemingly co-ordinated through the implementation of the *National Anti-Corruption Programme*

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which – again like many anti-corruption programmes in the Central and Eastern European (CEE) region, consisted of a strategy document and an action plan [5].

Yet, the data show mixed results for Lithuania's anti-corruption work. According to data compiled by Kaufmann *et al.* [6], Lithuania's "control of corruption" (a statistically constructed variable which captures a number of survey results about corruption perceptions in the region) lags behind some of its sister countries. As shown in Figure 1, Lithuania's control of corruption score is lower than countries such as Hungary or Estonia (100 = perfect control of corruption and 0 = no control of corruption). However, it is clearly higher than other countries such as Latvia and Poland (both of which participated in large World Bank financed anti-corruption programmes). As argued in Michael [9], these scores partially reflect Lithuania's ability to move from the "first wave" of anti-corruption activities – focusing on awareness raising activities like conferences, workshops and even rock-concerts.

Lithuania has begun to embrace the "second wave" of anti-corruption activity – focusing on teaching investigators how to gather evidence and business people how to operate without paying bribes. Yet, much work remains to be done.
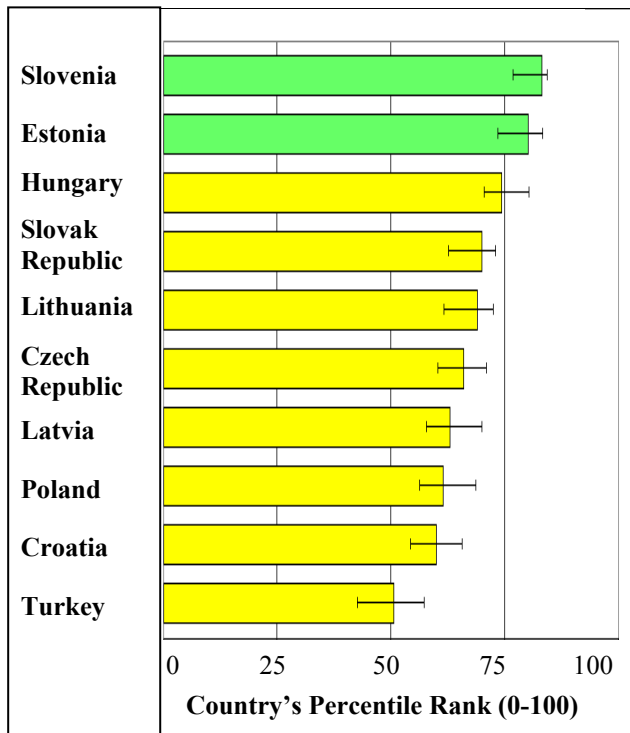

Figure 1: Control of corruption (Central Europe & Baltic's region, 2004)

Source: Kaufmann, D, Kraay, A, and Mastruzzi, M. 2005 *Governance Matters III: Governance Indicators for 1996-2004.* (http://www.Wordbank.org/vbi/governance/pubs/govmat ters4/html

This article hopes to contribute to the policy and theoretical debate on fighting corruption by providing an unabashedly neo-functionalist perspective[1]. We argue that a coherent design of the ensemble of anti-corruption activities which we label the country's National Anti-Corruption Training Program (NACTP) results in improved control of corruption[2]. The first section of this brief article critically reviews anti-corruption training programmes in the CEE region. The second section looks specifically at the case of Lithuania. The third section will argues for a more coherent and systemic view of anti-corruption training. The conclusion wraps-up by arguing that Lithuania, like the other CE countries, should engage in *pari passu* (all at the same time) rather than *ceteris paribus* (item by item) reform[3]. To keep the article readable by policy-makers, we will avoid inserting a large number of academic references.

1. Anti-Corruption Training in Central and Eastern Europe

Corruption – typically defined as the "use of public power for private gain" – was a concomitant of transition. In many CEE countries between 1989 and 1995, the proportion of GDP in the private sector increased to roughly 60%. Discretion over the allocation of state assets led to incentives for public officials to use their power to acquire favours (or the assets directly)[4]. Such discretion appeared in the award of public sector contracts (public procurement), in the taxation of foreign goods (customs), and in the application of road law (police).

In response to data such as these, international donors increasingly financed anti-corruption programmes which were targeted at almost all organisations within the public and private sectors – including the civil service, mu-

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[1] Functionalism, and its later neo-functionalist variant, argue that each social behaviour or institution can be explained by the purpose it serves in the wider social system. Functionalism fell out of fashion in the 1970s as more conflict-driven views of social institutions became popular and in the 1990s as post-modernism became popular in the University faculties. We accept the weaknesses of the paradigm we argue in, but maintain the position that the perspective offers a valuable approach to thinking about anti-corruption.

[2] Such a view also reflects a controversial position in the academic literature. A ostensible dichotomy exists among social and organisational theorists whether organisational structure (including the design of systems which span organisations) emerges to maximise economic or social performance (however defined) or whether such structure emerges as the evolutionary result of prior economic and social performance. We acknowledge the stand we take and for lack of space, avoid a discussion about why we chose this theoretical position.

[3] A reader steeped in the transition literature will recognise the dilemma between gradualist versus systemic reform. We argue for systemic reform of anti-corruption training without arguing that such an approach should be extended to the broader public sector reform programme (though such an approach may be warranted).

[4] Much recent work focuses on manipulation of public power for private gain – namely through "state capture" [4]. Despite the sensationalistic claims to the contrary, the most economically significant portion of such capture consisted of interests, which prevented the implementation of private sector and financial sector legislation. We disagree with much of the transition literature's claims that poor regulation was the result of short-sightedness or faulty foreign advice.

nicipalities, politicians, customs officials, police, judges, investigative journalists, legislators and their staffs, international civil servants, NGOs, and youth groups. Table 1 shows a number of components typical of an anti-corruption programme.

Table 1: **List of Anti-Corruption Activities in Central and Eastern European Countries**

	Countries
Laws	
Criminal Provisions in Law	All
Procurement Law	Czech, Kosovo, Latvia, Lithuania, Poland, Serbia
Freedom of Information Law	Latvia, Poland *and others?*
Institutional Framework	
Corruption Prevention Council/Group	Kosovo, Latvia, Lithuania, Poland, Russia, Ukraine, Serbia,
Public Administration Institute	Czech, Latvia, Lithuania, Poland, Russia, Ukraine
Types of Activities	
National anti-corruption programme	All
Administrative (civil servant) training	Czech, Kosovo, Latvia, Lithuania, Poland, Ukraine
Municipal	Czech, Kosovo, Latvia, Lithuania, Poland, Russia, Ukraine
Politicians	Czech, Lithuania
Custom training	Czech, Latvia, Lithuania
Police training	Czech, Latvia, Ukraine
Judges training	Czech, Kosovo, Latvia, Lithuania, Poland, Ukraine
Investigative journalism training	Latvia, Lithuania, Russia, Ukraine.
Legislative training	Czech, Latvia, Lithuania.
Civil society training	All
International cooperation	All
Methods	
Ethics training	Czech, Latvia, Lithuania, Poland, Russia,
Handbooks	Czech, Latvia, Lithuania, Russia
Distance education/ software	Czech,
Games/simulation	Russia

Note: The results summarized in this table are derived only from the information in the case study and not from the reviewer's own personal knowledge nor from independent research.

Anti-corruption activities seem to be undertaken without a broader strategic objective in mind. Most countries have passed laws prohibiting corrupt transactions. Yet, specific measures are less clearly planned. First, these programmes are financed mostly by foreign donors. Such finance is contingent upon the programme objectives of each donor. For example, the World Bank has provided finance for large country-wide anti-corruption co-ordination projects while GTZ (the German funding body) finances specific public sector reforms in procurement[5]. A recent assessment of donor-financed anti-corruption projects finds that projects are implemented based on the availability of donor finance rather than the country's strategic plan.

The lack of planning of coherent anti-corruption programmes reflects the focus on awareness raising rather than more concrete measures aimed at fighting corruption. According to the CORIS database maintained by Transparency International (probably the most comprehensive source of anti-corruption materials), a search of the word "conference" returns 1023

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[5] Michael [10] argues that the lack of planning reflects the way projects are developed within the donor agencies, as

the result of project manager travel and cross-country learning. The article argues that the result as been the spontaneous emergence of an international systemic order for anti-corruption activities.

results whereas a search of "training" produces only 460 words[6]. Such awareness raising targeted the building of public understanding of new anti-bribery legislation[7].

A sub-optimal "institutionalisation" of anti-corruption has resulted. Polzer [14], using a Foucaultian perspective, argues that anti-corruption projects – much like other development projects – emerged as political power shifted toward the bilateral and multi-lateral donors which financed these projects. Such institutionalisation also reflects the beguiling nature of the language used by anti-corruption projects. The abstract language used by anti-corruption project managers results in more activities being pursued and the inability to evaluate previously conducted programmes. The Collaborative for Development Action's [1] work on Donor Standards in Anti-Corruption Project (DSACP) provides an example[8]. According to the Collaborative, "when donor conditionalities coincide with genuine political will and commitment to thwart corruption, conditionalities provide additional incentive and motivation to address the issue seriously." Such a combination of words can apply to most topics. Michael [9], using recent ideas from organisational theory, finds that such institutionalisation results from co-ordination failure between donors and the national governments which engage in anti-corruption. Tisné and Smilov [17], using more traditional evaluation approaches, find that the institutionalisation of anti-corruption results from needs in Central European countries to fight corruption – but that donor financed anti-corruption projects are failing because of insufficient "grassroots" involvement.

2. The Nexus Anti-corruption programmes and Training: The Lithuanian Case

A correspondence can be made between anti-corruption project requirements and training. Reflecting the inability of the awareness raising programmes of the "first wave" to reduce corruption, most CEE countries still have important institutional deficiencies. Table 2 shows the results of an evaluation of anti-corruption programmes conducted by the Open Society Institute [12]. The first column lists deficiencies as identified by the Open Society Institute. For example, the Institute found that – for the Czech Republic - the lack of formal implementation of its anti-corruption strategy, uncontrolled lobbying, public procurement's vulnerability to corruption, and the lack of a civil service law were the country's main institutional deficiencies. Law enforcement and political party patronage remains a problem across the region. The lack of an anti-corruption strategy is identified as another problem.

In all of these countries, public sector impropriety is often tackled by attempts to "train" civil society and in almost every public administration academy, a course of ethics is offered. Yet, as shown by the second column of Table 2, not enough training programmes are being conducted on anti-corruption training. Moreover, existing training programmes are low quality and often too theoretical to apply to the real-world problems of the transition countries. In the Czech Republic, Voldanova (2004) notes that ethics training programmes often tend to take far less time than other training programmes and tend to focus on teaching civil servants about existing Codes of Ethics and laws which prohibit the most flagrant breaches of ethics. Given the lack of sanctions behind Codes of Ethics in many of these countries, the incentives to follow these codes are low, as Palidauskaite (2003) notes, "Polish, Bulgarian, Czech, Macedonian, Estonian, Latvian Codes of Ethics do not identify or establish an institution for administering the document". These lacunae suggest that anti-corruption training programmes – and their fit within the broader anti-corruption context - need to be re-evaluated.

Anti-corruption training must clearly address institutional deficiencies responsible for corruption. Table 3 revisits the institutional deficiencies identified by the Open Society Institute [12] by considering the recommended activities to be pursued by Central and Eastern European countries. For each of these fourteen recommenda-

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[6] A keyword method of ascertaining the importance of conferences versus training is problematic because of the number of publications which refer to conferences or training instead of being about such events themselves. Yet, the greater number of publications which mention conferences rather than training events is also an indicator of the popularity of each type of activity.

[7] According to a donor co-ordination meeting held in Vienna by the United Nations in 2003, international donors reported having conducted 34 awareness raising workshops and 32 programmes to support changes to legislation. In contrast, 23 activities were focused on public sector management and only 11 on programmes aimed at the private sector.

[8] According to their report, "The DSACP was launched in April 2002 in a collaborative arrangement between the OECD-based Secretariat of the Anti-Corruption Network for Transition Economies, and the Collaborative for Development Action, (CDA) Inc. of Cambridge Massachusetts. During this time the DSACP conducted seven case studies in Georgia, Armenia, Kosovo, Ukraine, Moldova, Tajikistan and Bulgaria."

tions listed in the first column, the second column shows the relative importance of training in attaining the objective identified by the recommendation (thus addressing the degree to which training should be the preferred method of "remedying" institutional deficiencies). In the final column of Figure 6, the type of training which could usefully be conducted is listed (thus addressing the issue of strategy priority).

As can be seen in Table 3, some of the recommendations are simple restrictions and the only training or education to be done involves awareness raising or insuring that the relevant actors know the rules. The training required for these types of recommendations has been labelled in Table 1 as awareness raising. In other cases, training needs to be done to impart specialised or highly technical skills – and as been labelled as skills building.

Table 2: **Institutional deficiencies and training in several CEE countries**

Institutional deficiencies	*Area of anti-corruption training*
Czech Republic Formal implementation of anticorruption strategy, uncontrolled lobbying, public procurement, no civil service law	Administrative (civil servant) training, municipal, politicians, custom training, police training, judges training, legislative training, civil society training
Estonia Weak law enforcement, ineffectiveness of anti-corruption institutions, local government, public procurement police (petty corruption), customs	No information available
Hungary Political party patronage, Independence of prosecution, Public procurement, Media independence, Non-specific	No information available
Latvia Poor coordination of anti-corruption, institutions, uncontrolled lobbying, political party funding, public procurement, public administration, lack of coordination	Administrative (civil servant) training, municipal, custom training, police training, judges training, investigative journalism training, legislative training, civil society training
Lithuania Lack of reliable information, political party funding, public administration, need to approve national anticorruption strategy	Administrative (civil servant) training, municipal, politicians, custom training, judges training, investigative journalism training, legislative training, civil society training
Poland Lack of will to produce anticorruption strategy, off-budget agencies, Independence of prosecution, corruption as a populist political issue, public perceptions of corruption, lack of coherent approach, coordination and resources	Administrative (civil servant) training, municipal, judges training, civil society training
Slovakia Tolerance of corruption, failure to implement anti-corruption strategy, judiciary, public administration, health and education judiciary, anti-corruption strategy not yet implemented	No information available
Slovenia Lack of anti-corruption strategy, conflict of interest, clientelist networks, weak law enforcement, local government public procurement, weak civil society, conflict of interest	No information available

Source: the first column is adapted from Open Society Institute (2002) and the second column is from Michael [9].

* Bulgaria and Romania has been omitted as their accession is not imminent.

Table 3: **Recommendations to candidate states and training needs**

Recommendation	Training importance*	Type of training to be done?
Cross-party consensus on anticorruption policy	2	Awareness raising
Detailed research on corruption	4	Skills building
Education and public awareness initiatives on corruption	4	Awareness raising
Prosecutors protection from undue influences	2	*
Reform legislative processes to restrict "State capture"	3	Awareness raising
Phase out patronage in public service appointments	3	Awareness raising
Carry out an "Audit of Public Administration" and of licensing/permits	3	Skills building
Provide for citizens redress/appeal procedures	4	Awareness raising
Abuse of conflicts of interest prevention	3	Awareness raising
Devise Codes of Ethics in public administration	4	Skills building
Audit and control of local government	3	Skills building
Reform party funding rules	3	Awareness raising
Public procurement reform	3	Awareness raising
Ensure independence of broadcasting regulators	3	*

Note: For training importance, 1 is little importance and 5 is very important. The measure of relative importance is taken from Michael [9] while a discussion of the type of training to be undertaken can be found in Michael [10].

Lithuania represents both a positive example, and a model for further work. The Special Investigations Service (SIS) is at the centre of much of Lithuania's anti-corruption work. Established in 1997, the SIS collects and uses intelligence about criminal associations and corrupt public officials. The SIS was granted full independence through a new Act in May 2000 and was noted by the Open Society Institute [12] as "the only truly independent anti-corruption agency in the (EU) candidate countries." The SIS is responsible for implementing and monitoring work on the Lithuanian National Anti-Corruption Programme. The Programme's Action Plan calls for the development of sector-specific anti-corruption programmes by central and local governments – which would be supported in part by Phare funds.

The Lithuanian Institute of Public Administration (LIPA) provides most of the anti-corruption training and consultations in ethics and anti-corruption measures for civil servants in Lithuania. According to Jonauskis [5], the Institute engages in anti-corruption trainings, running three courses called Civil Servant Ethics, the Co-ordination of Public and Private Interests, and Enhancing Good Governance and Fighting Against Corruption in Lithuania. Each anti-corruption project or activity in general requires a person to manage the project. The LIPA helps train these individuals, along with assistance from Transparency International's Lithuanian chapter and the Special Investigations Service.

Some of Lithuania's work shows how training supports broader project implementation. The project *Building Integrity and Raising Anti-Corruption Awareness* brought together the Centre of Contemporary Didactics, the Ministry of Education and Science, other local NGOs and Phare funding. These organisations developed an integrated programme of anti-corruption education for introduction in the school curriculum. As part of the programme, personnel from the SIS came to the schools to deliver seminars.

Yet, such integration is partial. These initiatives have not covered higher education establishments and therefore probably exclude a much more useful target group. Anti-corruption training programmes in Lithuania, like in many of the CEE countries, has lacked long term planning and have largely been run on a project-to-project

basis, dependent on foreign donor funding[9]. In recent years with the financial support of foreign donors, such as the European Union, the World Bank, the United Nations Development Programme, USAID and Transparency International, a number of different *ad-hoc* anti-corruption trainings or awareness raising conferences have been organised for specific target groups [5].

3. The Design of National Anti-corruption Training Programmes

While a correspondence must be made between the anti-corruption programme and training, most authors writing about anti-corruption argue for the creation of a broader strategic vision often be formed. Increasing, donors advocate the creation of a "co-ordinated" or "integrated" set of anti-corruption programmes [12; 13]. Such integration usually consists of co-ordination across institutions and steering committees are established to co-ordinate the action of the executive, the legislature, business groups and non-governmental organisations. One advantage of such a neo-functionalist approach (namely viewing society as a "body" where institutions should harmoniously work together) is that corruption (by definition) must span the public-private interface.

A neo-functionalist approach to anti-corruption programme design runs two main risks. First, most democratic systems are based around the idea of mutual surveillance or the "balance of power" instead of mutual co-operation. In Western Europe, the combination of media revelation and subsequent judicial enforcement helps counter the power of the executive and the political class [2]. Conflict rather than co-operation between state entities often (but not always) has been effective in reducing corruption. Second, such action planning has been redolent of "big push" philosophy - Paul N. Rosenstein-Rodan's idea that simultaneous industrialisation of several economic sectors can promote growth - which plagued the practice of international development [11]. A more recent revival of this philosophy has been the "shock therapy" advised to Eastern European governments which argued that all the institutions of a country needed simultaneous change [16].

Focusing on the strategic rather than functional design of the anti-corruption system avoids the over-planning of the "national integrity system" approach.[10] Table 4 identifies six qualities involved with choosing strategic priorities as well as the results of an informal assessment of several countries' strategic foci. For example, the first quality comprises the integration of anti-corruption training programme with other types of training. Most of the countries (except Poland) receive three stars from the assessment as they have decided to highly integrate anti-corruption training with other types of public servant training. In this case, a course in public procurement would not have a separate section on ethics, but would discuss procurement policy and ethical issues involved as part of an integrated whole. In many of the former socialist countries, laws and structures provided for government official "retraining" (what in Western countries might be referred to as professional or continuing education). Yet, in most of the countries, training programmes focused on new generations of civil servants rather than wining over the old generation – and perhaps the preference for new training over retraining reflects this broader reform strategy. Most countries also have a system of certification and quality control as well as integration with University based training. Yet, the criteria of quality and the standard applied for certification may vary considerably. In this way, preferences underlying the design of the training system may vary considerably.

The group or ensemble of disparate anti-corruption training activities which a country such as Lithuania undertakes comprises an implicit system. Termed as its National Anti-Corruption Training Programmes (NACTP), the group of activities – namely the type and number of training programmes - form a system, whether a policymaker views them systemically or not. Clearly, if investigators are trained but judges are not trained, the training of judges impacts on the efficiency of investigators. Seeing the group of anti-corruption training programmes as a system allows policy makers and academics to chart the strategic objectives pursued by all these programmes in common, analyse complementarities between programmes, and allow reflection upon the principles and practices underlying the NACTP, using a standard framework for intra-country and inter-country evaluation and assessment (which is currently difficult).

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[9] Law schools form the expected exception. In 2002, Vilnius University organised courses which helped to raise awareness about fighting corruption [19]. Such training would be expected given Lithuania's adoption of the *acquis* (and the necessary translation of administrative law dealing with anti-corruption).

[10] Authors such as Pope [13] and Langseth and Stapenhurst [8] suggest that complementarities between anti-corruption projects militate for a "systemic" approach as epitomised by the National Integrity System approach.

Table 4: **Strategic areas for an anti-corruption training programme**

Area and Description	Czech Republic	Latvia	Lithuania	Poland
Integration Extent to which ethics and anti-corruption training is treated as a separate course or integrated into topic specific courses	***	***	***	*?
Retraining Extent to which new training takes precedence over the retraining of existing civil servants and others	***	***	***	***?
Level Relative importance of anti-corruption education compared to other types of training	***	***	***	?
Certification Are anti-corruption education/training programmes certified?	X	?	X	X
Quality assessment Is the quality and performance of anti-corruption education programmes assessed or evaluated?	X	?	X	X
University role The role of educational institutions and specifically the university in producing pro-active thinking about anti-corruption	***	**	***	***?

Source: Based on Michael [9].

Note: *** is high, ** is medium, and * is low. X indicates that the country has the particular feature mentioned in the table. Data from Poland in Michael [9] focuses heavily on the University sector - making the assessment of the non-university sector difficult.

Agreeing on a strategy for Lithuania, using a chart such as the one presented in Table 4, will help to promote the effectiveness of the anti-corruption programme, First, the agreement on strategic areas will necessarily be within and between the Labour Party (*Darbo partija*), Social Democratic Party of Lithuania (*Lietuvos socialdemokratų partija*) and New Union Social Liberals – among other notable political organisations in Lithuania. The choice of anti-corruption strategy should – and will be – a political rather than administrative decision. Second, agreement signals to donors the government's priority areas. Most donors – particularly those like the World Bank – tie funding very closely to the recipient government's strategic priorities. Having these priorities clearly expressed may reduce the amount of "adhocracy" (rule by current circumstances) driving donor financing. While the SIS seems to be serving as a valuable co-ordinating body, the Service is clearly not able (or legislatively mandated) with setting strategic directions or bargaining with donors over the type of funding provided. Third, the implicit NACTP in Lithuania would be explicitly defined by actively defining strategic priorities presented in Table 4. As shown in Tables 1, 2 and 4, Lithuania's anti-corruption programme performance depending on anti-corruption training. Such training clearly has systemic properties. The clear definition of a training system would provide both politicians and administrative experts with a clear view of the Lithuanian anti-corruption training system.

Conclusion

Anti-corruption training programmes form a system – whether this system is made explicit or is left implicit. The NACTP serves to make the training system explicit – allowing politicians and the civil service to decide on the integration of various anti-corruption training programmes, the extent of retraining, the amount of training (measured in hours), the type of certification and quality assessment as well as the University's role. Such training also clearly helps with the implementation of policy recommendations – recommendations such as the Open Society Institute's to "reform legislative processes to restrict 'State capture'" clearly rely on

knowledge of the election and administrative law. National organisations, like the SIS and the Lithuanian Institute of Public Administration (LIPA) will provide much of the intellectual input which will help define the NACTP. However, external organisations like the National Institutes and Schools of Public Administration in CEE (NIS-PAcee) will provide much information from other countries in the region. While neo-functionalism may have its analytical weaknesses, the view offers important theoretical and policy-making benefits for understanding and improving the Lithuanian anti-corruption training system.

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Antikorupcinių priemonių ateitis Lietuvoje

Reziumė

Straipsnyje parodyta, kad Lietuvoje, kaip ir kitose Vidurio ir Rytų Europos šalyse, praėjusį dešimtmetį pradėtos įgyvendinti plačios antikorupcinės programos, kurių svarbi dalis yra antikorupcinis mokymas. Antikorupcinį švietimą ir mokymą vykdė įvairios viešojo sektoriaus institucijos. Remiantis nauja funkcionalistine perspektyva teigiama, kad antikorupcinio mokymo programos sudaro gana koherentišką sistemą, tačiau tai sistemai trūksta sistemiškumo. Aptarus strategines antikorupcinės veiklos kryptis, pagrindžiama nacionalinės antikorupcinio mokymo programos įgyvendinimo idėja. Nagrinėjant situaciją Lietuvoje, pateikiama lyginamoji informacija ir apie kitose Vidurio ir Rytų Europos šalyse įgyvendinamas antikorupcines priemones.