

Lithuanian Municipal Ethics Commissions against Corruption Outsets

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Abstract: Authors of this publication seek to discuss principles of forming and operating of Lithuanian municipal ethics commissions, legislation of their activities and effectiveness of their decision making. They also aim to disclose how such commissions operate in small local community environment where many individuals are related by ties of private interests as well as to find out if municipal ethics commissions are capable of recognising corruption outsets in local politicians' activities and what is the experience in this field.

Keywords: Official ethics, code of official conduct, corruption prevention, conflict of interests, Chief Official Ethics Commission, municipal ethics commission.

INTRODUCTION

Lithuania is a small country in central Europe by the Baltic Sea with just over 3 million of population. The national territorial administrative units in Lithuania are counties and municipalities. There are 10 counties which are controlled by the Central Government. There are also 60 municipalities which have been granted a right of self-government. Population in each municipality varies from 3.5 to 550 thousand people.

Citizens in small countries (including Lithuania) are inevitably related in many different ways – like family relations, studies, business or just common interests. It is natural, that people, living in such small territories know each other and are related in one way or another. Such links between people do affect relationships between them in business, cultural, political and public administration areas. As a result, certain political behaviours preparing and making decisions and the decisions themselves are often doubted in society as being impartial and/or not being according to the law.

According to the assessment of the World Bank and international organisations, the Lithuanian control system of official ethics is one of the most advanced and most efficient in the Central and Eastern European regions. This is why the authors of this publication aim to cover the Lithuanian control system of official ethics as well as forming and practicing model for municipal ethics commissions as primary link in this system.

The aim of this article is to identify the principals for creating Lithuanian municipal ethics commissions,

describe their legislative basis, evaluate the efficiency of their decisions, also present how such commissions work in the environment of small communities where there are many people with private interests, find out if municipal ethics commissions are capable of recognising seeds of corruption in local politicians work and what is the experience in this field. The experience of Lithuanian municipal ethics commissions can be interesting and applicable to other countries and their local self-government institutions.

ORIGINS OF ETHICS COMMISSIONS – FROM CENTURIES AGO

During the development of Lithuania there has been lots of attention paid to general and professional ethics' definition even in the olden times. This is reflected in the written sources dated from XIV-XVI centuries. An example would be such an important document like Lithuanian Statute, also individual self-governing acts of towns and other territorial communities. There are moral values like respect to the country, family, law and others mentioned among other norms of controlling peoples' inter relationships.

In the XVIII century there were even clearer manifestations of democracy. Written documents from that period contain demands to listen to public opinion when making nationally significant and other important decisions. The attempts are there to specify the role of state serving people. After the Lithuanian Parliament has been formed, the elected persons have been named politicians who have been called as "persons working for public service" alongside with officials and civil servants who carry out their decisions.

On the 16th of February in 1918 Lithuania declared independence from the Russian empire. All the

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individuals who were in high and very important state positions as well as local self-government institutions had very demanding moral requirements set by the society at the time. Tomas Čaplinskas, who was the head of Chief Official Ethics Commissions' secretariat, when writing his observations (Čaplinskas 2010) about events in that period of time has noticed that the first politicians in the independent Lithuania followed the attitude that the existential foundation of democratic country is a reliable public (civil) service which acknowledges public interests of society. It must have clear, equally applicable official ethics (official conduct) standards for all persons working in public (civil) service. Those standards have to formulate and encourage mature and responsible attitude towards persons' working in the public service duties, personal liability and accountability regarding all decision making. It is interesting to mention that such ethical-moral provisions are mentioned in the National Anthem, one of the verses sounds like this: - *may your children only choose virtue roads and may they work for your benefit and society wellbeing...*

THE STARTING POINT IN CONTROL SYSTEM OF OFFICIAL ETHICS

On the 11th of March in 1990 Lithuania has restored its independence¹ and had become one of the first post-communist bloc countries to create a professional control system of official ethics. The creator of such system the professor Vytautas Andriulis believes, that "a person (...) when communicating with others is governed by general or so to say generally personal ethical principles and is morally classed as a good person. One can learn such behaviour in the family, at nursery or school, in the society. However a person who is engaged in professional duties - (...) politics, public services or the like, does not only have to be good. Such person is obliged to follow certain ethical requirements that are formed or set in particular profession" (Andriulis 2002).

The control system of official ethics in Lithuania, that has been established by professor V. Andriulis is being constantly improved. Its purpose is to monitor how individuals working in public service comply with legislative regulations determining social trust in government as well as governmental authority and status.

Law on the Adjustment of Public and Private Interests in the Civil Service² as well as Code of Conduct for State Politicians³ are the two main legislative acts used to confirm control system of official ethics in Lithuania. They just consolidate the objective to strengthen legislative methods to prevent corruption in the same way it is practiced in other democratic countries.

Municipal ethics commissions are the starting point in the chain of self-regulating control system of official ethics. This control system (Figure 1) consists of:

- a) *Ethics experts* or so called *compliance officers* who work inside the public institutions, *ethics commissions* within public institutions including municipalities.
- b) *Chief Official Ethics Commission*, which conducts independent research and at the same time monitors the activities of the first link as well as creating united data base about contraventions of other persons working in civil service;
- c) Two-tiered *administrative court* institutions.

According to the law, complaints about ethics commission's decisions can be resolved in district administrative court, however any appeals are presented to the Supreme.

It is important to draw attention to the fact, that decisions made by municipal ethics commissions in line with *Code of Conduct for State Politicians* are final and not subject to appeal (Figure 2).

²Law on the Adjustment of Public and Private Interests in the Civil Service was adopted on the 2nd of July, 1997.

Definition "persons in the civil service" is defined in the Law on the Adjustment of Public and Private Interests in the Civil Service:

"Persons in the civil service means *state politicians*, state officials, civil servants, judges, servicemen of professional military service who carry out operational activities, officers of professional military service, persons who are employed at state and municipal undertakings, budgetary institutions and who have administrative powers vested in them, persons who are employed at public establishments, which are financed from the Lithuanian national or municipal budget and funds, and who have administrative powers vested in them, as well as other persons who have administrative powers vested in them" (Article 2).

³Law on the Approval, Entry into Force and Implementation of the Code of Conduct for State Politicians and Code of Conduct for State Politicians were adopted by Parliament of the Republic of Lithuania on 19th of September, 2006.

Definition "state politicians" is defined in the Code of Conduct for State Politicians:

"*State politicians*" shall mean persons who are elected, in accordance with the procedure set forth by laws, as Member of the Seimas, President of the Republic, Member of the European Parliament, *member of a municipal council or mayor of a municipality* or appointed as Member of the Government *or a deputy mayor of a municipality*." (Article 1).

¹In 1940-1990 Lithuania was a part of Soviet Union, one of 15 socialist republic forming the Soviet Union.

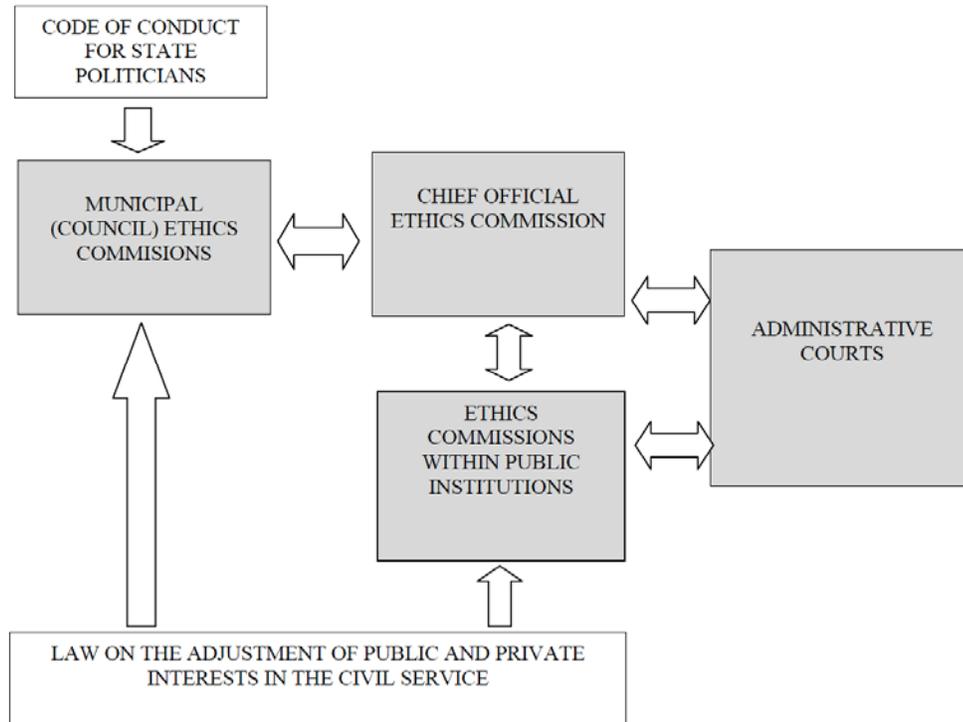


Figure 1: Self-regulating control system of official ethics.

Source: created by authors using Code of Conduct for State Politician and Law on the Adjustment of Public and Private Interests in the Civil Service.

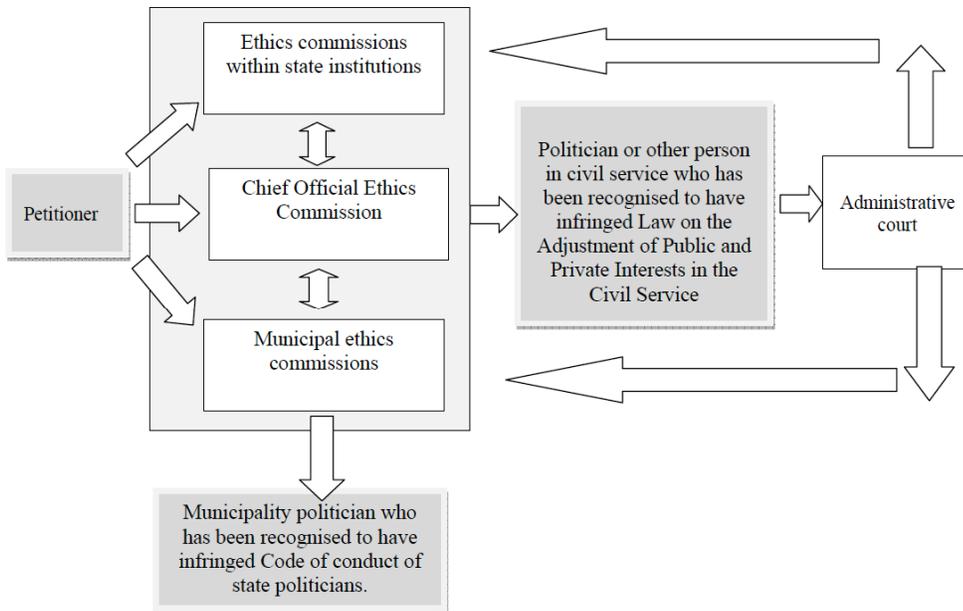


Figure 2: Functioning control system of official ethics.

Source: created by authors using Code of Conduct for State Politician and Law on the Adjustment of Public and Private Interests in the Civil Service.

In the event that municipal ethics commissions consider the suitability of a politician’s or public servant’s conduct to the Law on the Adjustment of Public and Private Interests in the Civil Service, and adopt the decision according to the requirements of

stated law, the individual who has been recognised as having infringed the law, has a right to appeal to the Chief Office Ethics Commission and Administrative court. The Chief Official Ethics Commission is being informed about decisions of municipal ethics

commissions adopted in accordance to the legislation. Persons in breach of the law are entered into a special data base, which is used to check persons' in civil sevicereputation and to apply statutory responsibility for violations.

WHY MUNICIPAL ETHICS COMMISSIONS ARE NECESSARY? HOW ARE THEY FORMED AND WHAT CHECKS DO THEY PERFORM?

Municipal ethics commissions are present in all of Lithuanian municipalities and they work in accordance to the Law on Local Self-government⁴. They observe appropriateness of municipal council member's behaviours at a set municipality in accordance to the Law on the Adjustment of Public and Private Interests in the Civil Service also to the Code of Conduct for State Politicians. The rules of forming municipal ethics commissions are defined not only by the Law on Local Self-government, but also by specified *Regulation of municipality council activities*⁵. Each of the municipal ethics commissions have their internal *activities regulations* which are confirmed by municipal council.

Municipal ethics commissions have a task – to increase public trust in local authority and its decisions, to ensure maximum transparency of decisions regarding more problematic areas of activities like public purchases, construction permits and maintenance, infrastructure improvement and development in residential areas, leasing of land, privatization processes, persons' employment issues, control of subordinate institutions, the use of financial resources and the like.

Quite often it is rather difficult for the municipal ethics commissions to act with integrity. This is a result of an inappropriate approach of some officials of municipalities or municipal council members' interests. Some local politicians (members of a municipal councils) create somewhat negative practices: they sometimes hide or cover up personal official misconducts or those of colleagues, also try not to 'overreact' about infringements. There are cases that infringers are discussed or fined just for the sake of it and persons who have disclosed conflicts of interests

are being harassed, rudely treated or even revenged at.

Such an attitude towards an official ethics is a historical and political legacy of years of occupation. Lithuania was one of the first ones of the so called post-communist countries which has begun to create and implement systematic regulation on official ethics. 50 years of Soviet occupation has left a serious mark in the minds of people in this field, this is why it is a long-term and difficult process to form a civil society, raise its intolerance for any signs of corruption and encourage citizens to actively participate in anti-corruption activities. It is the duty of an person in the civil service (in Lithuania this includes state politicians of national and municipal levels) to behave selflessly, to take into consideration public interests and, if need be, to adequately protect the public interest. All in all people are different and they have different understandings about official obligations. Education and internal culture are dictating different ethics principles.

Municipal ethics commissions operate according to the self-regulation principle. This means that majority of conflict situations can be resolved there and then, at the very start of a conflict by knowing the individuals and most likely finding the right solution. A good example of this would be Marijampolė municipality ethics commission which had dealt with municipal councillors' attendance problems and presented appropriate recommendations, had analysed municipal politicians' spending and had prepared a structured comparison. It had also provided recommendations to specific politicians about editing their declarations of private interests by highlighting specific data and circumstances that may cause a conflict of public and private interests. Vilnius, Kaunas and Alytus city and Klaipėda, Biržai, Druskininkai and Joniškis district municipal ethics commissions in most cases agree to specific and legally formalized professional solutions.

As it has been mentioned previously, the legal foundation for creating of municipal ethics commissions is the Law on Local Self-government. Article 16 of this Law regulates, that such commissions can be formed by the municipal council decision for duration of it's term – i.e. for 4 years. The rules of forming municipal ethics commission in a set municipality are defined by that municipal council activities' regulations. Members of municipal ethics commissions can be assigned from

⁴The Law on Local Self-government was adopted on the 7th of July, 1994.

⁵Regulations of municipal council activities – this is the main legislation act of municipality council, which defines municipality's council structure, competences and functions of council's institutions and their inter-relationships as well as relationships with municipality's administration, ceremonials and procedures alongside with council members' and officials' obligations in accordance to the Law on Local Self-government.

municipal council members, municipal administration or elected representatives of local communities⁶ who are called *seniūnaičiai* (*elders*)⁷ in Lithuania. Law on Local Self-government states, that each municipal ethics commission has to include no less than a third of elected representatives of local communities (residents of the various localities). This way municipal community⁸ (residents of all municipality) can better control municipal councillors' activities. Representatives of local communities (residents of the various localities) observe local politicians' activities and decision making from the voters' point of view.

After the last Lithuanian municipal council elections taken place on the 27 February 2011, 58 out of 60 Lithuanian municipalities already had their newly formed municipal ethics commissions in 2011. Two remaining municipal councils have formed their municipal ethics commissions in 2012. Majority of municipal councils (49 out of 60) included at least a third of representatives from local communities (residents of the various localities) into the municipal ethics commissions. One municipal ethics commission had even more representatives from local communities (residents of the various localities) than the municipal council members. However 9 municipal ethics commissions do not comply to the requirements of the Law on Local Self-government as they contain less than a third of representatives from local communities (residents of the various localities) and one – Klaipėda city municipal ethics commission – did not have such representatives at all.

Despite some difficulties it can be stated, that forming of municipal ethics commissions in municipalities is improving. For example in 2010, the legal requirement regarding representatives from local communities (residents of the various localities) was fulfilled only in just over half i.e. 34 municipal ethics commissions, and 4 municipal ethics commissions did not have any of such representatives.

⁶“**Local community**” means residents of a locality (part of it or several localities) linked by common needs and interests of life in the neighbourhood and acting through various forms of direct participation (assembly, public deliberation, poll, activities through their representatives, community organisations, etc.) with the aim of meeting these needs and interests.” (Law on local Self-Government, Article 3).

⁷“**Elder**” means a representative of the community of a locality situated within the territory serviced by a ward; the elder shall enjoy the rights and duties defined by this Law.” (Law on local Self-Government, Article 3).

⁸“**Municipal community**” means permanent residents of a municipality related by common public needs, interests and local government legal relations to the municipal council and other municipal entities performing public administration functions “ ((Law on local Self-Government, Article 3).

There are more and more recent suggestions that representatives of local communities - well-known and respected people in society – solicitors, educators, medics, journalists etc. – could outnumber the local politicians. The proposed ratio is 50:50 or even more in favour of representatives of local communities.

Municipal politician's behaviour verification has to be conducted by municipal ethics commissions:

- Ex officio;
- After receiving valid information about possible inappropriate behaviour of local politician;
- After being instructed to do so by Chief Office Ethics Commission (Law on the Adjustment of Public and Private Interests in the Civil Service, Article 22, paragraph 3).

When municipal ethics commissions conduct such checks on behalf of Chief Official Ethics Commission, they inform the commission about every conclusion. Then the Chief Official Ethics Commission looks over the municipal ethics commission verdict, evaluates it and makes one of the following decisions: agree with the outcome; have the checks repeated or conduct a new independent investigation (Figure 3).

In 2012, Chief Official Ethics Commission has assigned to conduct 21 investigations to the municipal ethics commissions, 7 of them were rated as unsuitable and as a result Chief Official Ethics Commission exercised its rights to assign a repeat investigation or has begun an independent investigation itself. The grounds for such investigation are obvious discrepancy of code of conduct to the legal regulations of a person in the civil service, insufficient disclosure of the facts and the like.

In 2008 Chief Official Ethics Commission has adopted a resolution on municipal ethics commission decision making, where it clearly states, that such commissions' decisions have to be made and documented in accordance to general legal and valid requirements for such documents. They have to explicitly outline all relevant factual information and motives, arguments and legal provisions which were used to make a certain decision. With that in mind, Chief Official Ethics Commission has recommended, that municipal ethics commissions would document their decisions like this:

- 1) Introductory part to contain date and time of a decision; the name of commission; persons

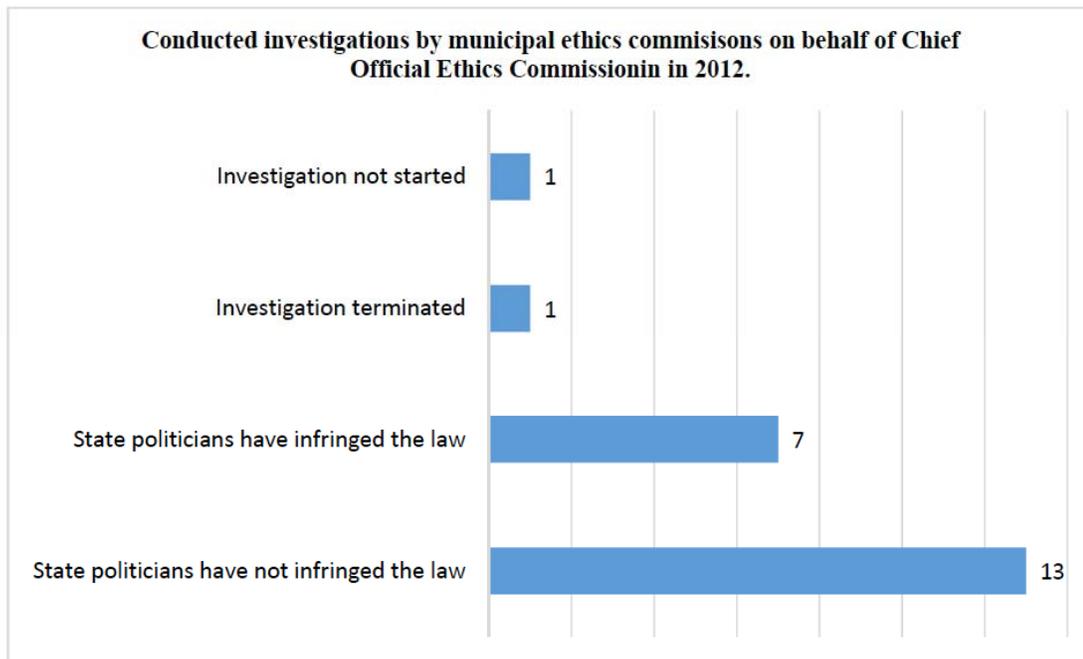


Figure 3: Conducted investigations by municipal ethics commissions on behalf of Chief Official Ethics Commission in 2012.

Source: created by authors using Code of Conduct for State Politician and Law on the Adjustment of Public and Private Interests in the Civil Service.

attending the meeting; Secretary of the Commission; name, surname and position of a person whose code of conduct is discussed, actions in question.

- 2) Descriptive-reasoning part of the decision to contain factual circumstances discovered by the commission, person's in question explanation; evidence upon which commission has based the decision, arguments for rejecting certain statements; references to specific legal provisions which were used in the investigation.
- 3) Resolution part of the decision to contain commission's conclusion regarding the person's behaviour and legislation according to which the decision has been made.

The majority of municipal ethics commissions have included the above recommendations into municipal council approved operational regulations. After the implementation of these recommendations municipal ethics commission's decisions are clearly documented and reasoned.

In 2012 municipal ethics commissions have been investigating more or less the same personal violations of legislations as in previous years: like using official position to gain personal benefit; using public property

for non-service needs; non-compliance with obligation to declare private interests; working in a situation of conflict of interests; possible cases of nepotism and protectionism.

MUNICIPAL ETHICS COMMISSIONS' INVESTIGATIONS ACCORDING TO CODE OF CONDUCT FOR STATE POLITICIANS

Code of Conduct for State Politicians is meant to increase society (community) trust in state and local authorities, to encourage politicians' and candidates' for politicians responsibility for their actions and accountability to public.

Municipal ethics commissions can begin an investigation according to the Code of Conduct for State Politicians after receiving a legitimate complaint or after legitimate infringement announced in media about municipal council member's infringement. The investigation of politician's behaviour has to commence no later than 10 days after the appearance of the grounds. Municipal ethics commissions investigate possible infringements if they are less than one year old. Anonymous complaints are not investigated. The investigation of infringement has to be completed no later than within 30 days from the date it commenced. This period does not include politician's temporary sick leave, annual leave or the time when politician is away

on business trip. When necessary, municipal commissions can extend the duration of investigation, however no longer than for two months. When conducting an investigation, municipal ethics commissions have a right to:

- 1) question the politician whose behaviour in being investigated, as well as other person related with such behaviour or political activities;
- 2) question the author of complaint and check their information about municipal councillor's possible infringement;
- 3) familiarise themselves with relevant documentation and request copies of that and other necessary information in accordance to legislation;
- 4) visit the location if deemed necessary;
- 5) consult with specialists.

Politician, whose behaviour is being investigated, has got the right to supply explanations, requests and evidence; after the investigation is complete they can familiarise themselves with gathered material and take part in ethics commissions' meetings.

The decisions made by municipal ethics commissions in accordance to such code are final and not subject to appeal. Repeat complaints about possible politician's infringement are not investigated except cases where new complaint contains new circumstances, which were not present and could not be possibly known during the investigation and these may potentially mean that the decision was incorrect.

After each meeting the municipal ethics commission will have information for the media. Written or verbal announcement can only be presented by the chairman of commission or their authorised representative.

Chief Official Ethics Commission does not really interfere with municipal ethics commission's activities according to Code of Conduct for State Politicians, however upon request from local politicians, or of its own initiative, can provide guidance regarding implementation of provisions of this code. In case of Chief Official Ethics Commission itself has information about a certain municipal councillor's infringement, the information will be passed onto relevant municipal ethics commission. The most common complaints are about politicians not attending the meetings, verbal or behavioural abuse, showing up drunk in a public place, caused a scandal in the family and the like.

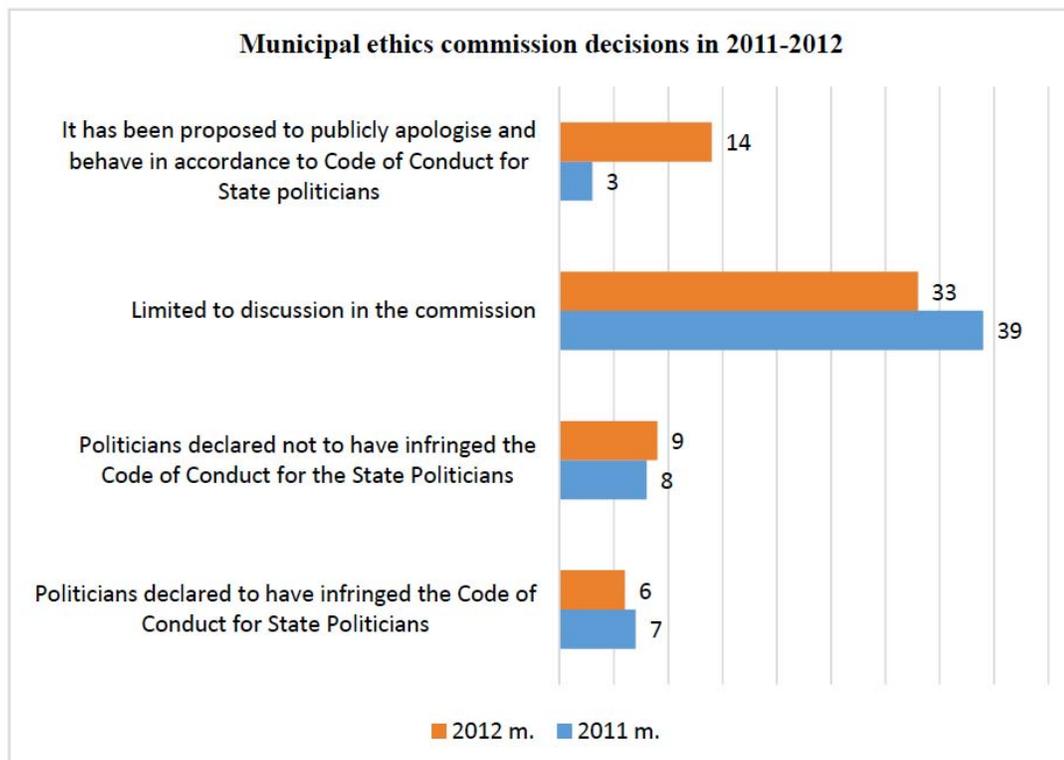


Figure 4: Municipal ethics commission decisions in 2011-2012.

Source: created by authors using Republic of Lithuania Code of Conduct for State Politician and Republic of Lithuania Public and Private Interests in the Public Service Act.

Municipal ethics commissions, after having analysed all obtained information and having listened to verbal explanations, can therefore make following decisions:

- 1) to declare that a person in question has not infringed the principles and requirements of Code of Conduct for State Politician;
- 2) limit the investigation to discussion;
- 3) to state that the municipal councillor has infringed the principles and requirements of Code of Conduct for State Politician;
- 4) to advise that the individual in question would adapt their behaviour to set principles and requirements of the Code of Conduct for State Politician;
- 5) to advise to make a public apology;
- 6) upon suspicion of criminal activity, the information to be transferred to pre-trial investigation or prosecution.

Also, municipal ethics commissions can terminate the investigation if a politician has admitted their behaviour and actions to have been unethical, incompatible with their duties or institution where they are employed and has made a public apology before the investigation has been completed.

The person who has made a complaint and the politician in question have to always be informed about completed investigation and municipal ethics commission's decision.

Municipal ethics commissions' decisions are open to public and they have to be published in *Valstybės žinios* (State news – the main official State newspaper where all the information is published regarding any legislations - S.N.) Supplement “*Informaciniai pranešimai*” (‘Informative reports’- S.N.), on municipal website, however mainly such information is spread in local press, radio and local TV programmes.

In 2011, there have been 57 Code of Conduct for State Politicians' investigations carried out by municipal ethics commissions; there have been 73 politicians investigated and 4 of them - even several times. In 2012 municipal ethics commissions have decided that 6 local politicians had infringed Code of Conduct for State Politician, 9 politicians had been acquitted, and

investigations about 33 politicians have been limited to discussions within commissions. 14 recommendations have been presented: it has been advised to make public apologies and to adapt their behaviour to code provisions (Figure 4).

MUNICIPAL ETHICS COMMISSIONS' INVESTIGATIONS ACCORDING TO THE LAW ON THE ADJUSTMENT OF PUBLIC AND PRIVATE INTERESTS IN THE CIVIL SERVICE

This is a special law (*lex specialis – Latin*). Its purpose, as it is outlined in the first article of The Law on the Adjustment of Public and Private Interests in the Civil Service (hereinafter - the Law), is to prevent corruption from forming and spreading in public service.

Public interest⁹ is understood as community interest or total amount of public interests. Private interests¹⁰ are described as a person's working in the civil service personal economic or non-economic interest, which can influence decision making when performing duties, even a moral liability, moral obligation or some other similar interest. Conflicts of interests¹¹ can happen when a persons working in public service and performing their duties or fulfilling an assignment makes a decision or fulfils an assignment in their personal favour or someone else's close to them.

Municipal councillors and other persons in the civil service have one month from the date they are elected and started their duties to submit a declaration of private interests where they indicate close persons and circumstances, that may cause conflict of interests. Such declarations are updated and edited when new agreements are being made or new circumstances arise.

An electronic declaration system of private interests has been operating since the 1st of August 2012 in Lithuania. This way municipal, organisational and institutional officials have a more effective way of controlling their employees so they would not work

⁹Public interests mean the public's expectations with regard to impartial and just decision-making of the persons in the civil service.” (Law on the Adjustment of Public and Private Interests in the Civil Service, Article 2).

¹⁰Private interests mean private economic or non-economic interest of a person in the civil service (or a person close to him) which may effect his decision-making in the discharge of his official duties.” (Law on the Adjustment of Public and Private Interests in the Civil Service, Article 2).

¹¹Conflict of interest means a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests.” ((Law on the Adjustment of Public and Private Interests in the Civil Service, Article 2).

being in situations of conflicts of interest. Persons in the civil service, who have been declared as having infringed the Law according to the legislations, cannot for one year from the day of disclosure of violation be promoted, appointed, elected or accepted into a higher post.

Municipal ethics commissions mainly investigate complaints about local politicians' avoidance to abstain from procedures of preparation, review and acceptance of decisions, which can be affected by conflicts of interest or cases of inappropriate opting out. It is prohibited for a person in civil service to take part in decision preparation, review and acceptance or affect it in any other way that can cause conflict of interests. Prior to commencing procedures of preparation, review and acceptance of any decision, a person in civil service is obliged to inform their immediate supervisor or their authorised representative as well as other members taking part in the procedure of preparation, review and acceptance of decisions about present conflict of interests and withdraw from the rest of the procedure. Suitable form of withdrawal is classed politicians' leaving the room where a certain decision is being discussed as well as written documentation of such withdrawal in a protocol. Unfortunately, many of municipal councillors still have misbeliefs, that it is

sufficient just to refrain from voting when certain decisions are being voted for and it will be classed as withdrawn. If municipal ethics commission does not record such cases as infringement, the Chief Official Ethics Commission can assign to repeat the investigation or conducts an independent investigation itself (Figure 5). Some of municipal ethics commissions' decisions do change substantially after such revisions.

Municipal ethics commissions also investigate *representation restrictions* defined by the Law, when a person in the civil service can not represent the state government or municipality (state or local government institutions) when:

- 1) Dealing with the persons from whom persons in the civil service themselves or close persons gain any kind of income.
- 2) Dealing with all types of businesses where persons in the civil service or close persons have more than 10% share capital or shares.

After leaving municipal office or when a person ceases to hold public service position, they cannot, for one year, become any company's chief executive or their substitute, also become a company's board member or take on any other duties directly related to

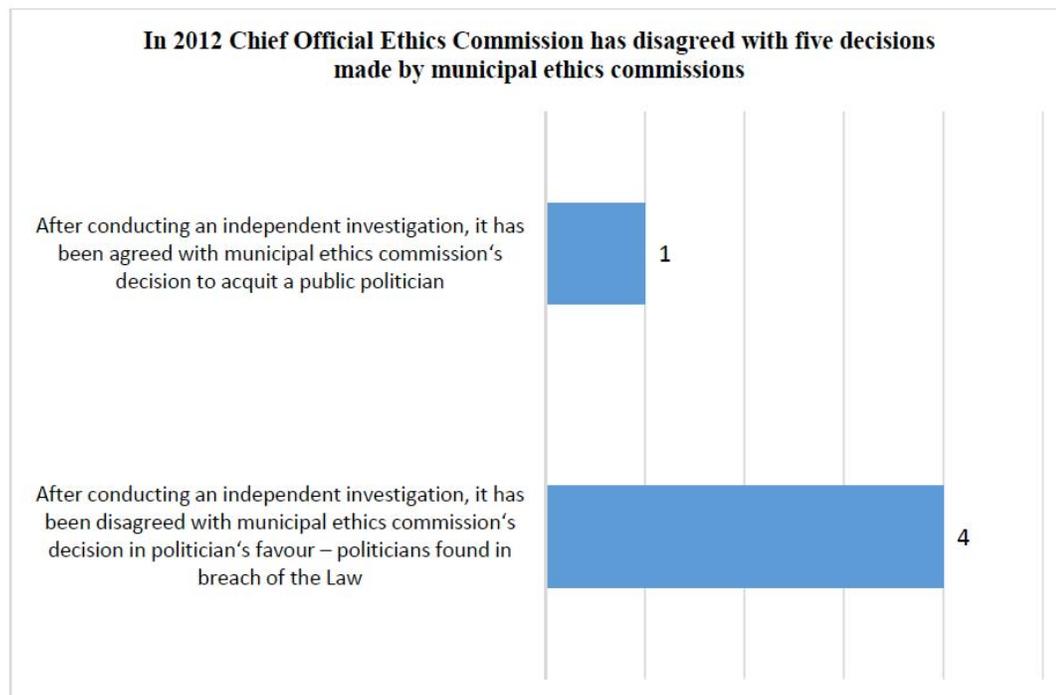


Figure 5: In 2012 Chief Official Ethics Commission has disagreed with five decisions made by municipal ethics commissions.

Source: created by authors using Code of Conduct for State Politician and Law on the Adjustment of Public and Private Interests in the Civil Service.

decision making regarding company's capital management, financial accounting and control areas. This only applies if within the last year of politician's duties they were directly related with monitoring and control of such companies' activities or if the person took part in discussing and accepting favourable financial decisions for such companies through auditions or any other way.

There are cases where municipal ethics commissions receive information about persons in the civil service who are using (allowing others to use) public property and possessions, position and powers as well as their name in the aim to affect other persons' decision. Municipal ethics commissions also monitor if municipal councillors do not use confidential information, which they have access to while on duty, for personal interests of their own or those of close persons.

In 2011, municipal ethics commissions, after having examined actions of local politicians according to the Law have stated that only one council member has infringed the Law, other five have not infringed the provisions of the Law. Two of the ethics commissions have conducted such investigations of their own initiative; other five had to perform those upon the obligation of the Chief Official Ethics Commission. Chief Official Ethics Commission has delegated municipalities 8 times to conduct such investigations and evaluate councillors' behaviours according to the provisions of the Law, some of them received 2-3 delegations, however majority of municipal ethics commissions have not conducted such investigations motivating that according to the municipal council's approved regulations, there are no such functions approved. In other words, select municipal ethics commissions only investigate their colleagues – local politicians - in accordance to the, milder Code of Conduct for State Politicians, which does not have strict legal consequences, and simply choose to ignore provisions of Public and Private Interests in the Public Service Act. In such situations Chief Official Ethics Commission addresses the head of municipality with the request to form temporary commissions which would investigate complaints about the Law infringements and evaluate local politicians' behaviours.

Chief Official Ethics Commission itself often conducts different independent investigations regarding

municipal councillors' violations. This especially applies to such cases when top municipal leaders - mayors or deputy mayors are suspected in breach of the Law. According to provisions of the Law municipal ethics commissions as well as Chief Official Ethics Commission mainly decide that:

- a) a person in civil service has breached the Law;
- b) a person has not breached the Law;
- c) they have to terminate the investigation due to lack of information;
- d) provide recommendations how an individual has to avoid situations of conflict of interest and how to behave in such situations.

Such decisions may be appealed to a two-tier administrative court. Only the politician or another person in the civil service who was being investigated has the right to complain and appeal. The applicant does not have such a right even though he (she) may not be satisfied with the decision. Applicant or the complainant may apply to the court only in situations when they are confident that the commission has no grounds to refuse to commence an investigation about raised infringements. There have been cases when the court had found the refusal to examine the statements unfounded and obligated ethics commission to investigate and make a decision.

In 2013, 37 municipal ethics commissions have held 88 meetings and informed Chief Official Ethics Commission about their activities. Telšiai and Mažeikiai district municipal ethics commissions were the most active ones, (respectively they held 7 and 8 meetings). In 2012, exercising its statutory powers, the Chief Official Ethics Commission has obligated municipal ethics commissions to investigate 22 individuals' behavioural compliance with provisions of the Law. It has been found, that 13 individuals did not breach the Law, behaviour of 7 individuals was classed as infringement of the Law, the investigation regarding one municipal councillor was terminated and one was never started based on lack of grounds for this. There were 5 cases where municipal ethics commissions' decisions were disagreed with because these decisions were clearly in favour of local politicians. Chief Official Ethics Commission, after conducting an independent investigation has found 4 individuals having breached the Law who previously had been acquitted by their colleagues.

CONCLUSIONS

1. Municipal ethics commissions in Lithuania have many ways not to only influence official ethics, but also prevent corruption outsets. Not only they investigate possible infringements, but also analyse reasons behind politicians' non-attendance of municipal councils, committees and commissions meetings, clarify the reasons for failure to perform such duties, examine information from municipal community members, state institutions about transparency of politicians' activities; they also provide the proposals to Central Election Commission regarding termination of municipal councillor's powers if such politician has missed three municipal council meeting in a row without a valid reason.
2. Select municipal ethics commissions mainly consist of local politicians, they do not have enough representatives of municipal community (elected representatives of various local communities) and as a result, decisions made by such commissions are not always principled and specific; some infringements remain undisputed and limited to offender's discussion in committee meeting. Often representatives of municipal community, taking part in municipal ethics commissions, do not balance out the number of politicians' "solidarity". It is clear from the meeting minutes of municipal ethics commissions that community interests are virtually not represented in such commissions' activities, and representatives of municipal community act only nominally, just as extras.
3. Some of municipal ethics commissions' activities are only formal. Decisions made by such ethics commissions are still only protocol and unreasoned.
4. Majority of municipal ethics commissions are still reluctant to express a principled position and make specific decisions in accordance to the Law when it comes to investigating local politicians' conduct regarding the Law on the Adjustment of Public and Private Interests in the Civil Service. Chief Official Ethics Commission has to repeat its requests to conduct an investigation once again or to perform an independent one by itself and to make totally

different decision when reviewing municipal ethics commissions' decisions.

5. Municipal ethics commissions often notice factual breach of the Law on the Adjustment of Public and Private Interests in the Civil Service and Code of Conduct for State Politician (this is evident from such commissions meeting minutes), however due to the lack of political will and integrity it is not possible to make such infringements public. Sometimes there is an impression that municipal ethics commissions act to a strange principle – do not touch people who are in the same boat.
6. On a positive side, it is worth mentioning that information is put on municipal websites about municipal ethics commissions' activities, its legislations and decisions made. In recent years, a fourth of municipal ethics commissions have made all relevant information public, a third of municipaethics commissions announced only the names and regulations of the members.

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