MYKOLAS ROMERIS UNIVERSITY

FACULTY OF POLITICS AND MANAGEMENT

INSTITUTE OF POLITICAL SCIENCES

ELENA KONCEVIČIŪTĖ

ROLE PLAYED BY RECOMMENDATIONS OF INTERNATIONAL ORGANISATIONS IN REDUCING CORRUPTION IN LITHUANIA: 2005–2015

Master's thesis

Supervisor

Assoc. Prof. Dr. *Raimundas Dužinskas*

Advisor

Dr. *Jolanta Aleknevičienė*

Head of Strategic Research Centre
General Jonas Žemaitis Military Academy of Lithuania

VILNIUS, 2016

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ACRONYMS

ACR – EU Anti-Corruption Report

CAVL – Code of Administrative Violations of Law (Lithuania)

CC – Criminal Code (Lithuania)

CEC – Chief Electoral Commission

CiLCC – Council of Europe Civil Law Convention on Corruption

CoE – Council of Europe

COEC – Chief Official Ethics Commission

CPI – Transparency International's global survey Corruption Perceptions Index

CrLCC – Council of Europe Criminal Law Convention on Corruption

EC – European Commission

EU – European Union

GRECO – Council of Europe Group of States against Corruption

IO – international organisation

MoI – Ministry of the Interior

NACP – National Anti-Corruption Programme of the Republic of Lithuania

NATO – North Atlantic Treaty Organisation

NGO – non-governmental organisation

OECD – Organisation for Economic Co-operation and Development

RL – Republic of Lithuania

STI – State Tax Inspectorate

STT – Special Investigation Service of the Republic of Lithuania

UN – United Nations

UNCAC – United Nations Convention Against Corruption

UNODC – United Nations Office on Drugs and Crime

USA – United States of America

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INTRODUCTION

The phenomenon of corruption is said to be as old as humankind. One of the most ancient written testimonies of a "corrupt[1]" act appears in the Old Testament and is associated with the original sin: tricked by the serpent, Eve took an apple from the forbidden tree and shared it with her husband Adam, thus triggering the wrath of God and facing expulsion from the perfect (non-corrupt) world, the Garden of Eden. As a result of this sin, the ground has also been cursed and demands sweat and toil to get any harvest.[2] This conception has encoded the eternal nature of corruption and anti-corruption.

Despite the ancient origin of corruption, anti-corruption has come to the fore only in the recent twenty - thirty years after major changes on the global landscape: the end of the Cold War, collapse of the Soviet Union, development of international and regional governance structures, globalisation and EU integration processes[3]. Regional and universal international organisations, such as the Organisation of Economic Co-operation and Development (OECD)[4], Council of Europe (CoE))[5], and United Nations (UN)[6], adopted separate conventions against corruption and put in place mechanisms to monitor their implementation in the member states. In 2014, the European Commission (EC) launched the European Union Anti-Corruption Report[7] and planned another one after two years, which is still underway. In its first report the EC said that "corruption deserves greater attention in all Member States".[8]

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[1] The Latin word *corruptio* means destruction, decay, bribery. In Hebrew, the language in which Old Testament was written, the first meaning of the words *mishchath, mashchath, mashchith* is physical degeneration and decay, whereas the second, indirect meaning is *moral degradation, breakdown:* "Now the earth was corrupt in God's sight, and the earth was filled with violence. And God saw that the earth was corrupt; for all flesh had corrupted its ways upon the earth," Old Testament. *Genesis* 6:11-12, accessed on 9 December 2016, http://bible.oremus.org/?passage=Genesis+6.

[2] Old Testament, *Genesis* 3:1-23, accessed on 9 December 2016, http://bible.oremus.org/?passage=Genesis+3.

[3] Jolanta Piliponytė, *Korupcijos konstravimas: pokomunistinių šalių praktika.* Daktaro disertacija (Vilnius: 2006), 5, accessed on 2 January 2016, http://elibrary.lt/resursai/Mokslai/Individualus/Piliponyte/Darbai/VU_Piliponyte_disertacia_2006.pdf.

[4] "OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. 1999," accessed on 5 January 2016, http://www.oecd.org/corruption/oecdantibriberyconvention.htm.

[5] Official website of the Council of Europe's Group of States against Corruption (GRECO), legal instruments and evaluations: http://www.coe.int/t/dghl/monitoring/greco/default_en.asp.

[6] "United Nations Convention against Corruption. New York, 2004," accessed on 16 August 2016, https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

[7] "Report from the Commission to the Council and the European Parliament. EU Anti-Corruption Report. Brussels, 3 February 2014, COM(2014) 38," accessed on 5 January 2016, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf.

[8] European Commission press release, "*Commission unveils first EU Anti-Corruption Report,"* 3 February 2014, accessed on 20 July 2016, http://europa.eu/rapid/press-release_IP-14-86_en.htm.

Twenty-thirty years ago corruption became "an emerging priority for the international community"[9], and anti-corruption has been a pre-condition – a political criterion – of joining the EU, the North Atlantic Treaty Organisation (NATO) or the OECD.

Seeking to be recognised and supported by international organisations (IOs) and become a full-fledged member of the international community, Lithuania joined a number of international anti-corruption instruments (first of foremost, the Council of Europe Criminal Law Convention on Corruption, Council of Europe Civil Law Convention on Corruption, and United Nations Convention against Corruption[10]) or is getting ready to accede to them (OECD Anti-Bribery Convention), and has taken part in their monitoring mechanisms.

The choice of the period from 2005 until 2015 is not accidental. Prior to this period, in 2004, Lithuania became a member of the EU and NATO, which means that it had fulfilled one of the most important membership requirements: development of an anti-corruption policy and application of anti-corruption measures. On 9 April 2015, the OECD Council agreed to invite Lithuania for accession talks[11] and set a number of new requirements, one of which is considered particularly important: become a member of the OECD Working Group on Bribery. This brings new imperatives and *modus operandi,* demonstration of the ability to deal with anti-corruption issues not only in Lithuania but also beyond its borders, in international business transactions. In late 2015, Lithuania began a new anti-corruption marathon: filling out the OECD questionnaires and defending national positions, the process to be followed by new evaluation reports and recommendations. Therefore, the period from 2005 to 2015 is unique because one can try to feel the regular "pulse" of the Lithuanian fight against corruption, its rhythmic breathing, when anti-corruption actions are not taken to achieve a major political goal (membership in a geopolitically and strategically important international organisation) and therefore do not constitute a pre-condition of membership or a prize of becoming "full-fledged". This thesis covers a period which witnessed the implementation of IO recommendations driven by some other motives.

The second reason for choosing this period is that the anti-corruption goals and influence of international inter-governmental and non-governmental organisations (EU, World Bank, International Monetary Fund, Transparency International) on Central and Eastern Europe after the Cold War and

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[9] Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences, and Reform* (Cambridge: Cambridge University Press, 1999), 177.

[10] Lithuania ratified the Council of Europe Criminal Law Convention on Corruption and the Council of Europe Civil Law Convention on Corruption in 2002, and the United Nations Convention against Corruption in 2006.

[11] Ministry of Foreign Affairs of the Republic of Lithuania. "Lithuania and International Economic Organisations, the OECD," accessed on 18 July 2016, https://urm.lt/default/en/economic-diplomacy/lithuania-and-the-international-economic-organizations/oecd.

prior to their EU membership was already studied comprehensively by Jolanta Piliponytė in her doctoral dissertation of 2006 "Construction of Corruption in Post-Communist Countries"[12].

Novelty and relevance.

Although the themes of corruption and anti-corruption have been widely discussed in Lithuania, the role played by the recommendations issued by IOs in reducing corruption has not been examined. It calls for attention for a number of reasons. First, Lithuania is aspiring to join another IO, the OECD, and faces new challenges of complying with the requirements of the OECD anti-bribery convention. Bearing this in mind, it is important to analyse, systemise and take a critical look at the role played by the anti-corruption recommendations issued by IOs that have already been implemented. According to Jolanta Piliponytė-Aleknevičienė, "uncritical approach to standardised anti-corruption instruments empowers international "players" to act and continue to construct instruments and efficiency standards in the "fight" against corruption that are oriented at general inter-cultural rather than national particularities, as well as pursue their own interests"[13]. Moreover, Lithuania is not only a "consumer" of anti-corruption recommendations, but also a "supplier" of them: by taking part in a variety of international peer-review mechanisms, it delegates experts to evaluate other countries or share their expertise with the Eastern Partnership, Central Asian and Balkan countries under the EU or OECD funded development co-operation projects. With that in mind, it is important to assess which anti-corruption recommendations play a role and under which circumstances.

Main definitions.

International organisation is defined as an association of states established by an international agreement to achieve a set of objectives, enjoying a system of permanent institutions, a status of an international legal personality, created and acting in accordance with international law. In this thesis, the European Union, although generally understood as a supranational body, is also prescribed to the category of international organisations.

Corruption is defined as the abuse of entrusted power for personal gain.[14]

Recommendation is defined as advice or suggestion of what should be done or improved by setting only minimum standards.

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[12] Jolanta Piliponytė, *Korupcijos konstravimas: pokomunistinių šalių praktika.* Daktaro disertacija (Vilnius: 2006), accessed on 2 January 2016, http://elibrary.lt/resursai/Mokslai/Individualus/Piliponyte/Darbai/VU_Piliponyte_disertacia_2006.pdf.

[13] Jolanta Aleknevičienė, "Lithuania's "Fight" against Corruption: Why Can't We See Any Progress?" in *Lithuanian Annual Strategic Review 2012-2013* 11 (2013): 263, accessed on 1 January 2016, https://www.degruyter.com/downloadpdf/j/lasr.2013.11.issue-1/v10243-012-0030-3/v10243-012-0030-3.xml.

[14] It is a simplified and almost universally used definition of corruption offered by *Transparency International.* This thesis includes a separate part dealing with the problem of the definition of corruption.

Research problem.

Although the international community declared corruption as one of its key priorities, adopted separate anti-corruption legal instruments (conventions, reports, etc.) and put in place mechanisms to monitor member states' compliance with them, yet the role of implemented anti-corruption recommendations issued by international organisations to Lithuania, that is a party to international anti-corruption conventions and their review mechanisms, in reducing corruption remains unclear. Against this backdrop, the need arises to clarify its scope.

Subject of the research.

The anti-corruption recommendations issued to Lithuania by the Council of Europe (GRECO), European Union and the United Nations from 2005 to 2015 and their implementation.

What is Lithuania and why Lithuania?

In explaining the subject of the research it is important to define what is meant by Lithuania. "In most cases, various narratives about Lithuania and its identity do not make a distinction between the state, nation and society. Speaking about the Lithuanian foreign policy and its relations with other players, the reference is made simply to *Lithuania*, performing one or another action, making a decision, signing an agreement" (...)[15].

This research presumes that when IOs issue recommendations to Lithuania they issue them to the Lithuanian authorities responsible for anti-corruption actions in the country. In other words, these authorities are the target group of anti-corruption recommendations although the end beneficiary of anti-corruption actions and reforms is the public at large.

Why is the research focused on Lithuania, although anti-corruption recommendations are issued to all member states of IOs? Lithuania as the subject of the research has been selected for a number of reasons. First, corruption is considered a serious problem in this country. According to the 2014 survey "Lithuanian Map of Corruption", corruption as "a very serious problem" or "a serious problem" is regarded by 91 per cent of the population (93 per cent in 2011, 90 per cent in 2007, 92 per cent in 2005)[16]. According to the EU 2013 Special Eurobarometer Survey, 95 per cent of the Lithuanian

[15] Kęstutis Paulauskas, *Kieno saugumas? Kuri tapatybė? Kritinės saugumo studijos ir Lietuvos užsienio politika* (Vilnius: Vilniaus universiteto leidykla, 2010), 112.

[16] In 2014, the survey "Lithuanian Map of Corruption" was commissioned by STT and conducted by a research company *Vilmorus.* Detailed information about the survey of 2014 and previous years is provided in official websites of the Lithuanian Chapter of Transparency International and the Special Investigation Service of the Republic of Lithuania, accessed on 20 September 2016, http://www.transparency.lt/lietuvos-korupcijos-zemelapis/, http://www.stt.lt/lt/menu/tyrimai-ir-analizes/.

population thinks that corruption in Lithuanian is widespread (EU average is 76 per cent).[17] Secondly, Lithuania is a dynamic country with a declared political will to reduce corruption. The expression of such political will is a number of national legal acts tackling corruption (for example, RL Corruption Prevention Law[18], National Anti-Corruption Programme (the first adopted in 2002, the last one in 2015, covering the period from 2015 to 2025[19]), and a specialised body set up in 1997 to fight against corruption, the Special Investigation Service. Thirdly, Lithuania implements many anti-corruption recommendations issued by IOs and therefore it has accumulated a wealth of experience in the area of compliance.

Aim of the research.

The aim of the research is to analyse the recommendations issued to Lithuania by the EU, Council of Europe (GRECO) and United Nations during the period of 2005–2015 and assess the role of their implementation in reducing corruption.

Objectives of the research:

1. Following the theory of constructivism, examination of how corruption and anti-corruption is constructed, with a special focus on the problem of the definition and measurement of corruption, formation of collective "anti-corruption" identity, internalisation of international norms and compliance with them;

2. Analysis and comparison of three anti-corruption review mechanisms, in which Lithuania took part in 2005–2015: GRECO, UNCAC and ACR, by highlighting their strengths and weaknesses, collecting and systemising the recommendations issued by them to Lithuania by type and progress in implementation;

3. Justification of the empirical research methodology chosen to examine the role of international anti-corruption recommendations issued to Lithuania;

4. Conducting qualitative research based on in-depth individual interviews with research participants who have worked directly with GRECO, UNCAC and/or ACR recommendations and/or their review mechanisms in order to learn what they think about the role played by these recommendations in Lithuania, analysing and summarising research findings.

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[17] The 2013 Special Eurobarometer Survey, No. 397 was conducted TNS, commissioned by the European Commission. Downloaded on 2 September 2016, http://passthrough.fw-notify.net/download/728118/http://ec.europa.eu/public_opinion/archives/ebs/ebs_397_en.pdf.

[18] "Republic of Lithuania Corruption Prevention Law, 28 May 2002, No. IX-904," accessed on 6 September 2016, https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.212525?jfwid=96t6tjc6z.

[19] "Republic of Lithuania Seimas Resolution On Approval of the National Anti-Corruption Programme of 2015–2025, 10 March 2015, No. XII-1537," accessed on 6 September 2016, https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e42b7360100211e5b0d3e1beb7dd5516?jfwid=-fxdp8swm.

Thesis statement.

Implementation of anti-corruption recommendations issued by IOs does not have a major impact on the reduction of corruption in Lithuania.

Anti-corruption recommendations issued by IOs are a stimulus prompting anti-corruption actions which gain meaning only when they are owned by the evaluated country, correspond to its national context and are integrated into the national system of anti-corruption measures.

Research methodology.

The following methods of research have been used: *analysis of scientific literature* applied to find out how corruption as a social problem is constructed, how the interaction between individual subjects (states and IOs) in international relations takes place, how collective identity gets formulated and international norms are internalised. In addition, the research applies *secondary data analysis* (data interpretation of international, regional and national surveys) in order to show the dynamics in the changing level of corruption in Lithuania. Moreover, it uses *document analysis* in order to examine the anti-corruption actions taken by IOs (conventions and reports) and their review mechanisms, with a focus on specific recommendations issued to Lithuania. Besides that, the research applies a *comparative method* of review mechanisms. Finally, it includes qualitative research based on *in-depth individual interviews* as a data collection tool and *qualitative content analysis* as a method for analysing findings of the research.

Literature review.

Corruption and anti-corruption are the fields of research that have attracted much attention both in Lithuania and abroad. However, there is little research on the impact of anti-corruption recommendations issued by international organisations to member states. Steven Sampson has had a critical view on the development of the anti-corruption industry, the so-called "anti-corruptionism", and interests of various international players, namely the World Bank, International Monetary Fund, Transparency International, and many others[20], Ivan Krastev has written about the so-called "Washington consensus"[21] on corruption[22], Blendi Kajsiu has examined anti-corruption as an

[20] Steven Sampson, "The Anti-Corruption Industry: From Movement to Institution," *Global Crime* 11, no. 2 (2010), accessed on 11 December 2015, http://web.b.ebscohost.com.skaitykla.mruni.eu/ehost/pdfviewer/pdfviewer?sid=16038e0d-9ae8-495e-a80d-24c8b9f613c1%40sessionmgr113&vid=6&hid=125; Steven Sampson, "The Anti-Corruption Package," *Ephemera: Theory and Politics in Organisation* 15, no. 2, (2015): 435-443, accessed on 11 December 2015. http://web.b.ebscohost.com.skaitykla.mruni.eu/ehost/pdfviewer/pdfviewer?vid=15&sid=16038e0d-9ae8-495e-a80d-24c8b9f613c1%40sessionmgr113&hid=125.

[21] The term "Washington consensus" was coined in 1989 by English economist John Williamson to summarize commonly shared themes among policy advice (prescriptions) by Washington-based institutions at the time, such as the International Monetary Fund, World Bank, and U.S. Treasury Department, which were believed to be necessary for the recovery of countries in Latin America from the economic and financial crises of the 1980. The prescriptions encompassed policies in

establishment of neoliberalism by analysing the case of Albania in 1998–2005[23], Susan Rose-Ackerman described three roles of international actors played in the anti-corruption field (information provider, international facilitator and domestic project sponsor) and the necessity to change them[24], Cecily Rose has written about international anti-corruption instruments (the OECD Anti-Bribery Convention and United Nations Convention against Corruption), their development, influence on domestic legal systems and limitations[25], Martha Finnemore ir Kathryn Sikkink have described the "life cycle" of international legal norms comprising the three stages of "norm emergence", "norm acceptance" and "cascade"[26], Francesco De Simone and Bruce Zagaris have analysed the impact of US and UK foreign bribery legislation on developing countries and the role of donor agencies in increasing national anti-corruption potential[27], Patrycja Szarek-Mason has made an overview of the evolution of the European Union anti-corruption policy towards member states and candidate countries[28], Kaja Dadowska has explored the role of international organisations (OECD, UN, GRECO and the European Union) in Poland, highlighting the role of the EU as the key "catalyst" of reforms prior to the EU membership yet claiming that these activities, to a certain degree, had a facade-like character[29], Grzegorz Makowski has also written about corruption as a constructed social problem in Poland prior

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such areas as macroeconomic stabilization, economic opening with respect to both trade and investment, and the expansion of market forces within the domestic economy. Later it gained a broader sense and referred to a more general orientation towards a strongly market-based approach (sometimes described as market fundamentalism or neo-liberalism).

[22] Ivan Krastev, "When "Should" Does Not Imply "Can": The Making of the Washington Consensus on Corruption," in *Entangled histories and negotiated universals: centers and peripheries in a changing world*, ed. Wolf Lepenies, (Frankfurt/Main: New York Campus, 2003).

[23] Blendi Kajsiu, *A Discourse Analysis on Corruption: Instituting Neoliberalism Against Corruption in Albania, 1998-2005*, Farnham: Routhledge, 2014).

[24] Susan Rose-Ackerman, "Introduction: The Role of International Actors in Fighting Corruption," in *Anti-Corruption Policy. Can International Actors Play a Constructive Role? eds.* Susan Rose-Ackerman and Paul D. Carrington, (Durham: Carolina Academic Press, 2013), 3–38.

[25] Cecily Rose, *International Anti-Corruption Norms. Their Creation and Influence on Domestic Legal Systems*, (Oxford: Oxford University Press, 2015), accessed on 26 August 2016, https://books.google.lt/books?id=sABlCgAAQBAJ&pg=PT112&lpg=PT112&dq=UNCAC+recommendation&source=bl&ots=1Iix5chW1G&sig=kvV-W6zzKwedx4oiXePZ4D3Lklw&hl=lt&sa=X&ved=0ahUKEwiI2ubO_9bOAhXCd5oKHaxUCHcQ6AEIXTAH#v=onepage&q=UNCAC%20recommendation&f=false.

[26] Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, 4, 1998, accessed on 18 September 2016, http://home.gwu.edu/~finnemor/articles/1998_norms_io.pdf.

[27] Francesco De Simone and Bruce Zagaris, *Impact of Foreign Bribery Legislation on Developing Countries and the Role of Donor Agencies*, (Bergen: Chr. Michelsen Institute, 2014), U4 Anticorruption Resource Centre.

[28] Patrycja Szarek-Mason, *The European Union's Fight Against Corruption. The Evolving Policy Towards Member States and Candidate Countries*, (Cambridge: Cambridge Studies in European Law and Policy, 2010).

[29] Kaja Gadowska, "National and International Anti-Corruption Efforts: the case of Poland," *Global Crime* 11, no. 2, (2010): 178-209, accessed on 11 December 2015. http://web.b.ebscohost.com.skaitykla.mruni.eu/ehost/pdfviewer/pdfviewer?sid=16038e0d-9ae8-495e-a80d-24c8b9f613c1%40sessionmgr113&vid=6&hid=125.

to its membership in the EU and radicalisation of anti-corruption actions in this country[30], Dirk Tanzler, Konstadinos Maras, Angelos Giannakopolous and Ralf Rogowski have examined corruption as a social construction in Europe[31]. In Lithuania, the construction of anti-corruption by international players in Central and Eastern Europe until 2006 as well as the issues of diagnostics and definition of corruption were examined thoroughly by Jolanta Piliponytė-Aleknevičienė[32], and the Lithuanian search for the measures of anti-corruption policy between the East and the West was explored by Aleksandras Dobryninas[33]. There is growing interest in the impact of IOs in helping to reduce corruption in member states. However, the role of concrete recommendations issued by IOs to countries has not been thoroughly explored. There is a genuine lack of such research conducted in Lithuania which implements many anti-corruption recommendations issued by IOs.

Thesis structure.

The master's thesis comprises the introduction, four chapters, conclusions and recommendations, bibliography, annotation, abstract and annexes. Chapter One examines the formation of corruption and anti-corruption as a discourse of international relations and internalisation of international norms on the basis of the theory of constructivism. Chapter Two analyses three international anti-corruption review mechanisms (Council of Europe, United Nations and the European Union) in which Lithuania took part in 2005–2015, systemises the recommendations issued by these review mechanisms by type and implementation. Chapter Three defines the purpose of empirical research to assess the recommendations issued by international organisations to Lithuania in 2005–2015 and their role as experienced by research participants. In addition, it describes the methodology selected for empirical research. Chapter Four summarises and analyses findings of the qualitative in-depth individual research.

About the author. The author of the master's thesis has much practical experience of working with anti-corruption recommendations issued by IOs to Lithuania: since 1998 she has worked in the specialised anticorruption body of Lithuania, the Special Investigation Service (STT) and has been responsible for anti-corruption projects financed by the European Union and other international

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[30] Grzegorz Makowski, "Diffusion of Corruption in Poland," in *The Social Construction of Corruption: Theoretical Reflections*," Dirk Tanzler et al., (Farnham: Ashgate Publishing Limited, 2012), 165–194.

[31] Dirk Tanzler et al., *The Social Construction of Corruption: Theoretical Reflections*, (Farnham: Ashgate Publishing Limited, 2012).

[32] Piliponytė, „Korupcijos konstravimas"; Aleknevičienė, "Lithuania's "Fight" against Corruption", Jolanta Piliponytė, „*Korupcija: teoriniai bandymai apibrėžti ir paaiškinti,"* iš *Sociologija. Mintis ir veiksmas.* 2(14) (2004):83–95, accessed on 2016 09 07, http://www.zurnalai.vu.lt/sociologija-mintis-ir-veiksmas/article/view/5965/4873.

[33] Aleksandras Dobryninas, "Lithuania's Anti-Corruption Policy: between the "West" and the "East"? in European Journal on Criminal Policy and Research (2005) 11: 77–95, accessed on 7 September 2016, http://web.b.ebscohost.com.skaitykla.mruni.eu/ehost/pdfviewer/pdfviewer?vid=6&sid=67473163-aed9-4720-8602-ec2114077647%40sessionmgr107&hid=116.

organisations; since 2006 she has been a member of the Lithuanian delegation to GRECO, since 2011 she has been an independent anti-corruption expert of the European Commission advising on the methodology of the European Union Anti-Corruption Report, and has acted as an anti-corruption evaluator of San Marino, Lichtenstein, Mongolia, Netherlands and other countries under a number of international review mechanisms.

1. CONSTRUCTION OF CORRUPTION AND ANTI-CORRUPTION

1.1. Problem of the Concept and Measurement of Corruption

1.1.1. Problem of the Concept of Corruption

Despite many attempts to define corruption, there is no all-embracing and universally recognised definition of corruption. Philosophers, sociologists, lawyers, economists and policy-makers constantly debate about the limits of this phenomenon and the boundaries of its definition. International organisations have left the task of finding a universal definition of corruption to future scientists realising that discussions about it can never end.

In criminal law, when developing international anti-corruption conventions IOs focused not on the definition of corruption, but individual *forms of corruption*, i.e. criminal offences to be criminalised (or not, depending on the consensus reached) by parties to the conventions. For instance, the Council of Europe Criminal Law Convention on Corruption (CrLCC) addresses, among others, the following corruption offences: active and passive bribery of domestic, foreign and international public officials, active and passive bribery in the private sector, trading in influence, money laundering, account offences[34]. United Nations Convention against Corruption (UNCAC), apart from the criminal offences covered by the CrLCC, also includes embezzlement, misappropriation and other diversion of property, obstruction of justice (mandatory norms), and abuse of office and illicit enrichment (optional norms)[35].

The Explanatory Report to the CrLCC says that the text of the Convention is based on the following provisional definition: "Corruption (...) is bribery and any other behaviour in relation to persons entrusted with responsibilities in the public or private sector, which violates their duties that follow from their status as a public official, private employee, independent agent or other relationship of that kind and is aimed at obtaining undue advantages of any kind for themselves or for others".[36] Although this definition is not written in the convention, yet its elements are linked to the elements of crimes covered by its individual articles of it. The ultimate goal is to have parties to CrLCC transpose these elements into their national criminal laws so that they become an integrated part of them. In other words, the aim is to have corruption criminalised irrespective of its form, content and place because the

[34] "Council of Europe Criminal Law Convention on Corruption. Strasbourg, 27 January 1999," accessed on 15 August 2016, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007f3f5.
[35] "United Nations Convention against Corruption. New York, 2004," accessed on 16 August 2016, https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.
[36] "Explanatory Report to the Criminal Law Convention on Corruption. Strasbourg, January 1, 1999," 6, accessed on 16 August 2016, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800cce44.

legitimate right to punish is an exclusive privilege of states, or, according to Wendt, "state is a structure of political authority with a monopoly on the legitimate use of organised violence"[37].

The definition of corruption is provided for in only one convention signed and ratified by Lithuania: the Council of Europe Civil Law Convention on Corruption (CiLCC). As seen from the title of it, it is about *civil law* and its purpose is to provide remedies for persons who have suffered damage as a result of acts against corruption. Article 2 of CiLCC defines "corruption" as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof."[38]

This definition of corruption could be considered as universal, comprising several important aspects of bribery (as the main forms of corruption): 1) two-way action comprising not only a taker (requesting party) but also a giver (promising party); 2) acting directly and indirectly; 3) undue advantage can be either material or immaterial; 4) taking place either in public or private sector; 5) the purpose or consequence of corruption is to *distort* proper performance of a duty or behaviour, i.e. it means deviation from the common norm; 6) a person can be understood to mean both natural and legal; 7) advantage can be intended for third persons.

The explanatory reports both to the CrLCC and CiLCC state that by providing such a wide definition of corruption (one used only as a reference in the explanatory report, the other one included directly into the text of the convention), the authors of the conventions understand that "(w)hile such a definition would not necessarily match the legal definition of corruption in most member States, in particular not the definition given by the criminal law, its advantage was that it would not restrict the discussion to excessively narrow confines."[39]. At the end of the 20th century the term "corruption" was still associated by many people with only one of its forms, bribery, and in some countries (French-speaking, in particular), "bribery" and "corruption" were considered synonyms. Therefore, the authors of the conventions had a goal to include the biggest possible number of the forms and elements of corruption criminalised and the number of loopholes closed, so that the countries joining the conventions would have the biggest possible number of anti-corruption tools available to them. Moreover, although the texts of conventions are final, they could be expanded to additional protocols

[37] Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press 1999), 8.
[38] "Council of Europe Civil Law Convention on Corruption. Strasbourg, 4 November 1999," 6, accessed on 15 August 2016, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800cce44 .
[39] "Explanatory Report to the Criminal Law Convention on Corruption," 6, and "Explanatory Report to the Civil Law Convention on Corruption. Strasbourg, November 4, 1999," 5.

so that when the situation (and corruption as a phenomenon) changes, there could be more anti-corruption tools developed.

However, with the spectrum of corruption acts expanded, with as many as possible elements covered, the gap between what is (or could be) constituted as corruption and non-corruption has become very narrow. This issue is relevant not only in the area of criminal prosecution but also corruption prevention, in building anti-corruption policy and educating the public. For instance, RL Law on Corruption Prevention, Article 2(2)[40] gives such a long list of corruption-related offences that it seems almost open-ended that could eventually include any improper action (or omission thereof).

Seeking the simplest and shortest possible definition of corruption that could be easy to understand by the public at large, the international NGO *Transparency International* came up with the following: "abuse of entrusted power for personal gain"[41]. It replaced the previously wide-spread definition of "abuse of public power for personal gain", to include the private sector. However, this simple "formula" is not perfect either. For instance, it has all the burden placed on those who are in the position of power or authority[42], yet undermining the responsibility by the other party to the act of corruption which does not have such "entrusted" power but is still seeking personal benefit by illegal means. Such a party could pay a bribe to avoid something (e.g. a fine) or to get something (e.g. a privilege). Besides that, such a definition increases confrontation between those who enjoy power and those who do not, between victims and responsible persons. Such an approach undermines the possibility to strengthen collective identity (a topic covered in more detailed in the chapter below).

Despite its deficiencies, this definition of corruption is used in many sources, which also serves as a hint that no further debates about the attempts to find a better definition will be pursued at that stage, hence moving to more concrete practical issues. This approach is also followed in the third document chosen as the subject of this research: the EU Anti-Corruption Report[43].

Yet such a "stretchy" definition of the concept of corruption raises many practical, as well as theoretical, issues of diagnosing, measuring and control of corruption. The complexity of the concept of corruption causes a problem of measuring the level of corruption and taking actions against it. As aptly put by Nerijus Genys in a publication about shadow economy: "If we do not know the content,

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[40] "Republic of Lithuania Corruption Prevention Law, 28 May 2002, No. IX-904," accessed on 6 September 2016, https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.212525?jfwid=96t6tjc6z.

[41] "What is corruption," Transparency International, accessed on 6 September 2016, http://www.transparency.org/what-is-corruption/.

[42] In the definition the word "power" could be linked to a famous phrase said by 19th century historian and politician John Dalberg-Acton that "*power corrupts and absolute power corrupts absolutely",* referring to the intrinsic characteristic of power to corrupt.

[43] "Commission report to the Council and the European Parliament," 2.

causality and structure of the phenomenon, any attempts to find solutions that could influence or control it will remain merely attempts. Ignorance or diverging views result in erroneous interpretations and futile discussions that either undermine or overemphasise the phenomenon, associating it with other phenomena and finally leading to misleading solutions."[44]

The problem of the concept of corruption is multilayer. First and foremost, because it is perceived and constructed differently. Public perception of corruption is extremely important because it serves as the grounds for measuring it, which in turn represents the country's image on the international scale. This results in a vicious circle: the worse the perception of corruption, the poorer the image of the country; the poorer the image, the bigger number of recommendations issued to it which, in turn, increase the perception of corruption. With that in mind, it is extremely important to have a more precise measurement of corruption and refrain from relying on perception alone.

1.1.2. Corruption Diagnosis. Global, Regional and National Diagnostic Instruments

Diagnostics of corruption is a constituent part of anti-corruption. Every year, many corruption surveys are conducted examining the situation in the world, individual regions, countries or specific domestic sectors. Their purpose is not only to identity "hot" spots of corruption but also measure the impact of anti-corruption measures on the reduction of corruption. It is a very difficult task due to the reasons mentioned above: complexity of the concept and phenomenon of corruption and its latent character. Moreover, questions arise with regard to the research methodology applied and its credibility.

Global Diagnostic Survey: Corruption Perceptions Index

One of the most popular surveys is Transparency International's Corruption Perceptions Index (CPI), carried out since 1995.

According to Krastev, "(i)n its willingness to influence the public and to mobilize support for global anti-corruption actions Transparency International decided to produce a ranking of the countries according to the way their level of corruption is perceived by the senior executives of multinational companies. (...) The impact of the corruption index was shattering. All major newspapers around the world published it and comment on it. Opposition parties started to refer to it. Governments began to attack it. But the most important effect was the public conviction that it was possible to compare how corrupt certain countries are and to monitor the rise of corruption in a single country."[45]

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[44] Lietuvos Respublikos Vyriausybės kanceliarija, *Šešėlinė ekonomika. Pokyčiai per dešimtmetį.* (Vilnius:2016), 3, downloaded on 6 September 2016, http://www.vdi.lt/PdfUploads/SeselinEkonomika2016.pdf.
[45] Ivan Krastev, "When "Should" Does Not Imply "Can"," 122.

"Designed as a PR instrument"[46], CPI remains an important source of information not only for IOs assessing anti-corruption efforts taken by the countries but also financial and business companies considering whether they should invest or develop projects in individual countries. A better rating of Lithuania on CPI (from 58 scores out of 100 in 2014 to 70 in 2025) is specified as an indicator measuring the progress of implementation of the National Anti-Corruption Programme (NACP)[47] and one of the progress indicators referred to in Lithuania's Progress Strategy "Lithuania 2030"[48].

However, CPI is a problematic instrument of measuring corruption for a variety of reasons. First, it is a consolidated index of several surveys[49]. The number of surveys conducted in individual countries that are included in the overall score of CPI ranges from several to dozens. Secondly, the surveys are assessed by experts in different fields. Thirdly, the content and the number of the questions posed the respondents differ considerably. Fourthly, the methodology, samples and periods of research of CPI surveys vary.

As seen from the data in Table 1 and Figures 1–3 below, Lithuania's CPI rating (mostly since 2012) has been slightly improving. However, bearing in mind the limitations described above, it is difficult to forecast whether these positive trends will remain in the future and how much they depend on the domestic anti-corruption efforts, let alone the implementation of international anti-corruption recommendations.

Table 1. Lithuania's CPI Dynamics in 2005–2015[50]

Year	Index	Place in the World	Number of Countries Surveyed	Number of Sources
2015	61	32	167	8
2014	58	39	175	8
2013	57	43	177	8
2012	54	48	176	7
2011	4.8	50	183	9
2010	5	46	178	8
2009	4.9	52	180	8
2008	4.6	58	180	8
2007	4.8	51	180	7
2006	4.8	46	163	6
2005	4.8	44	146	8

Source: *Prepared according to the data of Transparency International and data analysis performed by STT* [51]

[46] Ivan Krastev, "When "Should" Does Not Imply "Can", 122.
[47] "Republic of Lithuania Seimas Resolution On Approval of the National Anti-Corruption Programme of 2015–2025."
[48] "Republic of Lithuania Resolution on Lithuania's Progress Strategy "Lithuania 2030", 11 May 2012, No. XI-2015," accessed on 6 September 2016, https://lrv.lt/uploads/main/documents/files/EN_version/Useful_information/lithuania2030.pdf.
[49] Descriptions of surveys are available on the website of Transparency International: http://www.transparency.org/cpi2015/results.
[50] Prior to 2012, CPI was measured on a scale from 1 to 10 and since 2012, the scoring changed from 1 to 100.

Figure 1. Lithuania's CPI dynamics 2005–2011[52]

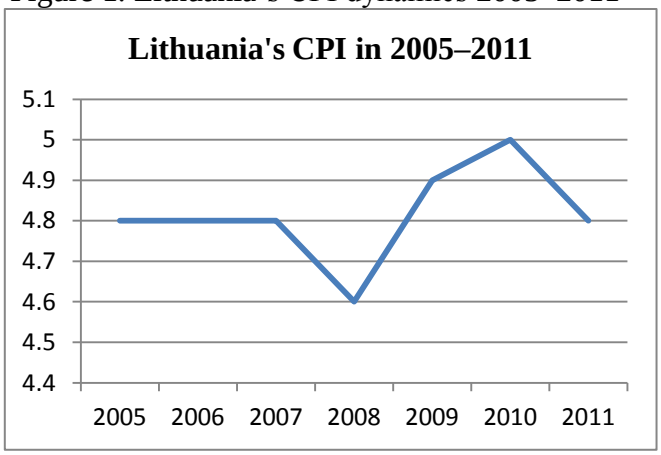


Figure 2. Lithuania's CPI dynamics 2012–2015

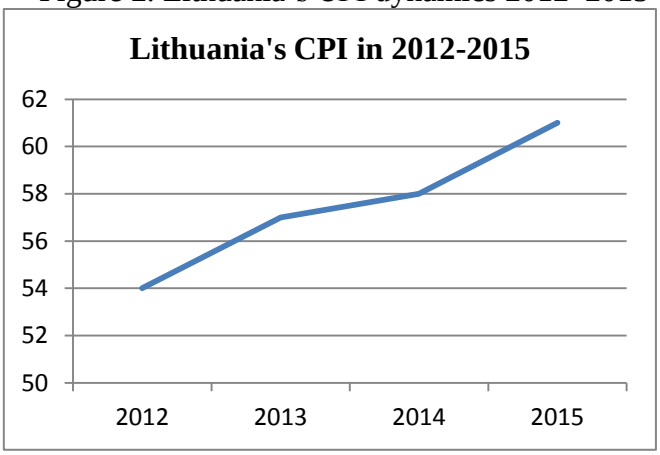
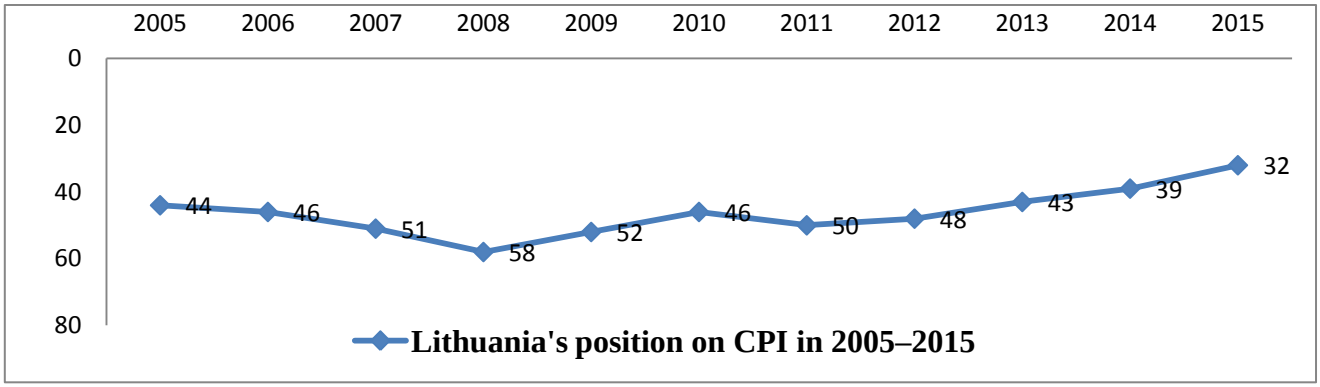


Figure 3. Lithuania's position on CPI among other countries in 2005–2015



Source of Figures 1-3: *data of Transparency International and analysis made by STT*

Another important aspect of "measuring" corruption by social surveys is the gap between the *perception* of corruption and *experience* of corruption. Respondents in Lithuania tend to assess the situation negatively in the country or an individual sector even if they are not familiar with it and have not faced it personally. NACP gives an example of *perceived* corruption in courts: 80 per cent of residents believe the judiciary is highly corrupt or partly corrupt. However, only 95 residents have been involved in criminal and civil proceedings (i.e. 9.5 per cent of all the respondents), while only one fifth of that number may have paid a bribe.[53] As a result, the measurement of the level of corruption largely depends on the perception of it.

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[51] Analysis of Transparency International's Corruption Perceptions Index 2014 conducted by STT, accessed on 13 January 2016, http://www.stt.lt/documents/soc_tyrimai/KSI_ir_ir_Lietuva_GALUTINIS.pdf (in Lithuanian).

[52] As mentioned in Footnote 50 above, prior to 2012, CPI was measured on a scale from 1 to 10 and since 2012, the scoring changed from 1 to 100.

[53] "Republic of Lithuania Seimas Resolution On Approval of the National Anti-Corruption Programme of 2015–2025," 3.

Regional Corruption Diagnostic Survey: Eurobarometer

Surveys are conducted with an attempts to measure the actual experience of corruption. One such survey is the "Eurobarometer" commissioned by the European Commission. The respondents are asked a question if over the past 12 months they had to give a bribe for the services provided and whether they know anyone who takes bribes. That kind of survey shows only a small part of corruption, *petty* bribery, because that kind of corruption is the one that can be more frequently confronted by the public at large. Large scale corruption and its other forms can remain beyond the knowledge or willingness to report. However, surveys showing manifestation of petty corruption have a great impact on building *negative* image of the country. For example, the first anti-corruption report launched by the European Commission in 2014 refers to the findings of 2013 Special Eurobarometer. According to it, Lithuania has the EU's highest percentage (29 %) of respondents who say they have been asked or expected to pay a bribe for the services received over the past 12 months (EU average 4 %)[54]. The report says that 21 % of Lithuanian respondents who had come into contact with public medical institutions admitted to having made an extra payment or giving a valuable gift to a nurse or a doctor or made a donation to a hospital.[55] The day the report was launched the Lithuanian media spread sensational news that "Lithuania is the most corrupt in the entire EU"[56]. During the same year, GRECO evaluated Lithuania under the 4th evaluation round dealing with the topic of corruption prevention in respect of members of parliament, judges and prosecutors. The part describing the "context" of the country quotes findings of the Eurobarometer stating that "Lithuania also has one of the highest levels of people's personal experience with corruption, with 29% of respondents having been asked or expected to pay a bribe in the past year (the EU average is 4%)". Only following explanations of the Lithuanian delegation that this figure has little to do with the topic of the evaluation report, the following words were added: "with cases concerning mostly petty bribes in the health sector"[57]. The findings of the Eurobarometer move from one evaluation report to another and have a huge impact on building a negative image of the country. (If becomes even more visible when Lithuanian anti-corruption professionals try to see a positive trend in the data stating that previously seen as gifts to doctors now patients consider this practice as corruption).

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[54] "European Commission. Annex "Lithuania" to the EU Anti-Corruption Report. Brussels, 3 February 2014," accessed on 29 August 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_lithuania_chapter_en.pdf.

[55] Ibid, 10.

[56] Danas Nagelė, „Lietuva – korumpuočiausia visoje ES," *Respublika*, 12 February 2014, accessed on 6 September 2016, http://www.ve.lt/naujienos/lietuva/lietuvos-naujienos/lietuva---korumpuociausia-visoje-es-1143693/.

[57] "Council of Europe. GRECO. Fourth evaluation round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report of Lithuania. Strasbourg, 8-12 December 2014," 8, accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2014)5_Lithuania_EN.pdf.

National Diagnostic Survey "Lithuanian Map of Corruption"

Lithuanian authors warn against the overemphasis of international corruption diagnostic surveys, suggesting that "(o)bservation and measurement of the local situation and changes should be done not from a distance, but by locally created and tested instruments"[58]. One of such instruments is the Lithuanian Map of Corruption. It has been conducted eight times since 2001[59] and another one commissioned in 2016. During the period from 2001 to 2008 the survey was commissioned by Transparency International Lithuania, and later, from 2011 to 2016, by STT. The purpose of the survey is to find out the attitude towards corruption by various social groups in different towns and sectors of Lithuania, assess the anti-corruption potential of the public at large, learn about the actual experience of corruption, the most frequent "situations of corruption", assessment of the changes in the scope of corruption and the best institutions confronting corruption in the country. NACP states that the Lithuanian Map of Corruption helps to assess whether corruption is properly reduced, whether implemented NACP measures were effective, it also reveals the shortcomings and advantages of Lithuania's anti-corruption policies, and Lithuanian residents' attitude corruption[60]. Figures 4-5 below show how residents and businessmen see the changes in the scope of corruption in Lithuania over the past 12 months. Comparative data of the period 2005–2014 reveal that almost half of residents (48 per cent) and businessmen (47 per cent) do not see any change in the scope of corruption and this trend has been getting worse since 2005. A small share of residents (from 2 per cent in 2005 to 10 per cent in 2014) and businessmen (from 4 per cent in 2005 to 19 per cent in 2014) feel *slight* improvement. In contrast to the CPI, neither legal nor natural persons in Lithuania see any major improvement of the situation. On the other hand, Figure 7 below shows that Lithuanian businessmen, in contrast to residents, are less willing to admit that they had given a bribe. It is difficult to reach a single conclusion in this case: do businessmen truly give fewer bribes or do they choose to remain silent about bribery? Among the most interesting data of the survey are presented in Figures 8 and 9 that reveal the reasons for not giving a bribe. The share of Lithuanian residents who said that bribes were against their beliefs increased from 12 per cent in 2004 to 24 per cent in 2014. This could be an indication of growing public intolerance towards bribery and their anti-corruption potential. On the other hand, the share of businessmen thinking this way has been steadily decreasing (from 49 per cent in 2005 to 25 per cent in 2011).

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[58] Aleknevičienė, "Lithuania's "Fight" against Corruption," 269.

[59] Detailed information about the Lithuanian Map of Corruption is provided in official websites of Transparency International Lithuania and the Special Investigation Service, accessed on 20 September 2016, http://www.transparency.lt/lietuvos-korupcijos-zemelapis/, http://www.stt.lt/lt/menu/tyrimai-ir-analizes/.

[60] "Republic of Lithuania Seimas Resolution On Approval of the National Anti-Corruption Programme of 2015–2025," 3.

Figure 4. Assessment of corruption change over the last 12 months by residents (2005–2014).

How did the scope of corruption change in the last 12 months? VILMORUS

	2005	2007	2008	2011	2014
Increased significantly	31%	23%	41%	16%	9%
Increased slightly	33%	31%	25%	23%	17%
Remained the same	28%	36%	25%	41%	48%
Decreased slightly	2%	4%	3%	7%	10%
Decreased significantly	0%	0%	0%	0%	1%
Do not know	5%	6%	6%	12%	15%

Residents 2005-2014

Figure 5. Assessment of corruption change over the last 12 months by businessmen (2005–2014)

How did the scope of corruption change in the last 12 months? VILMORUS

	2005	2007	2008	2011	2014
Increased significantly	19%	17%	17%	8%	3%
Increased slightly	30%	24%	18%	17%	10%
Remained the same	39%	42%	39%	49%	47%
Decreased slightly	4%	8%	10%	12%	19%
Decreased significantly	0%	0%	0%	0%	1%
Do not know	7%	8%	15%	13%	20%

Enterprises 2005-2011

Source: Lithuanian Map of Corruption 2014, conducted by "Vilmorus", commissioned by STT[61]

Fig. 6. Share of residents who admitted giving a bribe (2002-2014)

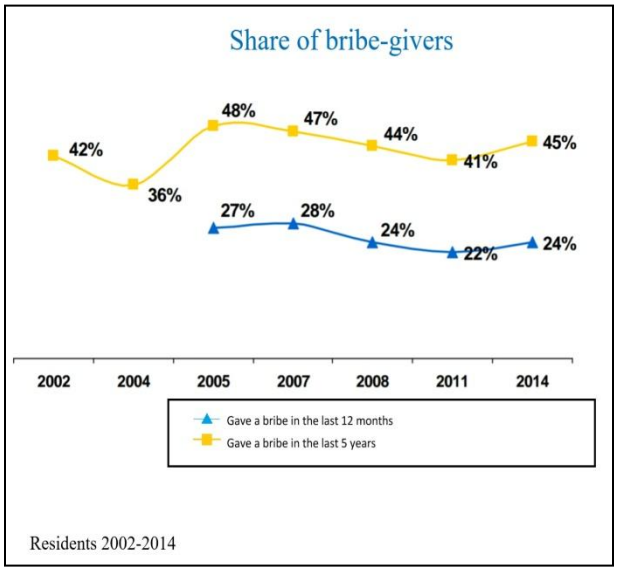
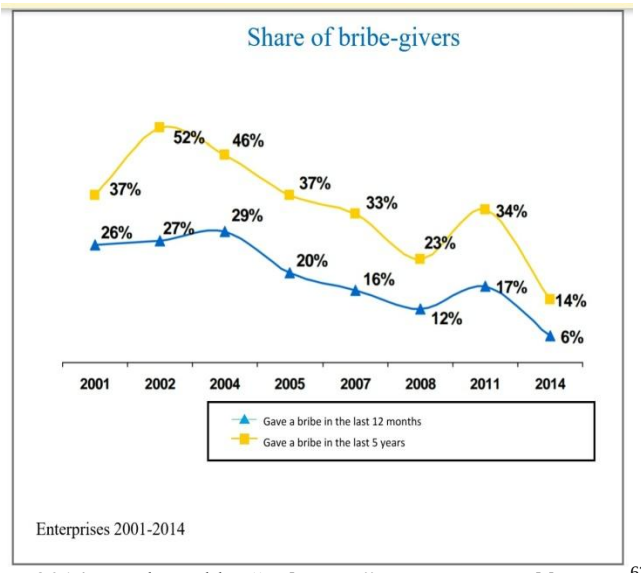


Fig. 7. Share of businessmen who admitted giving a bribe (2001-2014)



Source: Lithuanian Map of Corruption 2014, conducted by "Vilmorus", commissioned by STT[62]

[61] Vilmorus, Lithuanian Map of Corruption 2014, accessed on 6 September 2016, http://www.stt.lt/documents/soc_tyrimai/Korupcijos_Zemelapio_isvados.pdf.
[62] Ibid.

Figure 8. Reasons for not giving a bribe indicated by residents (2004–2014)

Reasons for not giving a bribe VILMORUS

	2004	2005	2007	2011	2014
Because there was no such situation in which a bribe would be demanded	38%	56%	52%	52%	49%
So far I have managed to deal with my issues without a bribe	27%	25%	30%	28%	32%
Because I simply could not afford to pay	16%	17%	15%	21%	34%
Because it is against my beliefs	12%	13%	16%	21%	11%
Because I did not know how to give a bribe in such situations	7%	8%	7%	7%	5%
Because that would be against the law	3%	4%	6%	6%	4%
Because I didn't think it could help me solve my problem	8%	10%	8%	6%	-

Residents 2004-2014

Figure 9. Reasons for not giving a bribe indicated by businessmen (2004–2014)

Reasons for not giving a bribe VILMORUS

	2004	2005	2007	2008	2011	2014
Because there was no situation in which a bribe would be demanded	31%	47%	52%	48%	44%	40%
So far I have managed to deal with my issues without a bribe	47%	45%	37%	19%	36%	39%
Because it is against my beliefs	18%	49%	23%	30%	25%	34%
Because that would be against the law	9%	9%	8%	6%	11%	11%
I did not believe it could help me to solve problems	9%	7%	4%	5%	4%	5%
Because I did not know how to give a bribe in such situations	3%	2%	4%	0,3%	2%	4%
Because I simply could not afford to pay	6%	4%	9%	2%	2%	-

Enterprises 2004-2014

Source: Lithuanian Map of Corruption 2014, conducted by "Vilmorus", commissioned by STT[63]

Although the data of the national survey are valuable because they provide more important information, show trends and are clearer, they cannot cope with some of the challenges either. One of them is different understanding of what constitutes corruption by the respondents. Firstly, although at the beginning of the survey the respondents are made familiar with the definition of corruption ("abuse of authority seeking personal gain, both in the public and private sectors"[64]), yet with reference to its actual experience, the survey examines the reasons for giving or not giving *bribes* (as one form of corruption). Secondly, there remains a huge gap between corruption perception and experience. Thirdly, IOs are not too much in favour of using findings of national surveys because they are not conducted in all the countries under review and therefore cannot be compared. As a result, in order to improve the reputation of the country, the reference should still be made to global, regional or other "standardised" surveys and barometers or other sources of internationally recognised "authorities". Certainly, another approach could be taken: globalisation or regionalisation of "corruption maps", i.e. promoting them in other countries. In those cases data could be compared from one country to another, making a concrete contribution to the development of a global collective "anti-corruption" identity. This theme is examined in greater detail in the sections below.

[63] Vilmorus, Lithuanian Map of Corruption 2014.
[64] Ibid.

1.2. Constructing "Anti-Corruption" Identity

1.2.1. Corruption as a Socially Constructed Reality

While analysing corruption as a social phenomenon and a criminal offence, the thesis will employ the theory of social constructivism[65] that helps explain corruption as a socially constructed reality and the impact of IOs in building common (collective) identity.

The origin of constructivism goes back to the ideas expressed by the 18th century Italian philosopher, Giambattisto Vico. He said that the natural world was created by God but historical world was created by humans[66]. While interpreting the philosopher's words, one could go back to the first introductory sentences of this work and complement them by, at least partially, denying them: the material, natural world, was not created corrupt; corruption is not the original sin but the consequence of our perception of actions and interrelations. In other words, it is a social *construct.*

Since 1966, when the book "The Social Construction of Reality: A Treatise in the Sociology of Knowledge" [67] written by Peter L. Berger and T. Luckmann was first published, constructivism has been a social science success story[68]. It was applied in many areas following a basic principle: social relations are more shaped by ideas rather than material things. The core argument of constructivism is that social order is the result of human activity and it exists only and insofar as human activity continues to produce[69].

Constructivists attach great importance to ideas, norms, knowledge, culture, and arguments, stressing in particular the role of collectively held or "inter-subjective" ideas and understandings of social life.[70] By explaining constructivism, Finnemore and Sikkink rely on the conception of "social facts" explained by Searle, "things like money, sovereignty, and rights, which have no material reality but exist only because people collectively believe they exist and act accordingly".[71]

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[65] Piliponytė's dissertation "Constructing Corruption: Practice of Post-Communist Countries" highlights the distinction made by some academics between social constructionism and social constructivism. Piliponytė shares the position of George Hruby who believes that social constructionism describes social knowledge, whereas social constructivism deals with psychological knowledge. This thesis does not make this distinction and refers to social constructivism as a broad term, comprising both meanings.

[66] Timothy Costelloe, "Giambattista Vico," in *The Stanford Encyclopaedia of Philosophy*, (Summer 2016 Edition), ed. Edward N. Zalta, accessed on 2016 09 11, http://plato.stanford.edu/archives/sum2016/entries/vico/>.

[67] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, (London: Penguin Books, 1966), 1–125.

[68] Tanzler et al., *The Social Construction of Corruption,* 1.

[69] Ibid.

[70] Martha Finnemore and Kathryn Sikkink, *Taking stock*: *The Constructivist Research Program in International Relations and Comparative Politics*, (Annual Review Political Science: 2001), 391–416.

[71] Ibid.

Constructivism helps us understand how we manage to survive with such a "stretchy", constantly changing concept of corruption, how we diagnose its level on the basis of collective perception and experience; in other words, why we have no problem perceiving it as a reality and compare its dynamics on a timeline and against the backdrop of other countries.

According to Piliponytė, who agrees with the arguments expressed by sociologists Leon-Geurrero, Loseke and Best, says that social problems are not objectively predetermined, "they appear when they are subjectively defined and when they are perceived as issues at stake"[72]. Therefore, corruption became a problem only when it was defined as such by individual subjects. It became an international problem only when international inter-governmental and non-governmental organisations started talking about it as such (for more details please refer to the chapters below).

1.2.2. Constructivism in International Relations and Anti-Corruption Interaction

The discipline of international relations inherited the theory of social constructivism from the disciplines of philosophy and sociology after the Cold War. It is not considered an independent political theory because it cannot explain the content of social structures and actors of social life; therefore, it is used more as a "method rather than theory"[73]. Constructivists criticise the material theory of neorealism dominating during the Cold War, according to which the international system is perceived as an anarchy because it is not governed by any central authority and the balance of power is determined by *material* powers, such as military and economic capacities. Neither are they in favour of another material theory, neoliberalism, the fundamental element of which is international trade as a guarantee of national security, i.e. ensuring the world order through economic (material) leverages.

Constructivists notice many deficiencies of material theories and they say that the world, the anarchy in it and the balance of powers can be better explained by not what is material but what is constructed by thoughts and ideas. In other words, the international system is a not an external material matter but an outcome of intersubjective perception. According to constructivist Alexander Wendt, "anarchy is what states make of it"[74], rather than what exists objectively. Simply put, we construct the world and it exists as we perceive it[75]. Constructivists disagree with the approach followed by neorealists, first and foremost the architect of neorealism, Kenneth Waltz[76], that the behaviour of states

[72] Piliponytė, „Korupcijos konstravimas", 18.
[73] Jeffrey T. Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50(2) (1998): 325.
[74] Alexander Wendt, *Anarchy is what states makes of it//International Organisation*, Vol. 46, No. 2, Spring 1992, 391–425.
[75] Nicholas Greenwood Onuf, *Making Sense, Making Worlds. Constructivism in Social Theory and International Relations*, (London: Routledge Taylor and Francis Group, 2013), 23.
[76] Kenneth Waltz, *Theory of International Politics* (New York: Mc-Graw-Hill, 1979).

is determined by the international system (structure) in which they interact. Constructivists believe that it is not only the structure that shapes the actors but also the actors are important in shaping structures. Moreover, according to them, the international system is a construct that is subject to constant change.

This conception is very important in analysing collective anti-corruption norms developed by international organisations and their impact on individual subjects, for instance Lithuania as a state. Being a member of IOs Lithuania is also an international anti-corruption policy-maker because it takes part in setting standards, evaluates other countries and thus contributes to the development of an international collective "anti-corruption" identity. Moreover, as seen from the chapters below analysing the international anti-corruption review mechanisms, they are created and shaped by the member states. The operation and effectiveness of such mechanisms depend on the member states. This means that not only corruption but also anti-corruption is constructed by entities and structures which are mutually affected and subject to constant change. On the international level, the development of international anti-corruption policy and its dynamics are determined by the member states which, in turn, are changing in response to the newly shaped anti-corruption policy needs. The anti-corruption culture in individual countries is built by the country itself which is affected by its society. Hence the interaction takes three directions: IO ↔ member states, state ↔ society, TO ↔ society.

The link (marked as "↔") that joins together the structure and the actor (e.g. IO and the state) is identity.

1.2.3. Constructivist Identity and Anti-Corruption

Wendt disagrees with realists that being in an anarchical realm of international relations countries are forced to get into a conflict. According to the scientist, "anarchy as such is an empty vessel and has no intrinsic logic"[77]; in order to explain the behaviour of countries, the vessel has to be filled with various interests and identities.

According to Wendt, an identity is whatever makes a thing what it is; it is a subjective category related to self-understanding. However, Wendt admits that self-understanding is not sufficient as understanding also depends on whether others think in the same way. In other words, an identity is not merely a subjective but also an inter-subjective category[78]. His views are shared by Ted Hopf who explains the functions of identity in society: "they tell you and others who you are and they tell you who others are. In telling you who you are, identities strongly imply a particular set of interests or preferences with respect to choices of action in particular domains, and with respect to particular

[77] Wendt, "Social Theory of International Politics," 241.
[78] Ibid, 224.

actors. The identity of a state implies its preferences and consequent actions. A state understands others according to the identity it attributes to them, while simultaneously reproducing its own identity through daily social practice. The crucial observation here is that the producer of the identity is not in control of what it ultimately means to others; the inter-subjective structure is the final arbiter of meaning."[79]

These statements of Wendt and Hopf could be rephrased explaining how states "perceive" the level of corruption in an international system and which actions they take to ensure changes for their own benefit. After the international community claims that corruption is "evil", states seek ways to get rid of the relic of corruption, one's association (others' perception) with corruption. One of the most effective ways to do that is to create international organisations and networks to develop rules and modus operandi equal for all. Such organisations and networks could "objectively" say that after a country x started applying certain anti-corruption actions and demonstrated its political will to fight corruption, it could be perceived as less corrupt. To demonstrate its political will, a country x may be asked to provide the evidence such as created legal framework, anti-corruption bodies, application of criminal prosecution and corruption prevention measures. To show reduction in the level of corruption it can use the testimony of various groups of society (residents, businessmen, civil servants, etc.).

Wendt distinguishes four kinds of identities, listed hierarchically: personal (or in the case of organisations, corporate), type, role and collective. The first kind – personal/corporate identity – is a site or platform for other identities. This identity is associated with the perception of what one is ("Self") and it is opposed to the others (i.e. while being as one is one is different from the "Other"). The State is a "group Self" capable of group level cognition. Being in a state individuals associate themselves with the state, they are a part of it and therefore different from the others.[80] This concept of identity is complemented by James Fearon who associates it with such concepts as "dignity", "honour", "self-esteem", "pride" and "status"[81]. This means that while defining one's own identity the subject defines his or her values that are important to the subject and which distinguish him or her from the others. In other words, the actors belonging to the group "anti-corruption" perceive corruption as evil, they do not tolerate it and help each other to reduce it and are proud of their anti-corruption

[79] Ted Hopf, "The Promise of Constructivism in International Relations Theory," *International Security*, Vol. 23, No. 1 (1998): 171–200, accessed on 2016 09 13, http://www.ou.edu/uschina/gries/articles/IntPol/Hopf%201998.pdf.
[80] Wendt, "Social Theory of International Politics", 225.
[81] James D. Fearon, *What is Identity (As We Now Use the Word)?* (Stanford: Stanford University, 1999), 32, accessed on 2016 09 20, https://web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/What-is-Identity-as-we-now-use-the-word-.pdf.

achievements. For such actors it is very important to get rid of corruption and get a new label of an "active anti-corruption fighter".

The second kind of identity – type – refers to persons who share common characteristics (such as language, history, values, attitudes, behavioural traits) that exist irrespective of a social assessment but at the same time which have *social* content and meaning. The type identity of states corresponds to their regime. For a regime (e.g. democracy) to become a social (rather than individual) category, to have it filled with social content (which means that it does not only claim to be such but is also perceived by others as such), Wendt refers to the famous statement of international relations theory that "democratic states do not make war on each other".[82] As a follow-up to Wendt's thoughts, one could say that states having the same type identity share common values and principles and therefore are not hostile towards each other. For instance, in the anti-corruption context this identity explains why countries are not embarrassed to speak about their problems with the countries of the same type identity and why they decide to look for common solutions. Co-operation can take place only between the countries that trust each other. On the other hand, if a country has a different regime than the others, trust diminishes. One of the examples is Belarus which was the last country to join GRECO in 2011 and which still refuses to have its evaluation reports published despite multiple reminders and constant pressure to open up.

The third kind of identity distinguished by Wendt is role identity. It is an exclusively social category and as such only exists in relation to the Other. It is "flexible": depending on the relationship with the Others, it can either be conflictual or co-operative[83]. For instance, in the context of anti-corruption states can demonstrate their political will to counter corruption and disclose information to the countries sharing the same type identity about a crime committed, extradite criminals to it, allow it to join common search networks, i.e. perform the role of a co-operating country. Such a role can be played only formally and therefore the flexibility of the role highly depends on the level of gained mutual trust.

The fourth kind of identity is collective. It is related to the role and type identity but it is much wider. Collective identity takes the relationship between Self and Other to its logical conclusion, identification. Identification is a cognitive process in which the Self-Other distinction becomes blurred. Collective identity is constituted by defining the welfare of the Self to include that of the Other.[84] Collective identity is closely related to the first type, personal (corporate) identity because an

[82] Wendt, "Social Theory of International Politics," 226.
[83] Ibid, 227–228.
[84] Ibid, 228, 306.

individual's association with the state reaches a higher level when one corporate identity (the state) joins other corporate identities and merge into one unit. A collective identity could be described by a popular saying: "tell me who your friends are and I will tell you who you are".

Having specified those hierarchically constructed four identities, Wendt says that a subject defines one's interests. Supplementing the national interests defined by neoliberal Keohane (physical survival, autonomy and economic well-being), Wendt identified one more: collective self-esteem, i.e. a group's need to feel good about itself, for respect and status.[85]

For Lithuania, who regained its independence and joined the EU and NATO, anti-corruption has become one of such leverages as corruption is a threat to democracy, human rights and the rule of law, i.e. the traditional values of the Western world.[86] Noteworthy, an agreement reached in 2004 between the political parties of Lithuania concerning the main foreign policy aims and objectives for 2004–2008 says that the main long-term goal is to "secure in diplomatic ways a safe and democratic development of the country in the view of new possibilities and threats through using good bilateral relations of Lithuania, the membership in NATO, the European Union and other international organisations and strengthening Lithuania as a *dynamic* and *respectable* modern state"[87] (highlighted by the author). The agreement between the political parties of 2008 on the foreign policy principles, strategic guidelines and objectives for 2008–2012 no longer uses the word "respectable", leaving only "dynamic" and states the need to "support the efforts of the international community in defending democracy, human rights, peace and stability, and fight against the threats that *it* faces"[88] (highlighted by the author to pay attention to the pronoun "it" rather than "we"). In other words, having established itself in the international community Lithuanian political parties think that being dynamic is enough and that respect has already been gained. The Government programme of 2012–2016 states that in foreign policy "attempts will be made to create an image of Lithuania as a dynamic and constructive member of the international community"[89]. This might imply that gaining respect and esteem in the eyes of others is still an ambition related to the country's image. The part which follows gives a more comprehensive analysis of what collective identity is and how international norms become internalised.

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[85] Wendt, "Social Theory of International Politics," 236.
[86] See, for example, "Council of Europe Criminal Law Convention on Corruption," Preamble.
[87] „Politinių partijų susitarimas Dėl pagrindinių valstybės užsienio politikos tikslų ir uždavinių 2004–2008 m., 2004, spalio 5," accessed on 19 September 2016, http://www3.lrs.lt/pls/inter/w5_show?p_r=5042&p_k=1.
[88] „Lietuvos politinių partijų susitarimas Dėl 2008–2012 metų Lietuvos užsienio politikos principų, strateginių gairių ir tikslų, 2008, spalio 28," accessed on 19 September 2016, http://www3.lrs.lt/pls/inter/w5_show?p_r=5042&p_k=1.
[89] „Lietuvos Respublikos Seimo nutarimas Dėl Lietuvos Respublikos Vyriausybės programos, 2012, gruodžio 13, Nr. XII-51," accessed on 19 September 2016, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=439761.

1.2.4. Collective Identity and Internalisation of International Norms

Wendt's constructivism pays attention to the inter-relations between states in an international system, putting other factors aside. Martha Finnemore complemented Wendt's system analysis. In her book "National Interests in International Relations" she pays major attention not to the interaction between states but to the international norms and their role in shaping state identities and interests which, in turn, mould their behaviour. According to the scientist, identity and interests are shaped by international forces: behavioural rules developed by the international community. Such norms are transferred to the states through international organisations that share domestic policy by "teaching" the states to identify their interests. Finnemore argues that „(s)tates do not always know what they want. They and the people in them develop perceptions of interest and understandings of desirable behaviour from social interactions with others in the world they inhabit <...> The fact that we live in an international society means that what we want and, in some ways, who we are shaped by social norms, rules, understandings, and relations we have with others. These social realities are as influential as material realities in determining behaviour. Indeed, they are what endow material realities with meaning and purpose."[90].

This conclusion is reached by Finnemore after analysing provision of humanitarian aid in the countries which do not have any geostrategic or economic meaning to them; such behaviour cannot be explained by following the theories of realism and liberalism. Finnemore argues that such pattern of intervention cannot be understood apart from the changing normative context, shaping conceptions of interests, in which it occurs.[91]

How do norms occur and start shaping interests of countries reaching the stage of common actions and behaviour? These questions are important to ask in order to understand how the issues of anti-corruption reached the international agenda at the end of the 20th century and still remain relevant.

In order to answer these questions, it is worthwhile referring to the evolution, or the so-called "life cycle", of norms developed by Kathryn Sikkink and Martha Finnemore. It is explained as a three-stage process: "norm emergence", "norm acceptance" and "norm cascade". During the first stage, "norm emergence", an important role is played by the so-called norm entrepreneurs who seek to persuade the critical mass of states to adopt the norm. They may pay attention to the issue or create it

[90] Martha Finnemore, *National Interests in International Relations* (Ihaca: Cornell University Press, 1996), 128.
[91] Martha Finnemore, "Constructing Norms of Humanitarian Intervention" in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 153–185, accessed on 18 October 2016, http://users.metu.edu.tr/utuba/Finnemore.pdf.

by identifying, explaining or even dramatising it[92]. Who are these norm entrepreneurs? In a book written with other authors "Who Governs the Globe?" Finnemore argues that apart from the states, the "global policy arena is filled with a wide variety of actors – international organisations, corporations, professional associations, advocacy groups, and the like – seeking to "govern" issue areas they care about (...) who want new structures and rules (or different rules) to solve programmes."[93]

A Swedish scientist, Steven Sampson, who sees anti-corruption as industry, the birth of global "anti-corruptionism", as he calls it, links with three main events. The first is the founding, in 1993, of the NGO Transparency International by a former World Bank official, Peter Eigen, and its famous Corruption Perceptions Index. Peter Eigen was prompted to take anti-corruption actions frustrated by the waste of aid in East Africa, where he had worked for the World Bank, and by the Bank's failure to put more conditions on its loans to corrupt leaders. The second is the famous 'cancer of corruption' speech by World Bank president James Wolfensohn in 1996 in which the agenda of economic development was tied together with the effectiveness of government, leading to new conditions of loans. The third is the general trend in public administration and market-based management, what academics tend to call 'neoliberalism', that implies measurement of results achieved[94]. To expand on what Steven Sampson has said, one could refer to anti-corruption as a "value fashion" transforming the public sector.

This "value fashion" becomes widespread in the world after going through the other phases of the norm "life cycle" identified by Sikkink and Finnemore: socialisation and internalisation. According to Sikkink and Finnemore, socialisation is a process in which norm leaders try to persuade other states to adopt the new norm and become norm followers. Actors of socialisation are states, transnational networks and international organisations. In order to be adopted, norms have to reach a tipping point and then they become a part of international conventions and review mechanisms of international organisations. The tipping point can be reached in two instances: when the norm is supported by two thirds of states operating in one system or by critical states.[95]

In anti-corruption, the tipping point was reached due to global actors. According to Krastev, "the global anti-corruption consensus was not the result or response to the rise in corruption or even in the visibility of corruption. The consensus came as a result of the emergence of a coalition of global players that see their interest in focusing on corruption. These global players are the US government,

[92] Finnemore, "International Norm Dynamics and Political Change," 895–897.
[93] Deborah D. Avant, Martha Finnemore, Susan K. Sell. *Who Governs the Globe?* (Cambridge: Cambridge University Press, 2010), 1.
[94] Sampson, "The Anti-Corruption Industry," 273–274.
[95] Finnemore, "International Norm Dynamics and Political Change," 895–897.

International Financial Institutions and big foreign investors. Each of them has their own reasons to focus on corruption. US government sees the anti-corruption campaign as an instrument for promoting its trade interests. International Financial Institutions see in the anti-corruption campaign an instrument for mobilizing support for their policies. Multinational companies see in the anti-corruption campaign an opportunity to reduce the hidden protectionism in the emerging markets. It was this coalition of interests that made out of corruption a central policy issue. But it was the emergence of the Transparency International as a global anti-corruption NGO, speaking with the voice of the "local" and the new date coming from the new anti-corruption science that legitimize the new consensus that corruption is a global policy issue."[96]

The last stage – internalisation – is when then norm is approved and discussions about its legitimacy stop.[97]

Socialisation and internalisation of norms and values get established with the help of *collective* identity. It implies that the commonly shared norms and values gain meaning, are absorbed and get enshrined in the legal acts of individual states as well as actions of public officials and the public at large.

Anti-corruption as a common value "melting together" collective identity becomes a very attractive international theme, common platform and a safe area of co-operation. As noted by Krastev, "the global policy response to corruption is the least contested", "(a)nti-corruption consensus claims to bridge the distinctions between left and right liberal and conservative, globalization and anti-globalization", "(l)ocal NGOs and pro-democracy groups actively cooperate with World Bank to curb corruption (...) and they view foreign investors and foreign governments as allies and not as enemies."[98] A presumption could be made that collective "anti-corruption" identity is *a new stability guarantee* because corruption is an ideal enemy, uniting even the most hostile groups.

Lithuania joined the world of international norms at the stage of internalisation as a country follower and will probably remain such for a long while because it is not a "critical" state without which the goal of the norm could be achieve and it does not have a moral authority yet to make other countries follow it. By getting integrated into the international anti-corruption structures, it is socially affected by the new collective identity and the new anti-corruption "fashion". Joining international anti-corruption norms it succumbs to the peer pressure of the international community trigger by three

[96] Krastev, "When "Should" Does Not Imply "Can"," 122–123.
[97] Finnemore, "International Norm Dynamics and Political Change," 887–917.
[97] Ibid.
[98] Krastev, "When "Should" Does Not Imply "Can"," 106–107.

motivations, which Finnemore and Sikkink labelled as "legitimation, conformity, and esteem".[99] The scientists make a presumption that these three aspects are particularly important to the elite of the countries undergoing transformations and that "if states seek to enhance their reputation and esteem, we would expect states that are insecure about their international status or reputation to embrace new international norms most eagerly and thoroughly"[100]. To enlarge upon this presumption, legitimation and esteem is sought when it can be demonstrated and measured, i.e. when progress is evaluated and publicly discussed; therefore, the countries seeking a positive assessment may be willing to obey only formally, or, the way the research participants said in the empirical part of the thesis, consider it as a "box-ticking" exercise.

To summarise Chapter 1 "Construction of Corruption and Anti-Corruption", a conclusion can be made that corruption is an inter-subjective socially constructed reality, constantly changing and multilayer, which every person, their groups and organisations define differently. As a result, many questions arise, one of them is measurement of corruption to be able to confront it properly and monitor the effectiveness of anti-corruption measures. The scale of corruption in the country is measured by national, regional and international surveys. However, they all face difficulties in making proper diagnostics of corruption that is actually experienced rather than perceived and making a distinction between petty corruption (which could include the acts that previously had been considered as gratitude for the services rendered, for instance, in the health sector) and grand scale corruption. Moreover, escalation of corruption and anti-corruption increases the perception of the scale of the problem, which is reflected in the surveys. This results in a vicious circle: the worse the perception of corruption, the poorer the image of the country; the poorer the image, the bigger number of recommendations issued to it which, in turn, increase the perception of corruption which is reflected in social surveys.

At the end of the 20th century, after the Cold War, corruption became a new enemy, against which the most adverse groups could be united, both on the domestic and international level. Anti-corruption became a common value linking the collective identity of international organisations. The actors belonging to the group "anti-corruption" perceive corruption as evil, they do not tolerate it and help each other to reduce it and are proud of their anti-corruption achievements. For Lithuania, who restored its independence and joined the EU and NATO, anti-corruption means getting established in the international community, whilst gaining its respect and recognition. Having joined the international anti-corruption norms as a country follower, it is socially affected by the new collective identity and the new anti-corruption "fashion". For Lithuania it is important to get rid of corruption as a relic of the

[99] Finnemore, "International Norm Dynamics and Political Change," 887–917.
[100] Ibid, 906.

past, i.e. the country's identification with corruption that is considered evil by the international community and construct a new "anti-corruption" identity, linking it together with the collective identity of the international organisations it has chosen to join. This goal can be achieved only by becoming a part of international review mechanisms.

These mechanisms, their strengths and weaknesses, interaction between them and recommendations issued by them to Lithuania in 2005–2015 are described in more details in the chapters that follow.

2. ANALYSIS OF INTERNATIONAL ANTI-CORRUPTION REVIEW MECHANISMS AND RECOMMENDATIONS ISSUED BY THEM TO LITHUANIA IN 2005–2015

During the period from 2005 to 2015, concrete anti-corruption recommendations to Lithuania were issued by three international organisations: Council of Europe (regional, closed, general competence), United Nations (universal, open, general competence) and European Union (supranational, regional, closed, general competence). This thesis uses the definition of international organisations given in Darius Žalimas' book "International Organisations" as follows: "International organisation is an association of states established by an international agreement to achieve a set of objectives, enjoying a system of permanent institutions, a status of an international legal personality, created and acting in accordance with international law."[101] European Union is considered a supranational IO, the purpose of which is integration of member states and for which member states give away some of their sovereign rights[102]. In this thesis, the European Union, although generally understood as a supranational body, is also prescribed to the category of international organisations.

2.1. Council of Europe Group of States against Corruption (GRECO). Strengths and Weaknesses

GRECO origin, principles of operation, membership

For the first time, corruption or, to be more precise, one of its forms, bribery, distorting fair competition, was mentioned by the Council of Europe Committee of Ministers in 1981 in its Recommendation to Member States of Economic Crime[103]. In 1994 (one year after Lithuania, together with many other post-Soviet countries, became a full-fledged member of the Council of Europe[104]), European Ministers of Justice met in a conference in Valetta and agreed that corruption should be addressed at European level as it poses a serious threat to the stability of democratic institutions[105]. Very soon afterwards a Multidisciplinary Group on Corruption (GMC) was created which prepared a comprehensive programme of action against corruption providing for the development of one or more international conventions against corruption and a follow-up mechanism to monitor compliance with their provisions. In 1997, the Committee of Ministers adopted a fundamental document, Twenty

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[101] Dainius Žalimas et al. „*Tarptautinės organizacijos*" (Vilnius: Justitia, 2001), 43.
[102] Ibid, 63.
[103] "Council of Europe. Recommendation No. R (81) 12 of the Committee of Ministers to Member States of Economic Crime. Strasbourg, June 25, 1981," 4, accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/general/R(81)12%20on%20economic%20crime_EN.pdf.
[104] Permanent Representative of the Republic of Lithuania to the Council of Europe.. "Lithuania and the Council of Europe," accessed on 15 August 2016, https://mission-ce.mfa.lt/mission-ce/en/lithuania-and-the-council-of-europe.
[105] Council of Europe Group of States against Corruption. "Historical Background," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/general/2.%20Historical%20Background_en.asp.

Guiding Principles for the fight against corruption. On 1 May 1999, 17 founding members (including Lithuania) created GRECO. During the same year, two cornerstone anti-corruption documents were adopted, the Criminal Law Convention on Corruption (No. ETS 173), CrLCC, and Civil Law Convention on Corruption (No. ETS 174), CiLCC, were adopted.[106] Lithuania ratified both conventions in 2002; CrLCC came into effect on 1 July 2002 and CiLCC became effective on 11 November 2003.[107]

At present, GRECO has 49 members, including all 47 Council of Europe members, Belarus and the USA. GRECO observers include other Council of Europe institutions (Parliamentary Assembly, European Committee on Legal Co-operation, European Committee on Crime Problems and Council of Europe Development Bank) as well as four other international organisations: OECD, UNODC, International Anti-Corruption Academy and Organisation of American States).[108]

GRECO was set up to monitor how member states comply with the anti-corruption standards set up by the Council of Europe. GRECO mechanism is based on the peer pressure principle. The monitoring process takes places on the basis of "horizontal" review when all the members have to be evaluated during one evaluation round. After the evaluation, recommendations are issued to each evaluated country. Under a "vertical" procedure, evaluations are made with regard to recommendations implemented by every country.

GRECO monitoring mechanism

GRECO operates by evaluation rounds which examine a concrete theme. The first evaluation round (2000–2002) dealt with the questions of independence, specialisation and means available to national bodies engaged in prevention and fight against corruption as well as the extent and scope of immunities. The second evaluation round (2003–2006) examined identification, seizure and confiscation of corruption proceeds, public administration, and liability of legal persons for corruption. The third evaluation round (2007–2011) dealt with two themes: incriminations and transparency of party funding. The theme examined by the fourth evaluation round (which started in 2012) is prevention of corruption in respect of members of parliament, judges and prosecutors.[109] The fifth

[106] Council of Europe Group of States against Corruption. "Historical Background".
[107] "Council of Europe Criminal Law Convention on Corruption", "Council of Europe Civil Law Convention on Corruption".
[108] Council of Europe Group of States against Corruption. "GRECO members and observers," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/general/members_en.asp.
[109] Council of Europe Group of States against Corruption. "GRECO mutual evaluations," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/index_en.asp.

evaluation round is planned to be launched in 2017 and should deal with the theme of prevention with respect to members of the government and law enforcement agencies.[110]

Every evaluation round takes place in accordance with the procedure established in the GRECO Statute[111] and Rules of Procedure[112]. First, GRECO adopts a questionnaire for each evaluation round and every member state is asked to identify up to five experts to be included in the common list of experts from which they will be selected to evaluate other countries. One country is evaluated by the experts of two other countries with a similar legal system or a geographical proximity with the member evaluated. The evaluation team consists of two-to-four experts and one or two representatives of the GRECO secretariat. The situation in the country is evaluated of the basis of the answers to the questionnaire provided by the country evaluated and a country visit during which representatives of that country are interviewed, including meetings with the state authorities responsible for anti-corruption actions, journalists, academics and NGOs. After a country visit the team of experts, assisted by the GRECO secretariat, develops a country evaluation report which is sent to the country evaluated for comments. Finally, the report is read by the GRECO plenary meeting during which it can provide its arguments why it disagrees with the information written in the report, any observation or recommendation made. The final say with regard to the report remains with the GRECO plenary (which includes all member states of GRECO having the right to vote). The evaluation report includes a list of recommendations which the country evaluated has to implement in 18 months and observations which it should consider but there is no formal reporting requirement associated with them. After 18 months, the country is asked to report on what it has done to comply with the recommendations. No country visit is arranged at this stage: the information and supporting documents are submitted in writing. To ensure greater impartiality the country is evaluated by the experts from another two countries assisted by the secretariat. They prepare the country's compliance report. If the country fails to comply it is given an opportunity to do so in another eighteen months. The compliance report rates the level of compliance with each of the recommendations: implemented satisfactorily (dealt with in a satisfactory manner), partly implemented or not implemented. If the majority of the recommendations have been partly implemented or not implemented, the progress achieved is declared as "globally

[110] "Council of Europe Group of States against Corruption. 72nd GRECO plenary meeting. Decisions. Strasbourg, July 1, 2016," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/2016/Greco(2016)11_Decisions_GRECO%2072_EN.pdf.

[111] "Statute of the GRECO. Appendix to Resolution (99)5," accessed on 16 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/statute_en.asp.

[112] "Council of Europe Group of States against Corruption. Rules of Procedure. Strasbourg, October 19, 2012," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/Greco(2012)26_RulesOfProcedure_EN.pdf.

unsatisfactory".[113] In that case Rule 32 of the Rules of Procedure applies, according to which the non-compliant country is urged to take action and inform about the progress achieved in six months[114]. No monetary or other type of sanctions are applied, yet the decision is made public and that is the main tool employed by GRECO: paying attention at the status quo and failure to act. The biggest number of the rating "globally unsatisfactory" has been received by countries during the 3rd evaluation round which dealt with the theme of transparency of party funding[115]. So far Lithuania has not received such a rating.

All evaluation reports are considered confidential until the member states agree to publish them. Usually the countries give their consent after they translate the report into their national language. The only exception is Belarus who was the last to join in 2011[116]. Belarus did not give its permission to publish its Joint First and Second Round Evaluation Report (adopted in 2012) and Compliance Report (adopted in 2014). After many reminders, GRECO decided to publish the executive summary of the report on 1 September 2016 without the country's consent.[117]

GRECO is considered as one of the broadest review mechanisms in Europe and GRECO membership is one of the pre-conditions of EU membership. Therefore, all the member states of the EU are also GRECO members.[118]

While assessing the situation in the country many review mechanisms, including the OECD, UN and EU, quote GRECO reports and recommendations, hence increasing GRECO's visibility and importance as well as encouraging countries to take anti-corruption actions (for more details about the other review mechanisms please see sections below).

Table 2 below summarises GRECO strengths and weaknesses.

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[113] Council of Europe Group of States against Corruption. "How does GRECO work?" accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/general/4.%20How%20does%20GRECO%20work_en.asp.

[114] "Council of Europe Group of States against Corruption. Rules of Procedure. Strasbourg, October 19, 2012," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/Greco(2012)26_RulesOfProcedure_EN.pdf.

[115] Council of Europe Group of States against Corruption. "Third Evaluation Round," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp, also "GRECO 15th General Activity Report. Fighting Corruption and Promoting Integrity. Strasbourg, 2015," 10, accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/2015/Greco(2015)1_GAR2014_EN.pdf.

[116] Council of Europe. GRECO. "Belarus joins the Group of States against Corruption as its 49th member," Strasbourg, January 13, 2011, accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/news/News(20110113)AdhesionBelarus_en.asp.

[117] "Council of Europe Group of States against Corruption. 72nd GRECO plenary meeting. Decisions. Strasbourg, July 1, 2016," accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/2016/Greco(2016)11_Decisions_GRECO%2072_EN.pdf.

[118] Patrycja Szarek-Mason, *The European Union's Fight Against Corruption,* 254.

Table 2. GRECO strengths and weaknesses

GRECO Strengths	**GRECO Weaknesses**
Clearly defined and specific themes of evaluation.	A merely formal implementation of the recommendation and persuasion of the plenary leads to a "satisfactory" grading.
Continuity, time-tested mechanism (operating since 1999).	No impact assessment of implemented recommendations is performed in order to check whether or not the recommendation was truly "implemented satisfactorily".
On-site country visits are organised, the position expressed by the country evaluated is listened to, along with alternative views of NGOs, academics and journalists.	At the beginning of the evaluation the context of the country is studied the description of which includes findings of social surveys. However, during the stage of evaluating implementation of recommendation this context is no longer described (which could include data of the same social studies)..
The final decision concerning the evaluation report is taken by the plenary.	
The country under evaluation is given an opportunity to provide its arguments,	The success of assessment of recommendations as "implemented satisfactorily" depends on the defence skills demonstrated by the country evaluated.
Peer review mechanism: each country acts both as a country that performs evaluation and is subject to evaluation.	
Standards are set by member states.	Standards are becoming less defined (for instance, recommendations of 4th evaluation round are no longer linked to the Council of Europe conventions). As a result, more questions arise with regard to their validity.
A clearly defined follow-up mechanism.	Apart from publicity GRECO does not enjoy any other measures to make countries comply.
Subject to the permission of the country evaluated, all reports are published.	If the country refuses to have its report published (e.g. Belarus), a decision can be taken to publish only its summary.
Other international organisations, includes OECD, UN and EU, consider GRECO a valuable review mechanisms and regularly quote its reports.	GRECO evaluation reports and recommendations may be difficult to understand (too "technical") by the public at large.
Countries willing to join IOs (first and foremost the EU) may ask for funding to perform anti-corruption reforms related to implementation of GRECO recommendations	GRECO itself does not provide financial support to help countries implement recommendations.

Developed and summarised by the author according to the publicly available information about GRECO

European Community (Union) participation in GRECO: a new collective "anti-corruption" identity?

An important issue that deserves at least brief mention because it may have an important impact on further effectiveness of GRECO and credibility of the EU institutions is a possibility envisaged in Statute of the GRECO[119] Article 5, for the European Community to take part in GRECO's work and join the Civil Law Convention on Corruption (CiLCC Article 18)[120] and Criminal Law Convention on Corruption (CrLCC Article 33)[121]. The parties to the conventions automatically become GRECO

[119] GRECO Statute's Article 5, "Statute of the GRECO. Appendix to Resolution (99)5," accessed on 2016 08 16, http://www.coe.int/t/dghl/monitoring/greco/documents/statute_en.asp.
[120] "Council of Europe Civil Law Convention on Corruption."
[121] "Council of Europe Criminal Law Convention on Corruption."

members on the date when the conventions come into force[122]. This means that after joining the conventions the European Community would gain an opportunity not only to evaluate GRECO member states but also be evaluated by them. Since 2007, pursuant to the Treaty of Lisbon[123] Article 46a, the competence to conclude international agreements lies not with the Community but the Union as a single legal personality. In June 2011, the EC adopted the so-called anti-corruption package. One of its documents, the Commission Report to the Council[124], provides for the modalities of the EU to take part in GRECO activities. Several alternatives have been envisaged: having the status of an observer, limited voting rights or full membership. The final decision concerning the EU membership has not been adopted yet, although this question is still on the agenda and the EU is encouraged to start preparatory work as soon as possible. For instance, GRECO 14th General Activity Report states that "(b)y joining GRECO as a full member, the EU will add credibility to its Anti-Corruption Report and efforts to address corruption, including within the institutions of the European Union"[125], and GRECO 15th General Activity Report writes that "membership of the EU in GRECO would represent a unique opportunity to reinforce the coherence and hence, the efficiency, of action against corruption in Europe"[126].

If the EU became a full-fledged member of GRECO, the EU's collective "anti-corruption" identity would become far more complex. A question arises about the scale of its change and the extent to which the EU member states would share a collective identity with the EU if its institutions were evaluated by such GRECO members as Russia, USA, Turkey, Belarus or Azerbaijan or the EU member states. These questions have not been answered yet but it is clear that the international anti-corruption arena may have new organisms developed, opening up new dimensions for anti-corruption and a broad field of study.

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[122] CrLCC Article 32 and CiLCC Article 15.
[123] "Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007," accessed on 15 August 2016, https://www.ecb.europa.eu/ecb/legal/pdf/en_lisbon_treaty.pdf.
[124] "Report from the Commission to the Council on the modalities of European Union participation in the Council of Europe Group of States against Corruption (GRECO," 5 September 2008, COM/2011/0307 final," accessed on 15 August 2016, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0307.
[125] "GRECO 14th General Activity Report. Fighting Corruption and Promoting Integrity. Strasbourg, 2015," 6, accessed on 15 August 2016, http://www.coe.int/t/dghl/monitoring/greco/documents/2015/Greco(2015)1_GAR2014_EN.pdf.
[126] "GRECO 15th General Activity Report. Fighting Corruption and Promoting Integrity. Strasbourg, 2014," http://www.coe.int/t/dghl/monitoring/greco/documents/2014/Greco(2014)15_ProgrammeActivities2015_EN.pdf.

2.2. United Nations Convention against Corruption (UNCAC). Strengths and Weaknesses

UNCAC monitoring mechanism. Origin and membership

In 2000, the General Assembly of a universal, open-ended international organisation of general competence, the United Nations, decided that a universal anti-corruption instrument – international convention – is necessary to be joined by all countries in the world.

With that in mind, it set up an *ad hoc* committee and tasked it to develop a text of the convention. In 2003, the General Assembly (Resolution No. 58/4) adopted the United Nations Convention against Corruption, UNCAC, which came into effect on 14 December 2005.[127] UNCAC is "the first global convention against corruption, and as such, it is the product of consensus among a wide range of countries at different stages of economic and democratic development and with different challenges and aspirations concerning the fight against corruption."[128] UNCAC is also the broadest international convention against corruption covering the widest number of crimes (active and passive bribery of foreign and domestic public official, embezzlement, illicit enrichment), prevention measures, international co-operation and technical assistance. However, not all the provisions covered by UNCAC are mandatory: many of them could be considered by the states whether they want to adopt them[129].

At present, UNCAC has 178 state parties, 139 signatories[130] and the *European Union* (which signed the convention on 15 September 2005 and ratified it on 12 November 2008.[131]). The EU, however, has not filled out any UNCAC questionnaires and has not taken part in its review mechanism.

Lithuania signed UNCAC together with the first countries to join the convention on 10 December 2003 and ratified it on 5 December 2006. UNCAC came into effect on 29 January 2007.[132]

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[127] "United Nations Convention against Corruption. New York".

[128] Marijana Trivunovic et al., *The role of civil society in the UNCAC review process. Moving beyond compliance?* (Bergen: Chr. Michelsen Institute, 2013), U4 Anticorruption Resource Centre, Downloaded on 17 August 2016, http://www.u4.no/publications/the-role-of-civil-society-in-the-uncac-review-process-moving-beyond-compliance/.

[129] E.g. Under UNCAC, it is mandatory to criminalise bribery of national public officials, bribery of foreign public officials and officials of public international organizations, embezzlement, misappropriation or other diversion of property by a public official, money laundering, concealment, obstruction of justice, but not mandatory (the provision is formulated as "shall consider") to criminalise solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, trading in influence, abuse of office, illicit enrichment, bribery in the private sector and protection of whistleblowers, for more information refer to the "United Nations Convention against Corruption. New York, 2004," accessed on 16 August 2016, https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

[130] United Nations against Corruption. "Signature and Ratification Status as of 1 December 2015," accessed on 15 August 2016, https://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

[131] Ratified by Council Decision "On the conclusion, on behalf of the European Community, of the United Nations Convention against Corruption", Brussels, 25 September 2008, 2008/801/EC," accessed on 19 August 2016, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008D0801&from=EN.

Several years later, in a conference of 2009, member states adopted Resolution No. 3/1 providing for the UNCAC review mechanism and its terms of reference[133]. The Resolution states that the review mechanism consists of two review cycles of five years. The first cycle (2010–2015) deals with UNCAC Chapter III (criminalisation and law enforcement) and Chapter IV (international co-operation). The second cycle (2015–2020) deals with Chapter II (prevention measures) and Chapter V (assets recovery). So far, Lithuania has been assessed under the first cycle.

The Terms of Reference lie down the process of a country review and creation of a supervisory body, the Implementation Review Group[134]. The Group, that operates under the authority of and report to the Conference, is charged with making an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

UNCAC review mechanism: principles of operation

The review process of each country undergoes the following phases:

1) *Self-assessment.* The state party under review is asked to fill out a standardised self-assessment checklist.

2) *Peer review*. Two review countries, decided by lots, provide experts to form an expert review team. The team conducts a desk review of the completed self-assessment checklist, it may require further information from the focal point or a country visit *if agreed* by the country reviewed.

3) *Country review report and executive summary.* With the assistance of UNODC, the expert review team prepares a country review report and sends it to the country under review for approval. In cases of disagreement, the reviewers and the contact point engage in dialogue to arrive at a consensual final report, which is published in full *only with the agreement* of the country under review. The executive summary is published automatically on the UNODC website.[135]

The UNCAC review mechanism is inter-governmental: participation of society in this process is limited and depends on the good will of the country evaluated. Although the important of participation

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[132] „Jungtinių Tautų konvencija prieš korupciją. Statusas,“ accessed on 15 August 2016, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=289015&p_query=&p_tr2=l%3Fp_id%3D289015&p_hil=&p_sess=&p_no=1&p_daug=3.

[133] "Mechanism for the Review of Implementation of the United Nations Convention against Corruption—Basic Documents. New York, 2011," accessed on 15 August 2016, https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism_for_the_Review_of_Implementation_-_Basic_Documents_-_E.pdf.

[134] "United Nations Office on Drugs and Crime. "Implementation Review Group of the United Nations against Corruption," accessed on 2016 08 16, http://www.unodc.org/unodc/en/treaties/CAC/IRG-sessions.html.

[135] "UNCAC Civil Society Coalition. "UNCAC Review Mechanism," accessed on 16 August 2016, http://uncaccoalition.org/en_US/uncac-review/uncac-review-mechanism/.

of society is highlighted in the UNCAC's Preamble and Article 13 ("Participation of Society")[136], its involvement in the review process is not mandatory. Due to this reason, the UNCAC review mechanism is considered less rigorous than the review mechanisms of other IOs, such as the OECD or the review mechanisms of the Organisation of American States and the Council of Europe that include interviews with representatives of civil society organisations, including NGOs, scientists and journalists.[137]

Shortcomings of UNCAC review mechanism

The scientists who studied the operation of the UNCAC review mechanism in four countries (Bangladesh, Brazil, Croatia and Zambia) identified key issues hampering civil society participation in the review process, which could also be considered as the key shortcomings of the mechanism itself: its perception as a one-off technical exercise without particular connection to the in-country efforts against corruption; limited time frame that did not allow for thorough preparation and resulted in poor initial information sharing; a lack of public awareness about the review mechanism and in some instances it was overshadowed by other review mechanisms (e.g. in the case of Croatia, the process of acceding to the EU and its anti-corruption requirements); the existence of multiple review mechanisms and preference lying with regional anti-corruption mechanisms, such as the follow-up mechanism for the Inter-American Convention against Corruption (for instance, in Brazil). The existence of multiple review regimes also was viewed by some respondents as a duplication of efforts.[138]

The other shortcomings of the UNCAC review mechanism are the following: the final say of the country evaluated with regard to the content of the report, too vague wording of the recommendations, many optional provisions and a constantly re-emerging issue of funding the mechanism which is dependent on the voluntary contributions of the member states[139]. The strengths and weaknesses of the UNCAC review mechanism are summarised below in Table 3.

Table 3. UNCAC and its review mechanism. Strengths and weaknesses

UNCAC Strengths	**UNCAC Weaknesses**
UNCAC has a wide spectrum of themes, it is a universal convention that can be joined by any UN member state.	UNCAC is the outcome of negotiations among very many countries and therefore its universal nature is also its limitation because many UNCAC provisions are not

[136] "United Nations Convention against Corruption," Preamble, Article 13.
[137] Trivunovic et al., *The role of civil society in the UNCAC review process,* 4.
[138] Ibid, vi.
[139] The provisions on funding are laid down in Chapter VII of the following document: "Terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. United Nations, New York, 2011," Downloaded on 17 August 2016, https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism_for_the_Review_of_Implementation_-_Basic_Documents_-_E.pdf.

UNCAC Strengths	UNCAC Weaknesses
	mandatory.
The evaluation is based on the self-assessment of the country, i.e. responses provided by the country evaluated. .	On-site country visits can be organised only if permitted by the country evaluated.
It is based on a peer-review principle (not a top-down approach).	UNCAC review mechanism can include NGOs but this depends of the good will of a country evaluated.
The arguments of the country evaluated are listened to.	The final decision concerning the evaluation report lies with the country evaluated rather than the plenary.
Clearly set standards: UNCAC provisions	The majority of UNCAC provisions are non-mandatory and therefore the recommendations issued to countries are rather vague.
UNCAC evaluation is balanced: both positive and negative aspects are mentioned.	It lacks a follow-up mechanism.
If permitted by the evaluated country, all reports are published.	If the country refuses to have it report published, only its summary is published.
The other IOs, including OECD, GREO and EU, take into account the recommendations issued by the UNCAC review mechanism.	UNCAC reports and recommendations may be difficult to understand for the public at large because it mostly deals with compliance of the national legislation with UNCAC provisions.
Developing countries can receive technical assistance to help them comply.	UNCAC evaluation mechanism is too dependent on voluntary financial contributions of its member states which cannot always afford to maintain it.

Developed and summarised by the author according to publicly available information about the UNCAC review mechanism

2.3. EU Anti-Corruption Report (ACR). Strengths and Weaknesses

After the adoption of the Stockholm programme in 2010, the European Commission (hereinafter referred to as the Commission or EC) was given a political mandate to develop a comprehensive EU anti-corruption policy mechanism. In June 2011, the Commission adopted the so-called anti-corruption "package"; one of its documents is the decision to establish an EU anti-corruption reporting mechanism for periodic assessment ("EU Anti-Corruption Report")[140]. The preamble of the decision says that an "An EU own mechanism will allow periodic assessment of anti-corruption efforts in the Member States with a view to fostering political will, helping to step up anti-corruption efforts and reinforcing mutual trust among the Member States (...) Moreover, an EU reporting mechanism will prepare the ground for future EU policy initiatives in the area of anti-corruption."[141] Article 2 of the decision lists objectives of the EU Anti-Corruption Report (ACR) which include periodical assessment of the situation in the Union regarding the fight against corruption, identification of trends and best practices, making general recommendations for adjusting EU policy on preventing and fighting corruption as well as tailor-made recommendations to member states,

[140] "Commission Decision Establishing an EU Anti-corruption reporting mechanism for periodic assessment ("EU Anti-corruption Report"), Brussels, June 6, 2011 C(2011) 3673 final," accessed on 2016 08 17, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/com_decision_2011_3673_final_en.pdf.
[141] Ibid, Preamble.

involvement of civil society and other stakeholders[142]. To achieve these goals, a mechanism for the implementation of the ACR will be created comprising an expert group and a network of research correspondents, one for each Member State, selected by open call procedure.[143]

On 3 February 2014, the EC launched its first anti-corruption report[144]. It comprises results of Eurobarometer surveys of 2013 on perceptions and experience of corruption, horizontal chapter, describing corruption-related trends across the EU, thematic chapter (the issue in focus in this first report is public procurement, which is of crucial importance for the internal market), annex on methodology and country chapters.[145] The report says that the EC seeks to "identify measures likely to give **added value** in addressing key outstanding issues", they "are tailored to the context and needs of each country", "draws on and supports **recommendations already formulated by other corruption reporting mechanisms**[146] ((notably Council of Europe's Group of States against Corruption – GRECO – and OECD)[147]. Annex "Lithuania" to the ACR makes a reference to the recommendations already issued by other review mechanisms. In addition, consideration is given to the material collected by local correspondents and methodological remarks made by the anti-corruption expert group. A concrete follow-up mechanism is not described in detailed. There is mention of the mutual experience-sharing programme, constructive debate, training and that new reports will be written every two years.[148] The strengths and weaknesses of the EU ACR are summarised in Table 4 below.

Table 4. EU Anti-Corruption Report (ACR) as a review mechanism. Strengths and weaknesses

ACR strengths	**ACR weaknesses**
Clearly defined, concrete recommendations, tailor-made to the specifics of each member state.	No on-site country visits are organised; the country under evaluation is given a minimum opportunity (for instance, through a teleconference) to give its position or arguments concerning the report.
Regular review has been envisaged: every two years.	There is no clear (established) follow-up mechanism.
The final decision concerning the evaluation of the country is made by the EC.	The EU as a supranational body gives 'top-down' recommendations to its member states which might be difficult to ensure ownership of the review mechanism by them.
The whole report is public.	The report does not include evaluation of the EU institutions.
The mechanism has funding, follow-up has been envisaged,	

[142] Ibid, Article 2.
[143] Ibid, Article 3.
[144] "Report from the Commission to the Council and the European Parliament. EU Anti-Corruption Report. Brussels, 3 February 2014, COM(2014) 38," accessed on 5 January 2016, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf.
[145] Ibid, 3–4.
[146] Highlighted in the original.
[147] "Commission report to the Council and the European Parliament," 5.
[148] Ibid, 2–5.

training is organised.	
A balance between positive and negative aspects is kept.	
The report is not too difficult (technical) for the public at large to understand.	

Developed and summarised by the author according to publicly available information about the ACR review mechanism

2.4. Comparison of Anti-Corruption Monitoring Mechanisms: GRECO, UNCAC and ACR

Table 5 below makes a comparative analysis of the three review mechanisms described in the previous sections, specifying their main aspects. The symbol "+" means that the aspect is characteristic of the review mechanism and the symbol "–" means that it is missing. The symbol "+ –" means that the aspect is only partially characteristic of the mechanism, followed by a short clarification.

Table 5. *Comparison of anti-corruption review mechanisms: GRECO, UNCAC and ACR*

Aspect of the monitoring mechanism	**GRECO**	**UNCAC**	**ACR**
Continuous, time-tested, applied several times	+	–	–
Having a stable budget	+	–	+
Setting clear norms and standards (linked to the provisions of international instruments)	+	+	–
Based on a standard questionnaire filled out by the country evaluated	+	+	–
Based on a peer review principle	+	+	–
Giving clear and concrete recommendations	+	+ – *Recommendations are too vague (many UNCAC provisions are optional)*	+
Taking into account the national context (specifics) of the country	+ – *Efforts are made to take the context of the country into account, although most recommendations are standard based*	–	+
Striking the balance between positive and negative aspects in the country	+ – *Bigger attention is paid to the areas (issues) that need to be improved*	+	+
Having a clearly described follow-up mechanism and clear deadlines for reporting	+	–	–
Offering technical assistance (organising and funding training, providing expert support) to help a country implement the recommendations	–	+	+
Prior to giving recommendations, listening to the position and arguments given by the country evaluated	+	+	–
Including vizitus į vertinamąją šalį	+	+ – *If permitted by the country evaluated*	–
Taking into account the views from "alternative" sources (NGOs, journalists, academics)	+	+ – *If permitted by the country evaluated*	+
Final decision concerning the evaluation report and recommendations lies with the review mechanism	+	–	+

Aspect of the monitoring mechanism	GRECO	UNCAC	ACR
All evaluation reports are published	+ – *Although it is not mandatory, after a certain time almost all reports*[149] *have been made public*	+ – *It is mandatory to public the executive summary only*	+
Easy to understand for the public at large	–	–	+
Widely covered by the media.	+ – *Rarely. It depends on the theme of evaluation. The most popular was the theme of transparency of party funding*	–	+
Taking into account the recommendations issued by other review mechanisms	+	+	+
Performing impact assessment of implementation of recommendations.	–	–	–
Assessing the overall context of the country according to available social studies of corruption perception (experience).	+	–	+

As seen from Table 5 above, all the three review mechanisms are different. GRECO has the biggest number of advantages because it is a time-tested mechanism, with a stable budget, a clear follow-up, taking into account the views expressed by NGOs and academics, listening to the arguments expressed by the evaluated country. On the other hand, GRECO is a standard-builder, which means that its recommendations are not fully tailor made to the specific context of every country. Moreover, GRECO reports do not get wide media coverage (with the exception of the theme of transparency of political parties) and they are too technical for the public at large to understand. UNCAC review mechanism has been applied in Lithuania only once, its recommendations are vague because a huge part of the provisions of UNCAC are not mandatory. The biggest weaknesses of UNCAC are the lack of the follow-up mechanism and a stable budget. The biggest strength of the ACR is its tailor-made recommendations and wide media attention. Its weaknesses include the lack of an opportunity for a member state to provide its arguments about the report before its publication and the lack of clarity concerning the follow-up. None of the mechanisms have conducted an impact assessment of implementation of its recommendations by member states.

By looking at the anti-corruption mechanisms through the approach of a constructivism theory, the biggest role in shaping the "anti-corruption" identity of the country is played by the mechanisms which are the most visible and audible. In that respect, the biggest role in Europe was played by GRECO, because participation in GRECO is also one of the preconditions of the EU membership. GRECO evaluation reports and recommendations issued to countries are followed and cited by the

[149] Except for Belarus.

other review mechanisms, including the OECD, UN and the EU, hence making it even more important. UNCAC review mechanism for Lithuania is too broad and too big. Its requirements are not imperative; it includes too many countries for Lithuania to be seen and heard. The lack of a follow-up diminishes Lithuania's motivation to share a collective identity with the mechanism. On the other hand, the ACR is much more visible but it has not shown its full potential yet because the country compliance efforts have not been evaluated yet. Its main deficiency is refusal to make the evaluation of the EU institutions and a decade-long procrastination of EU's participation in GRECO.

2.5. Recommendations issued to Lithuania by GRECO, UNCAC and ACR and their Implementation

The word "recommendation" means a suggestion or advice of what should be done[150][151]. In other words, they are not imperative and the country under evaluation is free to choose ways how they could be implemented (or ignored). The OECD glossary says that international conventions set only minimum (*underlined by the author*) standards to be met by the legislation implemented in member states.[152] As a result, no major role to be played by the recommendations can be expected because *by definition* they mean advice to have something improved by setting only minimum requirements.

During 2005–2015, GRECO issued 29 recommendations to Lithuania during three evaluation rounds, UN gave 17 recommendations and the European Commission suggested four "future steps" to take. The whole list of anti-corruption recommendations issued by GRECO, UN and EC and their classification according to shortcomings identified, actions recommended and performed by Lithuania is provided in Annex 1.

GRECO evaluation of Lithuania

After Lithuania became a member of GRECO, it underwent the first evaluation round in 2002, second evaluation round in 2005, the third one in 2009 and the fourth round in 2014. All the evaluation and compliance reports of Lithuania are published on GRECO and STT websites.[153] The compliance report of the 4th evaluation round was due in the middle of 2016, yet due to the increased workload in the GRECO secretariat and some internal changes the reading of the report was postponed to early 2017.

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[150] Merriam Webster dictionary, accessed on 23 August 2016, http://www.merriam-webster.com/dictionary/recommendation.
[151] Cambridge dictionary, accessed on 23 August 2016, http://dictionary.cambridge.org/dictionary/english/recommendation.
[152] OECD Glossaries. Corruption, (Paris: A Glossary of International Standards in Criminal Law, 2008), 14.
[153] GRECO website, www.coe.int/greco, STT website, www.stt.lt.

A full list of GRECO recommendations issued to Lithuania in 2005–2015 is provided in Annex 1, Tables 8-11. Figures 10 and 11 below show summarised information about the shortcomings identified by GRECO and actions recommended. Figure 10 shows that the main deficiencies identified are the following: improper regulation, i.e. inappropriate transfer of convention provisions into the national law, improper practice or the lack of implementation, lack of qualifications of public officials and civil servants. To eliminate the shortcomings, GRECO recommended to amend national legal acts, raise qualifications of staff, change improper practice and implement the legislation (Figure 11).

Figure 10. Shortcomings identified by GRECO when evaluating Lithuania in 2005–2015

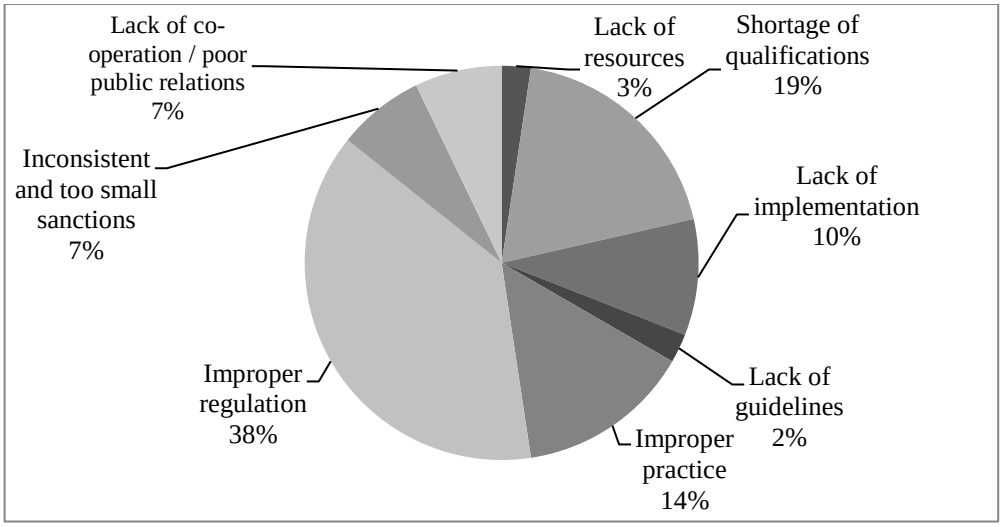
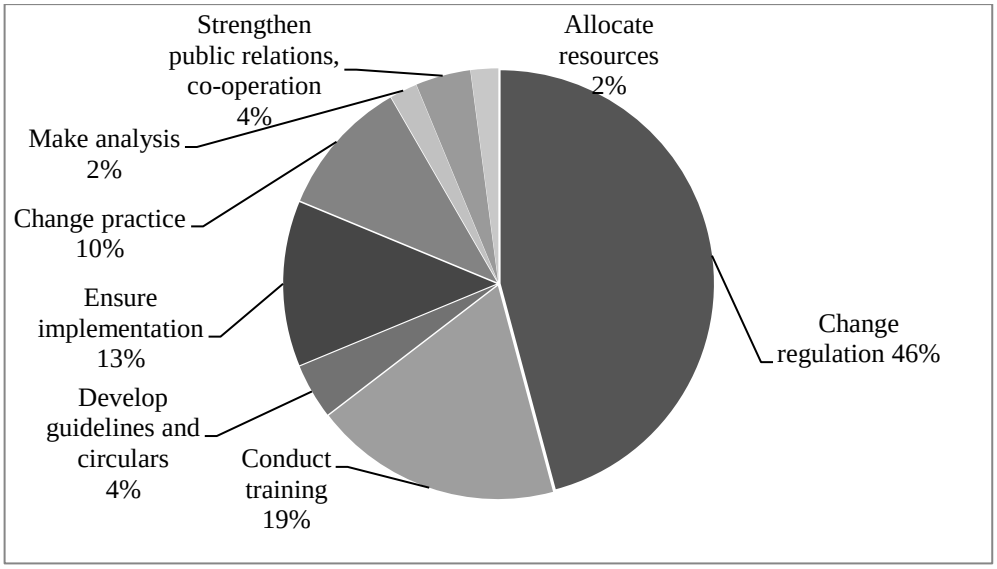


Figure 11. Actions recommended to Lithuania by GRECO in 2005–2015



Figures 10 – 11. Drawn by the author according to recommendations issued to Lithuania by GRECO in 2005–2015.

Evaluation of Lithuania under UNCAC

Although considered as the widest, the most ambitious with regard to the offences of corruption covered and the most universal international anti-corruption convention, mandatory to the countries that have ratified it, UNCAC has only limited capacity to affect the domestic legal systems because it contains a lot of non-mandatory criminalisation provisions and vague norms. [154]

The country review report of Lithuania was published on 29 October 2013[155] under UNCAC Chapter III "Criminalisation and law enforcement" and Chapter IV "International co-operation". The evaluation was conducted by two countries, Russia and Egypt. The report specifies good practices and challenges, observations and recommendations.

In 2011, the NGO Transparency International Lithuania developed a parallel review report of UNCAC implementation by Lithuania, the purpose of which was to "provide an independent alternative to an official state report, assess possible shortcomings in UNCAC implementation and pay attention of the public at large and experts on the main issues of legal regulation and practice."[156] As written in the report, it was prepared with a grant from United Nations Democracy Fund (UNDEF) and the support of the Transparency International – Secretariat. The report makes conclusions but only one of them, regarding the protection of whistleblowers, was also included in the UNODC Country Review Report[157]. Presumably, the conclusions of TI were not fully taken into account.

The country report recommended to Lithuania to perform the following actions: amend (or consider amending) national legal acts, develop consistent jurisprudence, systemise data, strengthen co-operation (see Table 12 in Annex 1). The Government of the Republic of Lithuania tasked the Ministry of Justice to implement the recommendations and report to it during the 3rd quarter of 2016[158]. No public information about the results achieved is available. During 2015, the Ministry of Justice commissioned a study on court practice with regard to the application of UNCAC provisions. The study was performed by the Law Institute[159]. Further actions with regard to the recommendations are

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[154] Rose, International Anti-Corruption Norms, 33.

[155] "UNODC. Country Review Report of Lithuania. Vienna, October 29, 2013," downloaded on 15 August 201, https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2013_10_29_Lithuania_Final_Country_Report/2013_10_29_Lithuania_Final_Country_Review_Report.pdf.

[156] „Transparency International" Lietuvos skyrius. *JT Konvencijos prieš korupciją įgyvendinimo paralelinė ataskaita.* (Vilnius, 2011), accessed on 16 August 2016, http://www.transparency.lt/wp-content/uploads/2015/10/jt_konvencija_pries_korupcija_paraleline_ataskaita_final-1.pdf.

[157] Ibid, 45.

[158] „Lietuvos Respublikos Vyriausybės nutarimas Dėl Lietuvos Respublikos Vyriausybės 2012-2016 metų programos įgyvendinimo prioritetinių priemonių patvirtinimo, 2013, kovo 13, nr. 228," accessed on 17 August 2016, https://www.e-tar.lt/portal/lt/legalAct/TAR.26DA62D7E9F4.

[159] Inga Daukšaitė ir Eglė Kavoliūnaitė-Ragauskienė, *Teismų praktika korupcijos bylose: kai kurie Jungtinių Tautų konvencijos prieš korupciją nuostatų dėl bausmių juridiniams asmenims skyrimo ir turto konfiskavimo įgyvendinimo*

projected in the future after follow-up evaluations of Lithuania take place. However, it should be noted that without a proper follow-up mechanism and due to the vagueness of recommendations, the whole mechanism becomes less significant.

Evaluation of Lithuania under the European Union Anti-Corruption Report

As written in section 2.3 above, the ACR was launched on 3 February 2014 along with annexes about each of the member states. The ACR does not use the term "recommendation", rather "future steps" to be taken by every member state. The annex on Lithuania paid attention to several wide areas, such as strengthening key institutions in the anti-corruption area, such as Public Procurement Office, Special Investigation Service, Chief Official Ethics Commission and Chief Electoral Commission. A special attention was paid to the transparency of party funding and petty bribery in the health sector. As soon as the report was launched, the Anti-Corruption Commission of Lithuania together with STT organised a public debate about the report and invited representatives of responsible bodies, NGOs and the media. The European Commission linked the implementation of 'future steps' with the so-called European Semester, i.e. the EU's cycle of economic policy guidance and surveillance. Since Lithuania did not receive any recommendation with regard to corruption under the European Semester a presumption could be made that in the opinion of the European Commission, corruption does not pose a threat to Lithuania's economic and social life[160]. The second ACR which should assess the progress achieved by member states in taking future steps, was envisaged after two years but postponed to the first half of 2017.

To summarise Chapter 2 "Analysis of International Review Mechanisms and Recommendations issued by them to Lithuania in 2005–2015", a conclusion could be reached that the three anti-corruption review mechanisms, in which Lithuania took part during 2005–2015, are different, having their own strengths and weaknesses. GRECO has the biggest number of advantages because it is a time-tested mechanism, with a stable budget, a clear follow-up, taking into account the views expressed by NGOs and academics, listening to the arguments expressed by the evaluated country, yet giving the final say to the plenary. Although the UNCAC review mechanism is the most ambitious, covering almost all the countries in the world, yet its recommendations are two broad, too vague, difficult to implement in practice, lacking a follow-up and a stable budget. So far, UNCAC review mechanism has been applied in Lithuania only once. The strength of the EU Anti-Corruption Report is its tailor-made

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aspektai (Vilnius: Lietuvos teisės institutas, 2015), accessed on 15 August 2016, http://teise.org/wp-content/uploads/2016/07/Inga-DauksaiteEgle-Kavoliunaite-Ragauskiene-2015-4.pdf.

[160] "European Commission. Commission Staff Working Document. Assessment of the 2014 national reform programme and convergence programme for Lithuania. Brussels, 2 June 2014," accessed on 2 September 2016, http://ec.europa.eu/europe2020/pdf/csr2014/swd2014_lithuania_en.pdf.

recommendations to Lithuania and wide media attention. However, the first EU ACT was criticised by member states for not offering them an opportunity to defend their position with regard to some of the working used by it. The ACR review mechanism has not shown its full potential yet. Its main deficiency is refusal to make the evaluation of the EU institutions and a decade-long procrastination of EU's participation in GRECO.

By looking at the anti-corruption mechanisms through the lenses of constructivism theory, the biggest role in shaping the "anti-corruption" identity of the country is played by the mechanisms which are the most visible and audible. During the period of 2005–2015, the biggest number of anti-corruption recommendations to Lithuania was issued by GRECO. According to GRECO, Lithuania has successfully implemented almost all the recommendations issued to it during the second and third round (reading of the fourth round compliance report was postponed by GRECO's decision). On the other hand, GRECO is not widely covered by the media and is better known to anti-corruption professionals, both national and international, than by the public at large. UN recommendations to Lithuania attracted much less attention due to the lack of the follow-up mechanism and vagueness of recommendations. The implementation of EC recommendations has not been assessed yet and if it criticised the country it is highly probable that it would highly affect further anti-corruption actions in the country. Such assumption can be made because collective self-esteem, i.e. stronger establishment in the EU and the fear to be marginalised as a result of the evil of corruption implanted in the country, remains a strong national interest of Lithuania. A more elaborate explanation of that is provided in the sections to follow, presenting findings of the qualitative research about the role of international anti-corruption recommendations.

3. METHODOLOGY OF EMPIRICAL RESEARCH 'ASSESSMENT OF THE ROLE PLAYED BY INTERNATIONAL ANTI-CORRUPTION RECOMMENDATIONS'.

If there were only one truth, you couldn't paint a hundred canvasses on the same theme

Pablo Picasso, 1966

3.1. Research Question, Goal and Justification of Methodological Approach

Research question and goal

The main question of the research is the following: what is the role played by the anti-corruption recommendations issued by IOs to Lithuania during 2005–2015 in helping the country reduce corruption?

The research goal is to access the importance of anti-corruption recommendations issued to Lithuania in 2005–2015 by GRECO, UNCAC and European Union anti-corruption review mechanisms, as experienced by the research participants.

As noted in the introductory part, the thesis follows a position that international organisations formulating recommendations to Lithuania issue them to the Lithuanian state authorities responsible for anti-corruption actions in the country. In other words, they are the target group of anti-corruption recommendations, although the end beneficiary of all anti-corruption reforms is the public at large.

The aim of the research is to describe and summarise the experience of representatives working for the state authorities. Seeking more objectivity, it also includes a representative of the NGO sector, a scientist and a representative of one of the international organisation which issued recommendations to Lithuania. All the research participants have been directly dealing with the anti-corruption recommendations issued to Lithuania or at least one of the review mechanism falling within the scope of the present research.

Justification of the choice of qualitative research based on in-depth individual interviews

In order to evaluate the role played by international anti-corruption recommendations issued to Lithuania in 2005–2015 and bearing in mind that such evaluation requires expert knowledge, the thesis selected qualitative research to be conducted. It was chosen for a variety of reasons. First, as mentioned in part 1.1.1, the phenomenon of corruption is complex, it is defined in many ways which constantly change, covering fewer or more aspects, depending on how corruption is perceived and which anti-corruption goals are pursued. By assessing not only corruption, but also anti-corruption, major attention is paid to the question of *how* it is *perceived* and *what* their *personal* experience is. In order to answer

the main question "What is the role of international anti-corruption recommendations issued to Lithuania in reducing corruption?", one of the most appropriate means is to conduct individual in-depth interviews with people who have directly dealt with such anti-corruption recommendations, who have been active in the anti-corruption field or studying it carefully. In other words, it is worthwhile interviewing the people who have a clear *perception* of international anti-corruption recommendations and *experience* of them. Another distinctive characteristic of such people is their dedication to the issues of changes related to the level of corruption and anti-corruption in Lithuania, which means that they understand the relevance of the research question.

Secondly, qualitative research is suitable to analyse the subject of the research, international anti-corruption recommendations, as a social construction that consists of multiple jigsaw pieces of *individual perceptions* that are unique. It order to collect the information about such a latent phenomenon it is important to talk to those people who have it and are willing to share it.

According to Corbin and Strauss, „(t)here are many reasons for choosing to do qualitative research, but perhaps the most important is the desire to step beyond the known and enter into the world of participants, to see the world from their perspective and in doing so make discoveries that will contribute to the development of empirical knowledge."[161]

Following the approach that information and knowledge is *socially constructed* we seek to understand the world that participants have, letting them share their personal, *subjective* experiences while speaking about a concrete *subject* suggested by the researcher.

The goal of the research is to try to explore what has not been explored and which other types of research, for instance, qualitative, cannot reveal. In other words, the goal is to examine the findings obtained in order to understand the actual and potential role played by international anti-corruption recommendations, the experience gained by research participants in relation to such recommendations, the ways to improve the evaluation process of the country and implementation of recommendations issued to it while seeking more sustainable goals and outcomes.

3.2. Research Sample, Selection of Participants, Limitations and Ethics

Research sample and selection of research participants

Individual in-depth interviews were conducted with 10 participants. All the persons contacted agreed to take part in the research which also proves the relevance of it. This was also confirmed by the research participants. The selecting of the sample was conducted in compliance with the following

[161] Juliet Corbin and Anselm Strauss, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory* (Los Angeles: SAGE Publications, 2008), 16.

criteria: the research participants had to be familiar with at least one of the subjects of the research (recommendations issued to Lithuania by GRECO, UNCAC or ACR) and have at least five years of experience of working in the anti-corruption field. This minimum period was chosen in order to involve the policy and decision makers who, due to rotation or elections, occupy such position only for a limited time, yet their experience for this research is considered as very important. In addition to policy and decision-makers, the research included persons who filled out questionnaires of GRECO and UNCAC, gave answers to the questions asked by the evaluators of these mechanisms visiting Lithuania, defended the country's position during evaluation and/or were responsible for the implementation of recommendations. The sample also included the persons in charge of co-ordinating implementation of anti-corruption recommendations and representing specific state authorities tasked by various legal acts[162] to implement them, as well as persons who have acted as evaluators of other countries. In order to learn about the experience of international anti-corruption recommendations gained by people working in a non-public sector, the sample also included an NGO representative and an academic researching the anti-corruption situation in Lithuania and other countries, anti-corruption actions and changes, taking part in international anti-corruption review mechanisms. Moreover, the sample included a representative of an international organisation which issued anti-corruption recommendations to Lithuania (see Table 6). All the research participants were given codes. The experience of dealing with the subject of the research (GRECO, UN and ACR recommendations) is specified in Table 7 below.

Table 6. Demographic characteristics of research participants (N-10)

Gender	2 females, 8 men
Age	From 36 to 50 (age average is 43 years)
Distribution by the type of institution	legislative (1 participant), executive (3), judiciary (1), law enforcement (1), state authority responsible for party financing (1), academic (1), NGO representative (1), representative of an international organisation (1).
Distribution by position	higher level managerial position (6), mid-level managerial position (3), adviser (1).

[162] „Lietuvos Respublikos Vyriausybės nutarimas Dėl Europos Tarybos Valstybių prieš korupciją grupės (GRECO) raporto Lietuvos Respublikai viešo paskelbimo ir pateiktų rekomendacijų įgyvendinimo, 2005, rugpjūčio 18, Nr. 905," accessed on 8 September 2016, https://www.e-tar.lt/portal/lt/legalAct/TAR.9B8276636EF4; „Lietuvos Respublikos Seimo nutarimas Dėl Europos Tarybos Valstybių prieš korupciją grupės (GRECO) ataskaitoje Lietuvos Respublikai pateiktų rekomendacijų įgyvendinimo, 2010, birželio 11, Nr. XI-899," accessed on 8 September 2016, https://www.e-tar.lt/portal/lt/legalAct/TAR.05370623892B.

Table 7. Research participants' experience of working with review mechanisms

Research participant's code	Years of experience of working with anti-corruption issues	Knowledge and experience of working with the research subject: UN, EC, GRECO anti-corruption recommendations
R1	18 years	UN, EC
R2	12 years	UN, GRECO
R3	20 years	UN, GRECO
R4	15 years	UN, GRECO
R5	5 years	UN, GRECO, EC
R6	10 years	GRECO III round (Transparency of party funding)
R7	25 years	UN, GRECO, EC
R8	10 years	UN, GRECO, EC
R9	21 years	GRECO
R10	10 years	GRECO

Research limitations

The selection of research participants was also performed on the basis of the researcher's personal experience that is directly related to the subject of research (for more details about the researcher's experience see the introduction of this work). The researcher had previously worked, directly or indirectly, with most of the research participants. As a result, the research participants had demonstrated good will and openness to take part in an interview and generously spend their time answering questions. However, if the interviews were conducted with a researcher not known to the participants, it could have had more advantages: for instance, the respondents would have to be more explicit, giving details about things which might seem obvious to those who work in the same field.

Research ethics

All the research participants were made familiar with the aim of the research, their confidentiality was ensured, they agreed to participate in the research voluntarily, they were told that their identity would not be disclosed to anyone, that the interview would be recorded and transcribed, yet it would constitute only the research material and that authentic excerpts of the interview would be used without disclosing the identity of the research participants in order to deny or corroborate a certain statement. All the research participants gave their consent in writing (the form of consent is attached herein in Annex 2).

When conducting a qualitative research interview, the researcher had to follow an important methodological piece of advice: refrain from getting involved in the discussion to avoid influencing the

responses[163]. However, it is impossible not to get involved completely because the questions asked guide the participants and they understand which issues are the most important and require bigger attention. Bearing this mind, the participants were given an opportunity to speak as long as possible, without getting interrupted.

Moreover, attempts were made to ask many different and neutral questions and while presenting the findings, efforts were taken to demonstrate the whole picture of the phenomenon subject to research, avoiding making a biased selection of interview data[164].

The research participants agreed to take part in the interview because, as some of them mentioned, they understood its benefit and relevance; they also wanted to contribute to positive changes in the field of anti-corruption.

3.3. Data Collection and Data Analysis.

Data collection

The qualitative research is based on in-depth individual interviews. Such an interview is defined as a comprehensive conversation, the aim of which is to take the perspective of the research participant by discussing the relevant topic of research usually following a flexible, semi-structured questionnaire".[165] The full questionnaire is available in Annex 3. The strategy of having a semi-structured interview was followed taking into account participants' different level of experience of working with the anti-corruption review mechanisms and anti-corruption recommendations. After every interview, which was transcribed and carefully studied, the questions were reviewed. The questionnaire consisted of five parts: (1) concept of corruption, assessment of the level of corruption and anti-corruption efforts in Lithuania; (2) international organisations and their anti-corruption role; (3) importance of anti-corruption recommendations; (4) discussion of concrete recommendations issued by GRECO, UN and EC; (5) epilogue (assessment of the relationship between anti-corruption recommendations and the change in the level of corruption in Lithuania).

The researcher's role was to create friendly and open atmosphere, resembling a simple conversation, refraining from strictly following the questionnaire, offering an opportunity for the participants to speak spontaneously that enriched the pre-developed plan of the interview with valuable data.

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[163] Inga Gaižauskaitė ir Natalija Valavičienė, *Socialinių tyrimų metodai: kokybinis interviu* (Vilnius: Valstybės įmonė Registrų centras, 2016), 58.
[164] Gaižauskaitė, „Socialinių tyrimų metodai," 69.
[165] Ibid, 79.

In order to get better prepared for the interview, some participants asked to remind them of the anti-corruption recommendations issued to Lithuania during the period of research. The list of such recommendations was sent to them one day prior to the interview by email. Bearing in mind that it can be difficult for research participants to remember all the recommendations issued to Lithuania over the period of eleven years, while asking a question the researcher specified the year when the recommendation was given and the IO that issued it.

One of the interviews was different than others because it was a couple interview. Two colleagues working together thought the interview would be more valuable if they answered the questions together because they had worked on similar issues for a long period of time and could complement each other. The researcher agreed with the proposal and the data obtained were truly valuable and comprehensive; the participants did not only complement each other but also disagreed with each other, sharing their individual experience.

All the interviews with ten research participants were recorded after receiving their written consent (see more about the research ethics).

The interviews took place from June to August. The duration of them ranged from 59 minutes to 1 hour 52 minutes (the average duration of all interviews was 1 hour 22 minutes). Al the interviews were transcribed (the average time of transcribing was 10 minutes of a record: 1 hour of transcribing), saved in computer folders, ensuring that they would only be used to generate data and maintain full confidentiality and anonymity of the participants. The text of transcripts ranged from 11 to 31 pages, A4, 12 pt, Times New Roman, single line spacing. The total volume of transcriptions is 149 pages.

Data analysis

Data of the qualitative research were summarised by using the method of qualitative content analysis. It is described as "any qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meanings."[166] Qualitative data analysis is usually used to answer the "what?", "why?" and "how?" type of questions, looking for repetitive data and grouping the text of similar content according to codes.[167]

Qualitative content analysis may be based on inductive and deductive logic.[168] According to inductive logic, the basis of new knowledge is empirical data rather than a pre-formulated theory.

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[166] Michael Q. Patton, *Qualitative Research and Evaluation Methods* (Thousand Oaks, California: SAGE Publications, 2002), 453.

[167] K. Heikkilä and S-L. Ekman, *Elderly care for ethnic minorities: wishes and expectations among elderly Finns in Sweden.*(Ethnicity & Health, 8(2), 2003), 138.

[168] Philip Mayring, *Qualitative content analysis: theoretical foundation, basic procedures and software solution* (Klagenfurt, 2014), accessed on 2016 07 25, http://nbn-resolving.de/urn:nbn:de:0168-ssoar-395173, 80–96.

Following this approach the researcher analyses qualitative data and selects key categories, models and links usually having no hypothesis[169]. The opposite, deductive approach, supplements qualitative data analysis by creating codes on the basis of scientific literature and a theoretical approach[170].

According to Mayring, inductive formation of categories follows the seven step approach:

a) research question,
b) category definitions and levels of abstraction,
c) inductive category development from the material collected,
d) review of categories,
e) final text review,
f) interpretation of the results.

When categories are developed by deductive means, step two and three are different:
b) definition of categories according to theory; c) formulation of coding rules according to the coding guideline[171].

The process of qualitative analysis followed these seven steps[172]:

1. Multiple reading of interview transcripts to fully register and validate the data so that proper research findings are identified;
2. Coding of appropriate parts related to the subject of the research;
3. Formation of categories linking several codes;
4. Determining the link between categories and bearing in mind that categories and links are the main outcome of research;
5. Further sorting of categories;
6. Description of the results;
7. Interpretation of the results.

The research combined the two methods. A deductive approach was used in examining variety of concepts of corruption and anti-corruption and the impact of IOs and international legal norms on the formation and establishment of collective identity on the basis of the theory of constructivism, whereas the goal of the inductive approach was to gain knowledge about the experience of research participants while they assess the role of international anti-corruption recommendations and their implementation in reducing corruption in Lithuania.

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[169] Gaižauskaitė, „Socialinių tyrimų metodai," 316.
[170] Ibid, 319.
[171] Mayring, "Qualitative content analysis," 80–96.
[172] Gaižauskaitė, „Socialinių tyrimų metodai," 355–360.

4. RESEARCH FINDINGS AND ANALYSIS

The research findings are presented by dividing them into three categories, selected according to the problem field. Each category is divided into several subcategories (marked as individual parts in this paper) and the latter have smaller units of research, called codes. Each code (underlined in this paper) is corroborated by the excerpts of the interviews (the code of the participant, the author of the words, is indicated next to it). Each category is ended with a summary and conclusions.

4.1. Assessment of the Level of Corruption and Anti-corruption Efforts in Lithuania

The first category called "Assessment of the Level of Corruption and Anti-corruption Efforts in Lithuania" consists of four subcategories: "Problem of the Concept of Corruption", "Problem of Measuring Corruption", " Assessment of Corruption Dynamics in Lithuania", and " Assessment of Lithuanian Anti-Corruption Efforts. Strengths and Weaknesses". This category shows how the research participants understand what corruption is, how they measure it, what they think about the change in the level of corruption over the past decade and the anti-corruption actions taken by Lithuania. In this part, major attention is paid to national anti-corruption actions in order to find out their relationship with international recommendations studied later.

The research participants were asked the following questions:

1. How do you understand 'corruption'? How do you define it?
2. How do you measure corruption and its level?
3. What is the level of corruption in Lithuania? How does it change? Why?
4. How do you assess the importance attached to anti-corruption in Lithuania? What is Lithuania's strength? What does Lithuania do well/wrong?
5. What anti-corruption measures are the most effective?

4.1.1. Problem of the Concept of Corruption

At the very beginning of the interview the question posed to the participants about how they perceived corruption and how they defined it opened Pandora's box. Firstly, because corruption is understood differently, the concept is either narrowed or widened, with various aspects ascribed to it. The question of the concept of corruption was born in mind not only when the research participants answered a direct question about how they define corruption but also during the entire interview when they referred to it spontaneously.

Some research participants defined corruption narrowly, encompassing only the public sector and the use of state authority for personal benefit:

"Corruption is the abuse of state authority in the interests of one's own, one's relatives and other people. For selfish reasons. State authority which should be used to perform functions properly, for the state interest, is used for some other goals." R9,

the others also included the private sector

"Previously people thought about the public sector alone. I am happy that everybody now understands that it could also include the actions of people working in the private sector." R8,

"the misuse of the position, an official position, in the public or private sector." R3.

For some participants it is a very wide concept, embracing a two-way agreement, *material* and *immaterial* benefit

"The second person taking part in the corruption scheme must be covered (...) because in a legal sense corruption is some sort of an agreement between two parties from which both of them gain something, one of the party by abusing its authority gets some material or immaterial benefit." R4;

"one party expects a favourable decision in a broadest sense, a positive decision or removal of someone, a competition from the competition or similar for remuneration, for good relations with the other party (...) There is this relationship between two bad parties: one is the giver, the other one is the taker" R10;

the others emphasise only one party that is either active ("*an attempt to influence to have a decision taken*" R6) or passive ("*abuse of state authority for personal gain"* R9),

some specified one criminal offence

"If it were regulated, were public and transparent, we would call it lobbying, now we call it corruption" R6,

"The first information about the abuse, the abuse of interrogators, I received in 1991 <...> when I was an investigator. It was my first information about the interrogator's corruption." R7.

For some participants, corruption is a grand-scale professional organised crime to gain material benefit

"Abuse of administrative rights, official duties in criminal ... business <...> I think it is some form of professional crime <...> when crime becomes a source of income" R7,

the others, in reference to corruption, mentioned cases of petty bribery (to traffic police or medical staff):

"when you look at the youth, for them flowers is a bribe", "I think that police corruption is decreased" R6,

conflicts of interest, political campaign

"in our country giving sandwiches after the concert is bribery <...> although the organisation of concerts in Europe is a normal part of campaigning, but in our country the organisation of concerts according to the law is bribery because you do not have to buy a ticket." R6.

For some research participants, corruption is the destruction of the basis of the state ("*an act which actually destroys trust in the state*" R7), a question of national security:

"from the national security point of view it is very clear that corruption destroys the immunity of the state against the external impact. If a corrupt transaction is possible is some procurement, it is also probable that there is no immunity against such risk with regard to selling some state secrets or the like <...> the lower the level of corruption, the safer the state. Externally as well. It is clear. The best proof of it is the example of Ukraine." R5;

having certain power to influence, enjoying a certain social status that is understood even by small children:

"when explaining about corruption to my children I sensed that they understood what it was. That I as a parent, occupying a certain position, could also find some other solutions to an issue. I understood from their logical train of thought. It means that children, not in my family, but from the surrounding environment understand that some issues could be solved by abusing the social status of parents. <...> We are regularly electing, well, not we but the media, and we see today "the most influential lawyers". How can one understand that influence?" R10.

Some research participants gave a very wide definition of corruption related to gaining any advantage ("*simply put, it is some sort of an advantage, gaining improper advantage <...> gaining benefit by improper means. Criminal means*" R5), or any disruption of a system ("if the system does not work the way it is meant to work, then it is corrupt" R3).

Several respondents said that corruption was not properly defined:

"*The worst is that we have not defined it properly. We are so much busy doing... the so-called... fight against corruption but we forgot what corruption meant. <...> because now when we put several phenomena together, like violations of ethics, fraud and corruption itself we no longer understand, people do not understand, what is our target*" R1;

"There is a problem with the concept. <...> Not only on the national level. I have recently seen that the OECD is changing its recommendations, its guidelines about the conflict of interest. <...>. In the beginning they had a concise document about the conflict of interest alone which included definitions of concepts. Now they have expanded it to cover integrity, transparency and all the rest <...>, violations of ethics, conflict of interest and corruption all come together. And later they start asking you why there is no criminal liability for ethics violations?" R2.

According to some participants, the lack of clarity with regard to the concept of corruption poses many difficulties. First, when the concept embraces the elements that should not be associated with, the problem is artificially inflated:

"We corrupt the phenomenon where there is not corruption <…> We tell the whole world and our society that we have corruption in this area although it is pure fraud! 90% of basic fraud. You have the wrong material attributed to costs or a Russian tractor rather than a European that was purchased" R1,

"But if we inflate it to something unidentifiable than we do not know which actions to take" R2;

or deflated:

"and it becomes distorted when it is narrowed" R2,

"but if the company manager tells the accountant not to include the goods in the books, shall we regard it as a crime of corruption?<...> You can counterfeit documents, bribe a person but the ultimate goal is to gain benefit, in this case VAT. Yet the means to achieve the goal can be either corruption and counterfeiting of documents or refusal to give data. We are talking about the mechanisms of crimes, the means to achieve a goal and it would be a huge mistake to say that in the whole chain of crime elements corruption is the most important." R1.

When the concept of corruption is narrowed or widened, many problems arise in the area of corruption prevention

"*If we look at the mechanism only in this format we do not see the whole system. And then we will never influence it as a whole <...> When we start looking for universal means against both fraud and corruption, we get nothing"* R1,

"The criminal code is clearer but when in the area of prevention we take it out of the context and use wide definitions <...> then we end up not knowing what we [fight]" R2.

and when sorting priorities in criminal prosecution

"We say that this is the biggest problem. No. <...> We should probably speak about bribes in millions. But we focus on the granny who came and gave 20 Litas[173]" R7.

The lack of clarity with regard to the definition of corruption raises many difficulties concerning its measurement and public perception

"it makes it already for a policy-maker or for a researcher difficult to apprehend the phenomenon" R3,

"It took me *a while to come up with a definition."* R5,

"Perhaps we should explain more to the people what corruption is and what is not" R7.

Episodically the respondents mentioned another problem related to the perception of corruption: the lack of a direct victim, i.e. the problem of objectivisation of corruption:

"You get a lot of policy response nowadays when you produce at television, at lunch time or dinner time when you produce an image of a little boy from an immigrant family who died on the beach. You remember this little boy with his head in the sand? Which has triggered an evolution in Europe what concerns immigration policy. We can't publish an image like that in the area of corruption (laughter). We can't make such an electroshock to make Europe react." R3,

"(*T)he parties had made a commitment to spend 2 per cent on the defence. When they got frightened, the actual allocation started, not just a nominal agreement that this would happen. If the same fear came with regard to our health sector or public procurement, those sectors could probably be strengthened*." R5.

The questions raised at the beginning of the interview revealed many interests aspects: the complexity of the concept, variety of understandings, the problem of objectivisation and the main

[173] Approximately 6 EUR.

difficulty: formulation of concrete anti-corruption measures against a phenomenon that is so controversial.

4.1.2. Problem of Measuring Corruption

The problem of the perception of corruption is closely related to the problem of its measurement. All the research participants said that in most instances corruption is measured by the way it is *perceived* and that it is rated by TI's Corruption Perception Index. They admitted that they had difficulties understanding its methodology and therefore took a critical view of such mysterious measurement

"that perception index, we looked at the methodology many time, it is quite vague. If you look at it, you cannot say that determines its results: NACP or all the national efforts... or an overall image on the international arena, economic development or something else..." R2,

"CPI. But we don't know how it is calculated. As far as I know the methodology is a commercial secret because it was developed by a private person" R4.

The research participants were critical about the perception because the problem is imagined, rather than truly experienced

"to a large extent it's something invisible, unmeasurable, that's why also a lot of work that has been done is based on perception of corruption" R3,

"Speaking about the question regarding a situation in which you felt you were expected to pay a bribe. Does this show the level of corruption? It shows perception" R4,

"people have strange understanding... e.g. passing exams. There are people who do not have children that take exams but they know for a fact that it is possible to buy the test. How do they know?" R6,

"*That perception that our state is very corrupt, judging from the experience of other countries rather than one's own. That perception is distorted. We sometimes look so bad because of our personal characteristics, our Lithuanian mentality."* R9,

"It is somewhat inflated, especially by the media, that corruption is so widespread. Of course it exists in some areas and it is obvious. This phenomenon exists in every country but I disagree with those who say that it is very widespread. It would say it is below the average." R10.

CPI is not disregarded but it is used, together with other surveys, to assess trends over a longer period of time:

"If we see major ups and downs [the participant draws a curve – author's note.] then there's something wrong <...> But if during the period of 2005–2015 we see a small shift [the participant draws a curve going up– author's note.], then it is positive. We can say that perhaps this positive trend could be more intensive, that perhaps we could have reached the result quicker but at least we could say that the trend is positive" R1,

"There is not single survey to be able to measure the level of corruption directly. We always try to make an assessment by using relative indicators or similar. We say it is a complex assessment. We look at the findings of different surveys and we look at the trends." R2.

While mentioning the surveys measuring corruption spontaneously and assessment the change of corruption in Lithuania, several participants paid bigger attention to the national social survey "Lithuanian Map of Corruption", measuring direct experience, revealing specific problem areas and based on a clear methodology:

"*we prefer the "map". It is national, it contains more objective data, more details."* R2,

"*we tend to look not at the whole survey, the main figures, but we segment it. For instance, trust in state bodies or the unwillingness by economic entities to give a bribe. So the mere fact that we refuse to give a bribe is a huge accomplishment! So perhaps somewhere the trend is negative but when you look at this indicator <...>, when society does not want to bribe... that means a breakthrough!"* R1,

"when looking at the Corruption Map we at least see what happens <...> the data are comparable. Perhaps we are not fully satisfied with them but we see the change in attitude, in perception" R4,

"*we have the Lithuanian Map of Corruption which is our national DNA of the fight against corruption <...> after looking at the data of the Lithuanian Map of Corruption and the barometer we see very clear efforts on the part of the authorities and where corruption was obvious"* R8.

Fragmentally the participants mentioned that external measurements (e.g. CPI) are more important because the country is evaluated on the basis of them and the more positive the assessment, the bigger the chance of getting investment:

"*In fact, externally other countries measure our country according to the CPI. It is worth looking for other indicators that are relevant only to us, rather than some other state? <...>In fact, anti-corruption is somewhat directly inwards but it is even more important externally. Because the smaller the corruption, the more competitive and attractive for investment and capital the country is*." R5.

Speaking about the problem of measuring corruption, it is important to mention one more aspect. The abundance of various surveys and programmes make people talk more about corruption which also increases perception of existing corruption:

"*when we speak a lot about corruption, the question arises if it increases or we simply speak more bravely about it. You will never know*." R6,

"*I think that in a certain sense, it creates a hypersensitive anti-corruption environment where anti-corruption actors, transparency actors are quite active, they get sufficient attention from the mass media and others, and there's constantly this buzz, the promo movement. The question is about how streamlined it is."* R8,

"*I imagine that quite a few would say that corruption is increasing, there's more of it, simply because we speak more about it, we write more about it, and the more of corruption is revealed, the more people understand that it is huge."* R9,

"the more you are successful, the more you open up cases, the more you influence public perception negatively, I mean does the decreasing ranking of a country means that corruption is getting worse or things are improving? Of course for those who are at the very bottom of the ranking, it is very clear, but those who are at the very top, are they very willing to talk openly about corruption?" R3.

The analysis of responses given by the research participants shows that they are not satisfied with the diagnostic instruments of corruption: first and foremost, the CPI which measures perception rather than experience, yet attracts a lot of attention and is well known to the people who invest in the country. The perception of corruption increases (the problem of corruption is constructed bigger) also due to more talk about corruption and the escalated anti-corruption measures. On the other hand, the research participants do not mention the alternative of remaining silent about corruption. They are willing to talk about the problem and address it. Yet they prefer to measure it using the national "map of corruption" which they believe is a better tool to show the actual situation and trends of change.

4.1.3. Assessment of Corruption Dynamics in Lithuania

Despite varying understanding of the concept of corruption and different attitudes towards corruption diagnostic tools and their objectivity, all the research participants without exception thought that corruption was decreasing and that trends in Lithuania are **positive** because:

- corruption is no longer the necessary evil

"I think the relation to the problem of corruption has definitely changed. That's one starting point, very important starting point. We've changed the paradigm from where corruption was a necessary evil or inevitable part of society and business to something that must be addressed in policies and that's something new. And it's not easy." R3;

- public opinion towards corruption changed, there's more intolerance towards the phenomenon

"*data of the last "map". <...> The reasons were studied why you refused to give a bribe, so it was like... it wasn't that there was no need for it or I had no money but that it was against my beliefs. This is the key... Because public attitude has changed significantly"* R1,

"*E.g. previously everybody boasted that "well, I was stopped by the police for speeding, I have a few Litas and I was so cool to avoid a fine", and now if anyone was saying this like that, everybody would say "you are so strange, if you gave it, you gave it, don't say it to anyone at least", so there's so change in that respect"* R4,

"*Perhaps society is less tolerant because everybody ultimately understands that the biggest victims of corruption are tax payers.*" R5,

"*I think there's more knowledge and less tolerance of corruption<...> It was very long time ago, a case with the police... <...> I was in a real hurry and had no time to have a dispute <...>. But at the time I understood that it wasn't the way to solve the problems. <...> I think that there are more people like that."* R6,

"*people are growing up. They become more aware. There's more talk about it. During the period of ten years the youth has grown up. The environment is changing and it changes the people. Up until 1990s corruption was in principle tolerated. We had been used to it. You had to give a bribe... well, taking it was also ... nothing wrong.*" R9,

"*today there's probably less tolerance. Previously parents who expected their children to work in the civil service ... in a certain position... thought they would get additional bonus from criminal activity which they did not consider criminal, rather as a part of the civil service. I think that attitude*

has changed. In fact, people do not go to work in the prosecution service to take bribes. I sincerely believe in that." R7;

- more concrete anti-corruption actions are taken

"*perhaps corruption in Lithuania has not decreased as much as we would want it to decrease but the tempo of talk and actions in the field has changed dramatically. I think that over the past ten years many more efforts were taken and more measurable actions"* R8,

"there are more obstacles for persons inclined towards corruption. In the area of law-making, getting a position in the civil service, the role of the Special Investigation Service should be highlighted. There are new people with a new strategy. Particularly over the recent five years there has been a growing number of pre-trial investigations of major corruption acts. I think there's major attention paid to the prevention of corruption." R10;

- a more measurable national anti-corruption programme (NACP) was adopted

"The recent national programme has been made nicely... <...> a down-to-earth, normal, strategic, professionally made document. Respect that they have managed to make it such. <...> Every concrete measure is followed by an indicator measuring its implementation." R4;

- repressive measures become more professional

"Perhaps there's great contribution of the people, the officers, who revealed cases of corruption as evil <...> Corruption cases have become more complex, actions more refined, there's no such thing as simple bribery like it was ten-twenty years ago." R9,

"*I show the police system as a litmus test. Active bribery. Ten years ago there were no cases of active bribery in the police."* R7.

Spontaneously and episodically the participants mentioned that the situation of anti-corruption is changing in Lithuania for the better due to international anti-corruption recommendations:

"*I think that the anti-corruption situation changes mainly due to international recommendations and their guidelines*" R5.

According to the research participants, the situation in Lithuania is improving as a result of the country's will to deal with the issue, greater public intolerance towards corruption, a better quality anti-corruption programme, yet they do not give more details about the reasons why the willingness to change or intolerance towards corruption developed. Only episodically they mentioned that the positive changes were caused by international anti-corruption recommendations.

4.1.4. Assessment of Lithuanian Anti-corruption Efforts. Strengths and Weaknesses

Seeking to identify Lithuania's strengths and weaknesses in the area of anti-corruption, the research participants were asked a concrete question about how they assess Lithuanian anti-corruption efforts, which actions were good and on the contrary, which is Lithuania's weakest link.

As an **effective anti-corruption measure applied by Lithuania** the research participants specified internal self-control measures in public bodies, first and foremost in traffic police:

"For instance, the use of official cars. The problem got solved so quickly! Now it happens very rarely to have anyone abuse it... Internal self-control in the traffic police. And immunity agencies" R4;

Application of e-government services

"Let's take, for instance, e-kindergarten and the rest. I think it is decreasing as there is less direct contact" R6,

"*the first question "where do you work?" [at the stage of registering one's child to the kindergarten – author's note.] Then the director decides where it is worthwhile accepting the child or not. Now the situation has changed as a result of universal registration, there are fewer opportunities to abuse the situation."* R10;

Creation of the entire institutional framework, understanding the important of anti-corruption measures and corruption prevention

"Today we have an institutional framework. A strong one. Well, we didn't have it as such. It was all patchy. There was no responsibility, no accountability... legal regulation... there were no cases... There was not talk of corruption prevention at all." R7,

"*in the public sector more and more people understand that you shouldn't wait for STT to come. You can start thinking about risk management. <...> Because they start understanding that it is about reputation management, ensuring human satisfaction with work quality. I think these are good signs."* R8,

"*there's particularly huge attention to corruption prevention. There's corruption prevention, anti-corruption assessment of draft legislation to close gaps for corruption, background checks of persons to occupy posts*" R10,

"*well there's some change in the heads of our politicians and among state governors that you cannot achieve much with prosecution measures alone, you need prevention, awareness raising and public education."* R1*;*

Readiness to experiment (rather sceptically)

"*well, so what that we have clear provisions on illicit enrichment? It's not clear whether we will ne able to apply them. Well yes, we were among the first ones. <...> At least we started to experiment.*" R8.

Episodically and spontaneously there was mention of the willingness to initiate anti-corruption changes yet the lack of competence in state institutions:

"*We, Lithuanians, have many good features. We are quite industrious and we really try to do things right. <...> you see that intention in many areas. The ministries, other bodies that should work with anti-corruption, lack the competence and the will to do something.*" R8.

During the interview the researcher's spontaneous question "do we have political will?" was answered by the research participant as follows: *"I wouldn't doubt it, and that's very good. At least for the time being, for sure.*" R5.

The responses given by the research participants about effective anti-corruption measures applied in Lithuania ***cannot*** be directly linked to the anti-corruption recommendations issues during the period by international organisations (See Annex 1 that provides a full list of recommendations).

Speaking about Lithuania's **weakest link** in the area of anti-corruption (*spontaneously*, in response to the other questions rather than a direct question about the weakest spot of Lithuania in the field of anti-corruption) the research participants were sceptical about the use of fierce rhetoric of the fight against corruption and turning corruption and anti-corruption into a political issue:

"<...> the fight is what? The fight is the war and when do you win the war? When the enemy is destroyed. Seeking to destroy some evil people, you get them confront each other and this builds a Lukashenko type of regime." R4,

"It's useful to talk loudly, making statements. Then you don't have to do anything concretely. You can use slogans." R1;

Requiring results no matter what

"*Perhaps there's pressure from the public and from the state that we have to achieve some grand results. Every year, they have to improve. Then the fight against corruption, corruption control, corruption prevention in particular should give some miraculous result. But how can it do that? How can you measure prevention results?"* R2,

"*That fight against corruption, corruption prevention became a closed, local, self-centred issue that has not been integrated in the overall state governance. Sometimes we joke that there's corruption prevention and state governance is a part of it.*" R1.

On the other hand, one research participant said that society is more advanced, it can no longer be persuaded by slogans, the need for new anti-corruption measures develops and legislation alone is not enough:

"Nobody believes in politicians' intention to fight against corruption by amending laws or adopting guidelines or declarations. That's not interesting." R8.

Moreover, speaking *spontaneously* about the **obstacles** (shortcomings) in the anti-corruption field, the research participants mentioned a formal attitude towards anti-corruption measures, taking them as a "ticking the box" exercise:

"It's a pity that the majority of all anti-corruption programmes are on paper. Very many institutions perform just to tick the box" R6,

"*Ticking the box! That's another cultural phenomenon."* R4,

"*So at times, the fight against corruption has become a political tool to get a political "plus", to shout about transparencies, what is popular. There's plenty of formal political will....[laughing]*" R1;

The lack of motivation or ownership of anti-corruption measures on the part of civil service employees:

"*They don't care. Work is work. You come to work, you stay there, you do what you are told. <...> There should be systems of motivation. Half-year talks with employees, about their goals, intentions. Every normal private company has it. Human Resource Management. In the civil service, there are personnel divisions. There's no management there."* R4,

"*Well, all programmes come from top-down. No programmes are bottom-up.*" R6;

lack of qualified staff

"*there's a lack of people performing preventive work, you have to have special knowledge not only to persuade yourself but also the others.*" R10;

Solving corruption problems by adaptation of new laws; legislative inflation as opposed to weak enforcement

"*Laws are great (ironically). You adopt the law and you solve the problem."* R4,

"*Perhaps we have this normative understanding because there are two ways to act: adopt a law and do not comply with it or comply with certain standards without any law.*" R5,

"Often laws become short-term sticking-plasters to demonstrate attention paid to the problem." R8,

"Laws are amended too often. They shouldn't be amended too often. That leads to overregulation" R6;

Or inflation of anti-corruption actions the impact of which is not clear, too little attention to quality

"*Our overall problem is that we like to say we have many public data but we do not like to speak about results"* R4,

"*it is impossible to cover the whole country <...> we should identify several hot spots, try to solve them, tell the public that we have solved them, wait until we see the results and report about them <...>. We haven't done any impact assessment of NACP. Not a single measure. Do we really know what works and what doesn't?"* R2,

"Well, let's remember how NACP assessment takes place. It shouldn't be this way. How can one know if the measure was effective? Quite often we cannot answer the question, and that's bad." R8,

"The majority of institutions do not have and do not spend sufficient resources to implement anti-corruption measures because they do not see any link with improving quality of services" R8.

Episodically there was mention of weak public relations: "*We didn't manage to show what we have and what we actually do. <...> There was no public relations in Lithuania at a time to advise our model.*" R6.

As a separate shortcoming of implementation of anti-corruption measures all the research participants referred to public mentality and heritage. The mentality was mentioned mostly speaking about the *health sector* and the *older generation*:

"We have to take the national mentality into consideration. Cultural differences. Habits. You cannot change the way people think overnight or in five or six years." R1,

"*To change the culture. That "thank you", if it remained, it wouldn't be a problem. Yes, you can abuse any norm, but it is not the legal norm which is a problem, it is people.*" R2,

"*perhaps society should stop giving money to doctors, especially when they say "no no no". They push it because if the doctor doesn't take then you are a dead body...*" R4,

"*In reality those thank-yous [for doctors – author's note] still remain."* R5,

"*It's strange with doctors (...) There are people who find the services they could pay for. That's mentality. It's important that younger generation doesn't get used to it"* R6,

"*Those people choose a better quality service by paying a bribe... They are ill now. They need assistance now. Perhaps they have a gene there.*" R7.

The mentality as an obstacle to anti-corruption was also mentioned speaking about other matters, e.g. lobbying or looking for loopholes, giving false evidence:

"*Speaking about people's maturity, they can't care less about lobbyists and relations with them. They probably care more about their economic welfare. When they mature then the issue of lobbying would get solved by itself."* R5,

"That's probably our mentality that any laws can be avoided" R6,

"*So it comes from the Soviet mentality when we were used to lying for several decades. Lying was normal, lying was nothing wrong. If you lie to the state authorities, then you are a saint.*" R7.

The problem of mentality (the need to change the attitude towards corruption) was mentioned not only on the national, but also in the international context:

"*we didn't start from zero, we started from minus ten or minus twenty. That's another disadvantage as compared to human rights and other international policies. We started with a big backlog generated by the fact that corruption, bribery was tax deductable, it was some form of legislation or legitimacy by the state."* R3.

The analysis of the opinion of research participants shows an interesting paradox: several weaknesses in reducing corruption in Lithuania are also related to the reasons why the level of corruption, as seen by the participants, becomes smaller. For instance, a fierce rhetoric of the fight against corruption or making anti-corruption a political issue could also be considered as an expression of political will to counter corruption, i.e. making anti-corruption a top priority. The lack of ownership of anti-corruption measures could be outweighed by the opposite opinion why the situation is getting better in the country (i.e. we deal with the problem on our own and intolerance towards corruption is increasing). Another "weak" point, i.e. inflation of laws, also means taking preventive measures against corruption by closing the loopholes.

4.1.5. Summary of the Category and Conclusions

This category "Corruption and anti-corruption in Lithuania" reveals the following issues:

1. The research participants understand corruption differently. They either narrow the concept down, highlighting only one aspect of it, or widen it, associating it with other crimes or violations of ethics. This causes difficulties not only in measuring corruption but also in applying concrete measures against the phenomenon which does not have clear boundaries. Difficulties arise also because corruption does not have *a direct* victim: it is difficult to grasp and visualise. International evaluators may see the problem of corruption in Lithuania bigger or different than it really is.

2. The issue of measuring corruption is closely related to the problem of the concept of corruption. One of the most popular international surveys, TI's Corruption Perception Index, measures the *perception* of corruption rather than the actual experience of it. The Lithuanian anti-corruption experts (research participants) are more in favour of national corruption measurement surveys ("Lithuanian Map of Corruption" in particular) because they have clear methodology and point at concrete areas of concern.

3. The change of the level of corruption is assessed positively, i.e. all the research participants notice positive changes in Lithuania and they associate them with the country's willingness to deal with the issue and increasing public intolerance towards corruption. Only episodically it was mentioned that positive changes in Lithuania take place only because of international anti-corruption recommendations.

4. According to the research participants, some effective anti-corruption measures have been applied in Lithuania over the last decade but they cannot be directly linked to the anti-corruption recommendations issued to it by international organisations. According to the research participants, there are many obstacles in Lithuania inhibiting application of anti-corruption actions, e.g. fierce rhetoric of the "fight" against corruption, making anti-corruption too political, formal attitude, taking actions for the sake of "ticking the box", the lack of motivation and ownership of anti-corruption measures, abundance of laws that do not work, many anti-corruption actions of dubious quality, the lack of qualifications among employees and "corrupt" mentality that still exists. However, some of the weaknesses specified by the research participants are also the strengths of reducing corruption in Lithuania (for example, expression of political will and prevention).

4.2. Assessment of International Organisations and their Anti-Corruption Role

The theme was identified (and later transformed into a category) in order to find out what the research participants think about different international organisations, their role and value-added in the field of anti-corruption. In other words, what IOs can do as opposed to Lithuania acting on its own and the opposite: what they see as limitations of IOs.

The research participants were asked the following questions:

1. Why did anti-corruption become an international issue, an issue dealt with by the international community?
2. What are the strengths of IOs? What can they do as opposed to a country acting alone? What is the value-added of international monitoring mechanisms?
3. What are the weaknesses of IOs? What can't they do?
4. What was Lithuania's aim to join the international anti-corruption instruments? Expectations?
5. Why do different IOs engage in anti-corruption activities?
6. What is the role of Lithuania as a country subject to anti-corruption monitoring?
7. If an IO (GRECO/UN/EU) turned into a human being, what kind of a person would that be?

The category "International Organisations and their Anti-corruption Role" consists of the following subcategories: "Understanding why Anti-corruption has become International Problem and Explanation of Variety of Anti-corruption Conventions", "Visualisation of GRECO, UN and EU", "Perception of the 'Value-Added' of International Anti-Corruption Monitoring Mechanisms", "Limitations of International Anti-corruption Monitoring Mechanisms", "Constructing "Anti-corruption" Identity of Lithuania as a Member of International Organisations".

4.2.1. Understanding why Anti-corruption has become International Problem and Explanation of Variety of Anti-corruption Conventions

In response to a question why corruption has become an international issue, the research participants mentioned globalisation, protection of investment through the development of level playing field, pressure of US corporations:

"*Everything is due to the global world <...> You can't have the same mentality everywhere so at least you can try to apply similar rules. The main thing, I think, is protection of investment*" R6,

"*I think the talk about anti-corruption in the world is about risk management and predictability. Levelling of the playing field. <...> If you are a US corporation and you come to a country, you understand that pursuant to the FCPA you should not have here major problems <...> Especially with regard to making investment."* R8,

"the opening of the borders which brought new unprecedented market opportunities, you have half of the continent to rebuilt, you have an Asian continent which is also switching completely politically, you have South America, you have new markets… you can conquer. So it created opportunities for the big export countries that has led to the OECD convention, because at the time US

was one of the few countries that was prohibiting corruption in the context of international business, so US companies went to the government and said "look, we are willing to comply with our US rules but our European friends they don't comply, they don't have similar rules" so we are disadvantaged in this international competition" R3.

Episodically there was mention of the need to overcome excessive bureaucracy:

"*The European Union is something very positive that has unavoidable evil linked to it. This unavoidable evil is excessive bureaucracy. Perhaps such kind of bureaucracy does not exist in Lithuania alone. And it is easier to avoid by abusing the situation.*" R7.

The other two reasons were mentioned by a research participant who had analysed the issue comprehensively. They are the change of ideology after the Cold Was and discovery of corruption as "a new enemy":

"*after the fall of the Berlin Wall, within a few years after that, people realized that… (laugh) our societies needed to fill the gap by the disappearance of this challenge and opposition between the ideologies… And there was an opportunity for people to think more deeply about the meaning of our fundamental principles, things that we took for granted, like democracy and the rule of law and I think they found a new enemy somehow, that was everything that was a threat for a democracy and the rule of law. So you know we changed … we switched from one enemy to another enemy (laugh)."* R3.

Another reason is increasing organised crime and offering employment to former intelligence agents*:*

"*after the fall the Berlin wall, we definitely had to find new jobs for old boys dealing with espionage, intelligence etc. So these people often promoted the new policies on new forms of crime, like organized crime and corruption"* R3.

The other research participants gave no response to the question and gradually it was abandoned.

Another question about the reason why there is a variety of international conventions dealing with corruption was comprehensively answered by the first research participants and hence abandoned after reaching data saturation.

The research participants said that after corruption gets unveiled, it is seen everywhere and becomes very broad:

"you can have corruption potentially everywhere: in business, in political institutions, in health sector, in education." R3,

"*areas of corruption manifestation, its forms and scales are different. Perhaps the goal is to regulate the areas*" R7,

Moreover, IOs differ with respect to their geographical coverage and goals:

"The purpose of the OECD convention is different. The aim of it is to prevent one country gain a competitive advantage by engaging in corruption as compared to other countries in foreign markets.

The different between the Council of Europe and UN conventions is that one document is regional and the other one is universal." R4,

"*United Nations also cover third world countries, developing countries, so there will not be any special breakthrough there, except for the assets recovery mechanism. GRECO makes us move forward, in any event. I would say that GRECO is more of a transparency instrument rather than anti-corruption. The future of the OECD is direct prosecution in bribery. It asks for complex things."* R5.

None of the research participants expressed regrets of complaints about the variety of review mechanisms their country was subject to and questionnaire fatigue.

4.2.2. Visualisation of GRECO, UN and EU

The research participants are not equally familiar with all the review mechanisms in which Lithuania participated. The purpose of this part was to find out what they think about the role of different IOs and what their emotional relationship with a review mechanism is. In other words, how much they feel being a part of it. With that in mind, the research participants were asked the following question: "What if GRECO/UN/European Commission turned into a human being, what would it be? A man? A woman? What would be its values?" Some research participants found the question interesting, the others were puzzled as it seemed not to fit the overall context. Therefore, they were not pressured to answer it if they did not find it acceptable.

From the responses obtained, **GRECO** is an outside observer, referee, expert, aunt living abroad, caring grandfather, anti-corruption co-ordinator that is not afraid of challenges:

"*Pierluigi Collina. The bold referee. He is no longer a referee but is an authority for others... <...> It is more of an adviser from the outside rather than the one who bangs on the table."* R4,

"*I see a lawyer who provides expert opinion about the Lithuanian legal system, legal environment, about how legislation could be improved"* R7,

"GRECO is like an aunt living abroad who sometimes come to visit you. Or parents who come to the campus while you are studying. The requirements are clear. You talk to them, they give you recommendations and you implement them. But you are on your own." R8,

"Senior... More like a man (laughing). Well-educated. Has life experience. Kind. A granny... He is wise and caring." R9,

"*A person performing administrative functions, the main one of which is development of an anti-corruption strategy (...) a lawyer who understands how the state is governed. A determined and dedicated person who is not afraid of challenges and hot spots."* R10,

From the profile of GRECO drawn by the research participants this organisation does not seem to be distant (there are family links with it) but the majority of the interviewees did not feel a part of it. GRECO is not an active builder of their life, it is more of an observer, peaceful and wise. Only one research participants (R10) perceived GRECO as a courageous person who is not afraid of challenges,

who uses strategies and co-ordinates anti-corruption actions. It should be noted that this participant has a lot of experience of working in GRECO.

According to the interviewees, the **United Nations** is a distant and strict organisation, could be either a man or a woman, shrewd, pragmatic, it is an administrator like the EU:

"UN is Madam Teacher. Miss Maple. Very clever, shrewd, able to tell the other detectives how things here are." R4,

"To me, UN is manly. Perhaps because men come to the meetings. It's about the force" R2,

"They are quite manly. Middle-aged. <...> from the law enforcement <...> sometimes cannot get oriented because it has too much knowledge... (laughing) <...> He wants the result to be achieved but he is not against being paid well for it." R1,

"UN is a relative who's gone to Great Britain and doesn't want to come back. <...> Distant relative. Or a Lithuanian who emigrated after the war..." R9,

"The EU and UN are more like administrators" R10.

The UN profile shows that it is quite a distant organisation, the relationship with it is not close but its standards are known. They are not considered relevant to Lithuania because they are below the level achieved by the country (*"That minimum is below our, so to speak, expectations"* R5) or Lithuania attracts too little attention because it is not a key player ("*we are not key actors in the context. We can hardly get enough attention concerning certain issues"* R8).

The closest link is held with the **European Union** and at the same take it is considered to be the shrewdest, strictest and the most supervising. The EU is a civil servant, auditor, family, class parents meeting and a bureaucratic machine.

"The EU is a manager, a civil servant in a positive sense. It observes everything, calculates, sometimes overplays and forgets why it is doing it but it has to carry on." R4,

"An auditor who assess the status quo" R7,

"*Like a class parents meeting..."* R9,

"I would compare it to a family. Old-comers are parents or older children. Let's say Shuman and Monnet are parents and the rest are older children. They set somewhat higher standards to younger children than to themselves. The truth is that we were running much faster because we had to catch up <...> A family who shares experience and talks to each other rather than formally housed together." R8,

"*EU is a huge bureaucratic machine (...) I think that the problems are only superficially understood as compared to GRECO (...) The EU can only diagnose a problem but doesn't treat it.*" R10.

The EU profile drawn by the research participants shows that this organisations is not only the closest to them but is also better understood. They feel a part of it, although they take an inferior position. In the field of anti-corruption they miss the determination of the EU and concrete anti-corruption actions to be taken by all member states, not just the newcomers. The EU and UN are contrasted to GRECO, a determined and smart "expert" who has a lot of experience and demonstrates

quality work.

None of the research participants associated themselves with any of IOs.

4.2.3. Perception of the 'Value-Added' of International Anti-Corruption Monitoring Mechanisms

In response to a question about TO **advantages** as compared to a state acting on its own in the anti-corruption field, the research participants mentioned the following:

- Independent look from the outside making the country change

"*Taking an outsider's look – that's the most important – at what the situation is."* R4,

"*when foreign experts take part in the review, they keep the distance, they are not constrained by our national doctrines or opinions <...> something, that perhaps is usual for us because that's how things are, might seem strange to them. And that's the biggest advantage*" R5,

"*Sometimes when we think that it is good here, nothing to be changed, they give us the details and we discover that we are wrong. We have to change then.*" R9,

"*When you in the country you cannot see yourself from the outside."* R6,

"*Evaluation of laws and their compliance with international legal acts is an important part of these organisations showing what we still miss and what we could improve.*" R10.

- Pressure tool; bigger attention to a certain anti-corruption question which is probably known

"Probably the strongest part of all international organisations is that you can get a good kick in the butt from them. That's probably their biggest advantage. In areas where it is difficult for us to take a decision, for instance, in lawmaking or another field, implementation, then those organisations point at the issues and then we are forced to react. It is sometimes difficult to take action ourselves. Perhaps they don't show anything new but that push from the outside makes us improve."; "Sometimes when we fail to solve something at our level we want GRECO to write about it to give us an additional stimulus to change." R9,

"It was a personal insult to our system that it was bad (laughing). It helped us get fixed. Maybe it was a coincidence that [our division] had been set up three or four months before that. So the recommendations were a good push, a good kick in the butt." R6,

"So recommendations come about Lithuania. And unavoidably the talk gets attention... and makes at least a small change." R8,

"the moral push.. to what we sometimes call the lack of political will... so many things on the national context would not be done or attention would not be paid if not for the external push." R5,

"At the end of the day, what is an international organisation? The countries that start pushing and the country is forced to do something... it cannot get closed or oppose it... that's it... It has to look for some concessions. <...> Now the Swiss bank accounts were open. So the UNCAC and other instruments had contributed to that" R1,

"if you look nowadays at Germany, Lichtenstein, they are in a very very tough situation, Germany now is ratifying the Criminal Law Convention" R3,

"Certainly, it's a strong pressure instrument. If international organisations say that something is wrong, we want to do everything right, in any way, just to please the international organisation. We have perhaps it in-born that our own boss is not a good boss but a foreign boss is good." R4;

- Competition with other countries, the possibility to compare different practices and not to lag behind the others

"*When there is this comparative element, when you evaluate and when you are evaluated <...> you still want to look better.*" R8,

"you can compare different countries, to have them compete against their neighbours, to look better in the region and catch up with those "terribly slow" Estonians" R4,

"you can compare the practices implemented. Then perhaps there's less of getting stewed in one's juice. Seeing where you are." R6,

"You sit there and you see that the other part of the world thinks differently and then you understand that you can't... You think "why do they think differently?" R2,

"<...> Westerners, they all said: "Just you wait. Education and prevention is for those who have advanced." <...> Well if they have a good system, then maybe they are right?" R1;

- <u>provision of anti-corruption tools</u>

"Become better equipped and that will make, that will raise the cost of corruption, that will make it more difficult, that will make it more risky, that will make the institutions better prepared to deal with the issues as they appear." R3,

"It's a tool. You either take it, or you don't." R6;

- <u>partnership, exchange of information, financial support</u>

"It's partnership. If there's a possibility of exchange, exchange of opinions and views, and practice, then it's good. Perhaps we see the problem in one way and they see it differently. There's a possibility then for a constructive discussion. Hurray!" R1,

"joining means looking for new knowledge, possibilities and finally new resources...<...> If there is a possibility to have a project financed, why not?" R7;

- <u>guidelines, direction</u>

"guidelines showing the direction to move" R6,

"direction to go forward" R5,

"*giving guidelines to countries and showing them what the state does not see itself. Those external experts have been selected and they show the country its true gaps; the things that it doesn't see.*" R10.

- <u>can say publicly and either improve or worsen the reputation</u>

"*what they say they say publicly, and that's very important <...>. Let's be realistic. Lithuania is a member of the EU and NATO. We cannot be in those organisations with widespread corruption or some bad practices"* R5*;*

"*We don't want to be spoken about badly by those organisations. If we don't implement something, then we would be reminded of those recommendations and failure to act. Perhaps we don't want such negative reaction from international organisations. For the image alone"* R9;

- <u>provision of expert assistance</u>

"previously it was unclear. <...> they helped the institutions understand what they should do" R6,

"they show country defects" R10,

"*it was established that in the prosecution system there was no transparency. We submitted amendments to the law on prosecution on the basis of GRECO recommendations. For me, it's an expert institution and expert tool.*" R7;

- shield against harmful lawmaking initiatives:

"*<...>I use GRECO and EC recommendations in my everyday work. On the basis of the recommendations I try and succeed – unbelievable – I succeed to stop the initiatives to register draft laws limiting responsibility for corruption offences. I am speaking about the initiatives to abolish trading in influence as a criminal offence. <...> And the intention to change or reduce the independence of the Public Procurement Office. We say: "No, wait a minute. The European Union says that we have an excellent institutional set-up. You say that it is bad. Do you have another expert opinion? Another audit report? Or maybe your opinion is based on the will of some closed companies to have matters controlled or ignored?"* R7,

- offering prevention measures to forestall problems in the future

"*it's often based on increasing the chances …Why should the judiciary have a code of conduct for judges, do we assume that all judges are corrupt? We don't know. Can we assume that they all get into situations that will likely to become corruption, we don't know, but let's have a framework in place, it will prevent, it will make it more difficult in the future"* R3,

"you never know when the abuse would start, so maybe it's good that we had that fixed ahead of time." R6;

- a complaint mechanism

"International organisations become an instrument for listening to expectations that the general public has (ironically)." R4,

"But our people complained profusely. <...> I think it's our national mentality. Self flagellation (laughing). Should they necessarily tell international experts everything? But they need somebody to listen to them." R6.

The research participants' opinion about the value added of review mechanism confirms the conclusion reached in the theoretical part of this work, i.e. the impact of international norms and cycles on the building of state identity and behaviour. After the international norms reach a "tipping point", they become a powerful instrument and eventually a common value keeping the collective identity together. In the context of anti-corruption it is important to take action to save one's self-esteem and reputation in a group. It is important to highlight one aspect of international review mechanism that does not always receive proper attention: they act as a shield from the situation getting worse. Moreover, the willingness of the country to keep up with the others makes it progress or at least protects it from regress.

4.2.4. Limitations of International Anti-corruption Monitoring Mechanisms

Speaking about the **limitations** (shortcomings) of IOs the research participants believed that IOs cannot instil the willingness of member states to change

"Those organisations cannot solve the issues on behalf of states if the states refuse to do anything. Here they can't do anything. I was in Macedonia and I saw it. If the state doesn't do anything, you can bring as many experts as you want, they can't do anything" R6,

"they can help fix some frameworks, make a certain construction. But they can't have them fixed and running. They cannot ensure the will of the country to fight against corruption. <...> so if the state is in a swamp and does not want to get out of it, nothing will help." R5,

"*I would still see the interaction between the state and IOs. I think that IOs alone without a country willing to change can do nothing."* R8,

"*they probably can't influence the legislative process, let alone changing the tactics"* R10.

For IOs it is <u>difficult to grasp the country specifics</u>

"they still come from the common international instruments that cannot be country specific." R2;

"the country visits last very short, only a few days and it's... difficult to grasp where problems lie. Moreover, they speak only to the authorities that protect their system and say that it is all right. They always take the defence position that we have everything fixed". R4,

"for an outsider who is meant to do the monitoring, how will you determine that ok, this will be a recommendation which is important for that country and not important for that country" R3,

"*I think what they write could be stronger and more concrete."* R8,

"*When they come the visits are very short, more episodic, more demonstrative. They don't have much time to sit and study thoroughly. Many official meetings during which it is difficult to understand how things are and there's also the language barrier."* R9.

To eliminate the shortcoming it was episodically mentioned that the country should co-operate:

"If it co-operates, we have one set of consequences and if it doesn't, we have them different. If Lithuania is interested in moving forward, co-operation will help it achieve the best result. <...>. If you want you can perhaps hide everything or most things if we had that goal but I am happy that don't have it." R5.

Episodically there was mention of the <u>infinity of the problem of corruption</u>

"So it is endless because corruption is so spread. It's like dealing with poverty. It's like dealing with the lack of education, like the problem of pollution or environment… It's general, it's broad, and it's a big challenge. We're still in the early age <...>. And the public is not ultimately interested in reading the reports which are about 250-300 pages. These days they want to have them translated into six words as an SMS or into "like". R3.

And <u>limitation of human resources working for IOs</u>

"Are we or other international organizations expected to eradicate corruption in twenty years time? <...> So for the time being we are still in the stage of raising awareness, keeping the policy on top of the agenda, with limited means and people working in that area, even if we take the UN, it's not the whole UN that's working on it <...> well in the EU there's probably a team of ten persons working on the policy in the European Commission, and GRECO secretariat has 11 persons, or 10..." R3.

In assessing the research participant's thought about limitations of human resources held by IOs a question may arise why they do not include the experts appointed by member states to perform evaluations.

4.2.5. Constructing "Anti-corruption" Identity of Lithuania as a Member of International Organisations

In order to find out how the research participants understand Lithuania's goals and expectations while joining the international anti-corruption conventions, how they see the role of the country evaluated in the review process, they were asked the following two questions: 1) what was the aim of Lithuania to join international anti-corruption instruments and 2) what is the role of Lithuania as a country evaluated in the review process? The purpose of these questions was also to find out how the research participants construct the "anti-corruption" identity of Lithuania. In other words, who we are and who we are not? Whom we identify ourselves with? Responses to those questions were given by the research participants spontaneously, answering other questions, e.g. about concrete recommendations or whether international experts manage to grasp the specifics of the country, the changes taking place in Lithuania or comparison of Lithuanian practice with the practice of old EU member states.

The participants link joining the international anti-corruption instruments with the EU and NATO membership, willingness to become a full-fledged member of the Western community (for which corruption is an ideological enemy), which first and foremost means prestige and maintaining a certain level:

"Economically or militarily we are a strong state. We have to sort things out and become genuinely reliable partners. So that they know that we are a transparent country ruled by law." R5,

"Perhaps it was a question of prestige to have those instruments <...> I think that the external image was stronger that the actual motives to fight it." R9,

"Perhaps it is proof that we want to achieve something on a certain level." R2.

According to the research participants, Lithuania which had decided to be with the West, contrasts itself to the East, Asia or the third world in the area of anti-corruption (because corruption ≠ the West):

"We are not a part of Eastern Asia or Central Africa where we could say that our tribe had done so for many hundreds of years. I think it is not difficult for us to make the decision that we are with the Western democracies and that we can live following the principles of the free market and democratic society <...>. Otherwise it is not clear why we joined the European Union and NATO." R8,

"We can remain on our own but then it's a fact that our state will remain as a third world country. To be there is to be recognised and to keep a certain level." R5,

"whether you are a third dumb brother or a state complying with certain standards" R2.

Any identification of Lithuania by international experts with anything with which Lithuania does not identify itself (i.e. Lithuania is not the East, it is not a third world country) is perceived by the research participants as an insult:

"And then my only question is if the OECD are stiff-necked and do not want to get deeper to understand the national regulation? Because we achieved the Western level long time ago. Perhaps they look at us as a third world country, as a third dumb brother?" R1,

"Isn't it prejudice? That we are the East? <...> There's this prejudice that it is some former... "Yes, it makes progress" ... Have a look, it's no matter where. "Yes, at least it makes progress"... Such position is harmful and it hurts me personally." R7.

The analysis of spontaneous thoughts shared by the research participants shows that the aspiration of Lithuanian "anti-corruption identity" is to be like Scandinavian countries (occupying the highest position on CPI and Eurobarometer):

"Now we look at the year 1994 and how we looked at corruption then: there's a difference. Forty years will pass and we will be similar to Scandinavians like they are now. But we don't know how they will change..." R4,

"...we don't have communities trying to solve problems not to have the state involved. Our communities will help hide things from the state (laughing). <...> For very many people the state is not us. I think that's the biggest difference between us and Scandinavians. For us, the state is the authorities." R6.

The image of the state as a Western country is important for research participants and they are humiliated by any (imagined?) identification with another, corrupt world. The analysis of spontaneous thoughts expressed by the research participants shows that they would like to be identified with Nordic countries but they understand the limitations of such aspiration.

4.2.6. Summary of the Category and Conclusions

The category "International Organisations and the Anti-Corruption Role" reveals the following:

1. According to the research participants, the reason why corruption has become an international issue is globalisation, pressure exercised by the US corporations to have a level playing field and protection of investment. Episodically it was mentioned that it attracted more attention after the Cold War due to the change of ideologies and naming corruption as a new enemy, threatening democracy and the rule of law. A variety of international anti-corruption instruments was explained by a huge spread of corruption, different goals of IOs and geographical coverage. None of the research participants mentioned difficulties caused by the variety of IOs and their reviews (questionnaire fatigue or similar).

2. Asked to visualise GRECO, UN and the ES, the research participants drew their different profiles. GRECO ("an outside observer", "referee", "expert", "aunt from abroad" or "caring grandfather") is not a distant organisation, but the research participants do not feel a part of it. UN ("madam teacher", "law enforcement seeking results and good pay" or "distant relative from abroad") are even more distant. Although the research participants are familiar with the UN standards, they are not considered relevant to Lithuania because it is not a major player. They feel closer relations with the EU ("civil servant", "auditor", "family" and "class parents meeting") but they feel they occupy an inferior position in it (as "younger children" or those evaluated). While drawing the profiles of IOs, none of the research participants associated themselves with them although spontaneously, in response to other questions, they mentioned that Lithuania takes part in evaluating other countries and that it is a part of the review mechanisms.

3. By answering directly a question about the advantages of IO and also speaking spontaneously, they mentioned a number of positive things: an independent look from the outside, a pressure tool to take action, competition with other countries and the willingness not to lag behind them, provision of new anti-corruption tools, partnership, information exchange, guidelines, a means to improve or worsen a country's reputation, expert assistance, protection from dangerous lawmaking initiatives to worsen the situation, prevention measures forestalling future problems.

4. Speaking about limitations of international review mechanisms, the interviewees thought that IOs cannot instil willingness among the countries to change, it is difficult for them to understand the specifics of the country if the country does not co-operate, they cannot cover all corruption issues and have very limited human resources (10 people working in each). A question arises why the research participant who spoke about it did not include the evaluators who are engaged in country reviews. Moreover, the member states do not identify themselves with the review mechanisms although their country representatives are engaged in developing standards and adaptation of other country reports. The research participants mentioned more strengths of international review mechanisms than limitations.

5. Being a member of IOs Lithuania constructs its "anti-corruption" identity with the West, seeks to become a full-fledged member of the Western community which considers corruption as its "ideological" evil. For Lithuania, membership in the EU and NATO means prestige, being of a certain level, contrast to the East, Asia or the third world. Feeling that they have not achieved the Western level yet, the research participants respond emotionally to any (imagined?) hint that we are still the East. Scandinavian countries that occupy the highest position on the CPI are the aspiration of "anti-

corruption" identity for Lithuania. To achieve that level, the research participants believe we need to take responsibility for our country, i.e. develop bigger identification with it and understanding that "our state is us".

4.3. Understanding the Importance of International Anti-Corruption Recommendations

The purpose of this topic was to find out how research participants understand the importance of concrete recommendations issued to Lithuania by GRECO, UN and EC. The participants were asked questions about concrete recommendations, they were asked to comment them and say which ones where important and how they understand importance.

The research participants were asked the following questions:

Concerning GRECO recommendations –

1. What is your opinion about the 2005 GRECO recommendation on regular rotation of staff?
2. What is your opinion about the 2005 GRECO recommendation on eliminating the practice of accepting gratuities in the health sector?
3. What is your opinion about the 2009 GRECO recommendation on the review of the institution of effective regret?
4. What is your opinion about the 2009 GRECO recommendation on introducing stricter and more consistent sanctions for corruption?
5. What is your opinion about the 2009 GRECO recommendation on criminalisation of trading in influence?
6. What is your opinion of the change of the Criminal Code, following GRECO assessment, to have universal jurisdiction applied to bribery and trading in influence offences?
7. What is your opinion about the 2009 GRECO recommendation on having a leading body in charge of ensuring control of party funding?
8. What is your opinion about the 2014 GRECO recommendation on improving communication of judges and prosecutors with the public?
9. In 2014, GRECO recommended to introduce rules for members of parliament on how to engage with lobbyists. What do you think about this recommendation?

Concerning UN recommendations –

10. What is your opinion of anti-corruption recommendations issued to Lithuania by UN in 2012? What is our view of the UNCAC review mechanism?
11. What is your opinion of the UN observation with regard to the lack of a special legal act in Lithuania ensuring protection of whistleblowers?
12. Both the EU and UN gave Lithuania a recommendation to improve inter-agency co-ordination and co-operation. Why do you think they paid attention to that?

Concerning EC recommendations –

13. What is your opinion about the 2014 EU Anti-Corruption Report?
What is your opinion about the priorities set by the European Commission?

Concerning the importance of recommendations –

14. What problems are addressed by anti-corruption recommendations issued to Lithuania? What type of recommendations are issued to Lithuania?
15. Which recommendations (type) are easier/more difficult to implement? How does Lithuania comply?
16. How important are anti-corruption recommendations in reducing corruption? Which recommendations matter as compared to others? Which ones are effective? What does it depend on? How do you understand their effectiveness? When do recommendations hit the point?
17. Which recommendations are tailor-made (corresponding to the specifics of our country)? How do external experts manage to feel it? How much are they standard-based?

The questions listed above were not addressed to all the research participants because consideration was given to which organisations or themes they said they were familiar with. The purpose of the questions about concrete recommendations was to find out their opinion about them, what makes a recommendation important and what needs to be done to achieve a better result. Attempts were made to find the recommendations that, according to the research participants, had an impact on Lithuanian anti-corruption efforts or did not. The researcher asked questions about various recommendations: those that could have been important and those that were too general. In addition, attempts were made to find out if there were any harmful recommendations. The interviewees were given an opportunity to mention the recommendations that came to their mind.

One of the aims of asking questions about concrete recommendations was to find the answer to the overall question of the research about the role played by international anti-corruption recommendations in Lithuania.

The category "Understanding the Importance of International Anti-Corruption Recommendations" had the following subcategories: "Greco recommendations", "UNCAC recommendations", "European Union Anti-Corruption Report 'Future Steps'", and finally "When Anti-corruption Recommendations are Important and Why".

4.3.1. GRECO Recommendations

As seen from Table 7, GRECO is familiar to almost all the research participants. It is the oldest anti-corruption review mechanism in which Lithuania participates. During the last decade GRECO issued recommendations to Lithuania in 2005 (GRECO 2nd evaluation round), 2009 (3rd evaluation round) and 2014 (4th evaluation round). The majority of the recommendations asked Lithuania to amend legislation. A summary of implementation of the first three rounds is given in the fourth round evaluation report of Lithuania (2014): "Lithuania has an excellent track record in the implementation of

GRECO recommendations issued in former rounds, with a compliance rate to date of about 95% (37 out of 39 of the recommendations issued by GRECO in its First, Second and Third Evaluation Rounds have been implemented satisfactorily or dealt with in a satisfactory manner)."[174]

In this part the importance of recommendations is grouped according to the assessment of interviewees as *positive assessed, less significant* and the most *controversial.*

Speaking generally about the GRECO mechanism, those who knew it well assessed it positively because of its wide attitude:

"what is good is that they do not look only at having laws adopted but also standards implemented. They have quite a wide outlook." R9,

"GRECO has a wider mandate but criminalisation of offences was its biggest scope. The other areas are sensitive. When criminalisation is sorted out, then more attention is paid to transparency in general, making the procedures transparent, that's more of GRECO hobby horse. The other organisations do not pay any attention to that." R5.

When assessing GRECO recommendations, the research participants could not identify **a single one** to be harmful. It could be explained by the GRECO review mechanism itself which ensures that the country evaluated is listened to several times: when it meets experts on-site, during a pre-meeting and during the plenary. According to the research participants, GRECO recommendations are useful because they are formulated after communicating with the Lithuanian representatives, and they are usually not unexpected:

"In principle what is related to criminal prosecution, I couldn't say that some recommendation was bad or improper. Many recommendations that were born in GRECO they also came from our people. <...> To say that after implementation we moved a step back or sidewise, definitely not." R9.

"they don't come from nowhere, often they come after communicating with representatives of some bodies here." R8,

"the most effective are those that apply closed interviews or meetings, so the participants of those meetings (you can't call them whistleblowers) disclose those sensitive areas without difficulty; if you asked society to ask about sensitive areas, it would probably have no problem to identify them." R5,

"I think they don't really notice what we don't notice, but they tell us that we should do it." R4.

Another aspect of such communication with local representatives is the ability of the Lithuanian authorities to present the issue and self censorship:

"There's another aspect with those recommendations that it depends on how you manage to present things and represent the country." R6,

"they speak only to the authorities that protect their system and say that it is all right. They always take the defence position that we have everything fixed." R4,

[174] GRECO fourth evaluation round "Corruption prevention is respect of members of parliament, judges and prosecutors", 8.

"when they prepare the recommendations they communicate with representatives of different institutions. I think Lithuanians engage in self censorship and do say the entire truth to the experts." R8.

Speaking about concrete GRECO recommendations, the research participants favourably assessed the reform of anti-corruption articles of the Criminal Code:

"The recommendations that concern criminal prosecution were all in principle good. It was well noticed that our wording was not precise. That our CC does not comply with the requirements of international convention, that we see the elements of crime narrower. <...> It is good that we were made to improve the legislation, pay attention to improper enforcement and that our sanctions were not proper." R9,

"If our criminal law becomes harmonised with international standards, it's good. It means that some loopholes have been closed." R5.

One of the most valuable institutions introduced by GRECO is criminalisation of trading in influence:

"I think that the biggest novelty was the introduction of the trading in influence." R5,

"trading in influence. I think the recommendations and the resulting amendment of the law has brought some very good changes because nobody understood how a person could be judged not for bribery or abuse of office, but for trading in influence" R10,

"trading of influence, an offence that has been lacking in many countries, that was a provision of the criminal law convention on which there was the highest number of reservations, at some stage with had some 15 reservations just on this article 12, now we have a number of countries, including those in Central and Eastern Europe where this was completely new." R3,

"STT became particularly keen on trading in influence cases. Why? The officials who take bribes get much more professional. Instances when they would openly demand or accept bribes have decreased significantly. Crime schemes have become more complex, acceptance of money is not obvious, no money is delivered directly the office... So intermediaries come and bribes are disguised... It becomes more and more difficult to disclose the crimes committed by officials. When it comes to trading in influence, you can prosecute common people. It's not that everybody understands that you can be prosecuted as a common citizen for trading in influence. So it's easier to catch them." R9.

Episodically there was mention that in order to assess the success of application of trading in influence articles, it is important to wait for judicial practice:

"We'll see the judicial practice of 2014 and the judicial practice of cases passed to courts in 2015. We will see judgements of acquittal. And then we will decide." R7.

Another innovation is corporate criminal liability introduced in Lithuania since 2003 following a GRECO recommendation. Its wide application has been limited by court practice:

"corporate liability which was also something completely new, in most if not all, I mean, post communist countries and it's a major potential victory because it's a large revolution in the country, countries still don't know, I mean the practitioners probably not keen enough on working with these arrangements, they don't necessarily see all the benefits of it" R3,

"During the first years that was something completely new and we had to change our way of thinking to realise that it was normal to prosecute a legal entity. <...>The number of legal entities prosecuted increased substantially. Then the reverse happened when courts said that we were applying the legislation on corporate liability too broadly. They changed the way we thought and limitations were introduced by courts reducing the number of legal entities prosecuted." R9.

Episodically there was mention that the application of the same criminal means against both the public sector and the private sector was not appropriate and that Lithuania took a wrong path:

"*In that respect a wrong path has definitely been taken because, for example, courts started convicting private persons for the abuse of office."* R10.

Therefore, in order to assess the significance of amended criminal legislation (as advised by GRECO recommendations) a longer period of time is required to see how court practice develops.

With reference to **less significant** GRECO recommendations in the area of criminalisation the research participants mentioned immaterial benefit that could be regarded as bribes as well as the possibility to apply universal jurisdiction to the offences of active and passive bribery and trading in influence[175]. These tools have not been used so far:

"Criminal liability for immaterial benefit is not very clear. How can one assess immaterial benefit? What degree of liability for it could follow?" R5,

"*previously a bribe could only be associated with economic value and now it can also be without any economic value. But then there's a question of the application of the law. Laws are good but how to apply them?"* R9,

"we have this universal jurisdiction as a certain bucket into which we can put anything we want. What is universal jurisdiction? It means that if it's not criminalised in that country in which the offence was committed you can still punish the person. Do you know why, I think in 1990, the highest homicide rate was in Sweden? Because they have universal jurisdiction there. So people from Rwanda and Burundi reported to the Swedish law enforcement about killings there. So we look at the universal jurisdiction that "ok, let's put it here, we are not going to use it anyway." R4,

"Perhaps we went too far. On the other hand, that's an opportunity. An opportunity that no one has used so far. <...> A person, let's say a Belarus national, comes to Lithuania and gets a permanent residence permit to live in Lithuania. We receive information that being in Belarus he was very corrupt. So it that case we would have a possibility to prosecute the person for the crimes committed in Belarus." R9.

"*there could be situations... It is probably not a blind introduction in the code (...) Bearing in mind the Schengen area, relations between countries. In general, it's a positive thing"* R10.

Another change brought by the GRECO recommendations is introducing stricter sanctions for corruption offences. In order to implement the recommendation, a number of CC articles were amended. Corruption offences from less serious became grave and as a result, lengthier periods of

[175] These amendments are particularly relevant in the context of the OECD Anti-bribery convention which is not the subject of the current research.

statutes of limitations and conviction could be applied. Moreover, the introduction of stricter sanctions is considered better prevention: ("*a person who has got into the situation does not have a guarantee that the judge would apply compensatory measures*" R10).

One the other hand, although a positive step with regard to procedural measures, courts prefer to apply the same sanctions:

"Making the majority of corruption offences as grave offences offered bigger opportunities to apply criminal intelligence and other procedural means. That is a plus. The other thing that we have been talking that sanctions for corruption are too lenient. <...> When corruption offences became grave offences there was a possibility for demand stricter sanctions. However, alternative, more lenient punishment was introduced. <...> So if the the laws became more stringent, the same more lenient sanctions like before are applied. The system got adapted to the new situation..." R9,

"Every case in unique. Although the sanctions are rather strict, you assess every single case. A judge who passes a judgement always looks at the range of all sanctions. The judge starts from the most lenient." R10.

The changes brought by GRECO recommendations in the area of transparency of party funding are considered **positive** (first of foremost because party accounts must now be examined by the clearly defined auditors and that there is clear responsibility divided among different state institutions for the supervision of party funding), **yet to be improved**.

"Some recommendations are truly good, we have changed something. <...> Now that when you look at them it's good that we have now clearly defined auditors. We could discuss their work quality but the fact that the CEC has to develop a terms of reference for them, that it is not like the usual audit. I think it's good. <...> It's probably also good that it has been written which institution should take the leader's position." R6,

"Formally we implemented it [the recommendation to have a leading body in charge of ensuring control of party funding – author's note]<...> With an effective body, whether it is CEC or any other institution, it is checked well, I mean if there was a huge filter then the use of double accounting would become more difficult..." R5,

"It's not perfect. But some safeguards have been put in place." R7.

Episodically criticism was mentioned with regard to the activity of CEC and that the established progress in controlling party funding is not satisfactory (contrary to GRECO's judgement):

"I think it's high time we reviewed the operation of CEC. It cannot remain as it is. My impression is that the commission has a lot of talented people, good people, but when you look how they act when violations are noticed during the election period, it becomes unclear whether that's the best way to act" R8.

One of the most **controversial** recommendations was given by GRECO in 2005 with regard to the possibility to introduce rotation in the areas facing biggest corruption risks. Lithuania went further and introduced it almost in the entire civil service sector. However, the consequences of the measure are not seen as acceptable by all the research participants. Those who made a negative judgement said

that it did not suit a small country and the it could be easily avoided as an anti-corruption tool:

"How can you rotate the person from the road post to the seaport? There's job specifics about the seaport and the railway terminal. They have to be trained! The country – the same problem here – the country is small. We have limited resources. <...>. And now just to comply with the formal requirement: he worked here for three years, let's spend another year retraining the person to have him work with sea shipments." R1,

"I think it's nonsense. First, because it's expensive. If anybody drove through the customs post where there was a particular customer officer and that customs officer was moved to another post which is 15 km from there, is it difficult to drive your vehicle there? So if the judge took bribes in one court, can't you find ways to go that court? I imagine it can be applied in the USA, to move a person from New-York to Texas. But Lithuania: what's the difference?" R4,

"The question is whether rotation in a country like Lithuania addresses anything and what its aims are? I think that it can hardly deal with grand corruption because distances in Lithuania are very small <...>." R8.

Another thing is that rotation creates a big psychological problem: people with a lot of experience think they are not useful for the state and they get disappointed with it:

"Should the organisation keep me as a box with knowledge? Perhaps then it's easier to get the most of me, have everything described in a brochure and get me rotated...(laughing)*"* R1,

"*By demanding rotation we should offer some conditions for that person. What if we cannot offer any analogous position? Where should the person go, if there's no similar position in town or the region? To dismiss him or her just to comply with the principle of rotation?"* R9.

Or even the reverse effect, corruption:

" *<...> if the person knows that after rotation he or she will be dismissed without any possibility to get back, then I think rotation can have a reverse effect. That person can engage in corruption because of uncertainty with the future and look for some short-term benefit that he or she can get from a situation.*" R5.

Speaking about positive sides of rotation, the research participants (quite often the same who saw many disadvantages of the instrument) mentioned the possibility to reduce corruption risks, improve qualifications of employees and attract new leaders:

"For the sake of institutional culture and middle layer change, there's another question. It hat case rotation could work." R8,

"From the anti-corruption point of view rotation is positive. That comes from accounting and governance standards that a person staying in one position for a long way becomes a corruption risk even if that persons is very resistant to corruption." R5,

"In my opinion, rotation is a positive thing... it's not so imperative with use, there are deadlines... Five years pass and please check your competences... because we have a poor situation with competences....<...> rotation offers opportunities to find new leaders." R7,

"The rotation where we actually have a person working in a certain territory, let's say a police officer, who knows all the locals, then it becomes inconvenient. Or that person works at the customs for

a long while and knows the people crossing the border, gets personal links... In those cases it is useful to have such people rotate." R9,

"Well, in customs there's a grand problem. The units there they are really... <...> No wonder that the whole unit is made to leave." R1,

"*Rotation gives an opportunity to avoid connections, employment of friends and relatives. That is certainly a positive result. It is important to rotate persons and it gives new opportunities and challenges to the institution*." R10.

Speaking about rotation and how to make it useful and bring as little as possible negative consequences, one of the research participants said the following "*rotation should not be automatic, it should be smart.*" R5.

In assessing the fourth round GRECO recommendation on lobbying, the research participants were sceptical about the effectiveness of the newly adopted legal act and they believed that the recommendation would be implemented more formally than substantially and that Lithuania was not ready to have it.

"*You shouldn't expect to have a breakthrough in lobbying activities one day. Perhaps the new law on lobbying – has it been adopted already? – it will also moving forward as long as we move forward. There will hardly be political will to turn everything upside down*." R5,

"With regard to lobbying activities, we have a draft law. I think we have implemented the recommendations of round four to the minimum." R7,

"*Why is there a law on lobbying? Isn't it because they said: "give us a law"? The law on lobbying is absolutely empty because there's nothing to be put in it.*" R4,

"*I think the private sector is afraid to have the law another law enforcement tool against it. The supervision authorities like COEC see the law as a tool they could use. But I think that without the common feeling among all the stakeholders that the law would be useful, it will not move from the dead point*." R8.

In response to a question about the GRECO recommendation of 2014 about better communication of judges and prosecutor with the public, the research participants split into two groups. Some of them thought it was a very good remark because judges are independent and IOs are in a good position to give them advice. According to them, the judges should formulate their judgements in a clear and understandable way, so that they should not be explained to those at whom they are directed:

"A judge is a person serving society. He writes a judgement the parties rather than himself. If he has to write in a way that he has to explain what he has written..." R4,

"I fully agree with the recommendation. I am not talking about courts because recently they have tried to explain their judgements. But in many cases these judgements are incomprehensible not only to society and non-lawyers, but also some parties to proceedings. Sometimes their motivation is not understandable, the text is too complex, they write to look intelligent." R9,

"*With regard to the communication with society, we also see it as a huge problem. Judgements are not clear, the mass media distorts them, take them out of the context and that's the worst thing because society lives by how the mass media understands the whole...*" R1.

According to the other research participants, the problem is not as big because the situation is improving, judges are communicating more openly:

"I think that our law enforcement and court representatives have had a problem of communicating with the public and the mass media. I am happy to see courts pay more attention to this issue. Over the last several years they have made some progress, started communicating more openly and explaining their arguments in high profile cases...Not always" R8,

"*We have examples when judges comment their decisions in social networks. We also have judges who think that... well they have passed a judgement in the name of the state ... and give minimum comments. I don't think that our courts are closed. A lot depends on the understanding of the principle of the judicial system and knowledge about how it works. <...> And if we give to the experts only the opinion of those people who are not satisfied with the judgements... then of course we get an impression that our courts are not than open."* R7.

Episodically there was mentioned that the GRECO recommendation is very good although some judges are not too much in favour of it:

"*An excellent recommendation! (...) It pushes courts closer to society in respect of having trust in the judiciary. It shows that courts are not closed (...) especially if they hear a high-profile case. Society wants to know the arguments of judgement"* R10.

Episodically it was mentioned that the problem of mistrusting courts was an old issue related to the lack of transparency in land restitution:

"Do you know what the main old problem that I see? The issue of the restitution of land. All the proceedings are in administrative courts. Civil and administrative. And the process continues until today, crossing the limits. There are many people who are angry at courts in that respect." R7.

To summarise the importance of GRECO and its anti-corruption recommendations, the research participants thought positively about this review mechanism because it held a broad view. They could not identify a single recommendation that would bring damage to the country or was not relevant. One of GRECO's strengths is communication with Lithuanian representatives and a possibility given to them to defend their position. On the other hand, some informants believed that the Lithuanian authorities engage in self censorship and do not say the entire truth to the experts. Therefore, the evaluation process is not considered fully objective. The research participants had a positive view of the anti-corruption articles of the Criminal Code amended as a result of GRECO evaluation, mostly the newly introduced legal institutions: trading in influence and liability of legal persons. They were also in favour of making sanctions for corruption offences higher which facilitated the application of certain procedural actions. On the other hand, due to court practice the sanctions have not become heavier in reality and the possibility to apply criminal liability for legal persons has eventually been restrained.

In the area of incriminations, less significant were regarded GRECO recommendations

according to which immaterial benefits could also be considered a bribe as well as universal jurisdiction applied to corruption crimes. However, these new provisions were seen as an opportunity for law enforcement which so far has not been used.

If the area of party funding, the changes brought by GRECO were considered positive yet still to be improved.

The most controversial recommendation was about rotation in the civil service. In 2005, GRECO issued a recommendation to Lithuania to consider introducing rotation in the areas where corruption risks are the biggest, whereas Lithuania started applying it in almost the entire civil service. The research participants were also sceptical about the new law on lobbying because they believed that this recommendation was implemented mostly formally rather than substantially. The informants held varying views about the GRECO recommendation regarding better communication of courts and prosecution with the public: some research participants thought it was a very important recommendation, the others thought it was less relevant. Episodically they mentioned that GRECO failed to identify one very important problem specific to Lithuania with regard to courts: non-transparent restitution of land.

4.3.2. UNCAC Recommendations

The UN anti-corruption review mechanism is not very well known to the research participants. In contrast to GRECO, which Lithuania joined in 1999 and has undergone almost four evaluation rounds, the UN evaluation of Lithuania was conducted only once in 2012. The country report was drafted, recommendations issued, but no follow-up was developed.

The research tried to clarity the importance of the UN anti-corruption recommendations. Acc According to the research participants, the importance of **UN recommendations is not big** because the UN recommendations and the mechanism is vague and the final word remains with the country evaluated rather than the evaluators or the plenary:

"UN is even weaker because they have no plenary to adopt the reports in a way that would allow evaluators to disagree with the country." R3,

"Those recommendations were much more vague." R5.

UN does not a follow-up mechanism

"UN does not have a follow-up on recommendations." R5.

The research participants found it difficult to identify concrete UN recommendations. Episodically they mentioned a recommendation to have a legal entity acknowledged a victim:

"*If I remember correctly there was one recommendation according to which a legal entity could be acknowledged as a victim in criminal proceedings. There's a draft law registered in the parliament. So time was ripe. A recommendation came and we didn't understand fully and then after a while, four or five years have passed and we started thinking about it."* R5.

The other reasons mentioned by the research participants why the importance of the UN recommendations is not big were that they were not close to them, they were not practical and the standards were below expectations:

"<...> the relevance has been lost. The others were closer to us or more practical." R7,

"I think that UNCAC is another tool in the package of anti-corruption tools. I would see it his way. It's good and what's next? Everything ends up with the national legislation and how we apply it. And the attention paid to us when we don't do something will probably be smaller than the attention paid to some bigger state." R8,

"The UN standard should be adapted to the lowest denominator. <...> That minimum is below our, so to speak, expectations." R5.

In response to a question about the observation given by the UN (as well as GRECO and the EU) that Lithuania still does not have a special legal act on the protection of whistleblowers, the research participants said that the minimum protection of whistleblowers is ensured:

"Our criminal proceedings offer minimum opportunities to protect the whistleblower and our administrative proceedings, I think, have minimum safeguards." R7,

"With regard to this recommendation we explained that we have different legal acts providing for the protection of whistleblowers." R5,

"At this point I don't think that there's anything missing with regard to whistleblower protection. I think that what exists is sufficient." R1.

According to the opinion of some research participants, a more elaborate system of whistleblower protection would not work in practice because of the small size of the country:

"Well, we are a small country." R7,

"I think that we are trying to copy and transpose to our country what is only possible to implement in big countries. The proposals in a small country like Lithuania would never work...Because we are too small." R1,

And the mentality that a whistleblower is an informer:

"Our understanding that giving evidence against another person is that it is acting as an informer. The informer is perceived negatively by the others. Certainly, we can adopt the law but how can we protect the person from that negative attitude? It's hard to find the mechanism. The law can be there but how effective will it be? Well, of course, it's necessary." R9,

"Let's take a labour dispute, salaries paid in envelopes. Well, there was a woman who blew a whistle, who will protect her? Where will she go? Ok, we can put it on paper. But in practice? How can we protect the person in practice? Well she works in Kėdainiai, will another company dare to employ her? Let's get down to earth." R1,

"Well, I don't like those anonymities... I am not in favour of creating a country full of informers... I am in favour of a country where people show their civil position." R7,

"I think that we still maintain a position that it is a syndrome of informers from the past... It's good that more and more people understand the difference between a whistleblower and an informer." R8.

A few research participants think that the measure could be implemented after changing attitude towards whistleblowers and starting to understand their benefit:

"We had a workshop (...) on whistle-blowing. One of the conclusions that we reached was "why are we still in this protective logic? Shouldn't we be in the rewarding logic, even symbolically?" R3,

"I would say that the theme of whistleblowers and whistle-blowing channels have turned into ... I would say... a half-alive appendix... Well, it exists, but nobody really understands how it could help to manage corruption risks. <...> I think that the new generation of the public sector somehow understands the benefit of this communication channel." R8.

Fragmentally it was mentioned that the problem was relevant and that it needs to be addressed in Lithuania:

"If a whistleblower becomes a complainant he is in disgrace. We have gaps to close. In criminal cases the status of a whistleblower is not clear. It is often said that he or she is forced by officials to act this way. The status is not clear-cut. In a criminal legal sense he is not protected. We encourage but we do not protect. That's Lithuania's problem." R10.

Asked about another UN recommendation (observation) concerning a bigger co-operation between the institutions fighting corruption and exchange of information, some research participants agreed with it but they did not know how to implement it in practice:

"You can describe co-operation in any agreements you want. Legal acts, codes, anything you want. If there's no normal co-operation in substance, informal co-operation, no legal act can help." R1,

"Let's strengthen co-operation, organise training (ironically) <...> You can't solve it artificially. You can't say "you, you and you should become friends by Wednesday". It won't happen." R4,

"There's no interest shown in what we could use from the other institutions. Well, yes, CEC takes data from the STI or COEC, but there's no understanding that we could combine the data and analyse it..." R6.

The other research participants thought that the recommendation was born as a result of diverging opinions but they did not see the issue identified as a big problem:

"Well, it's probably because we have a lot of institutions acting. When an interview is conducted with their employees, there is a difference in opinion, they understand and assess the situation differently." R9,

"*I don't see a big problem. On the political level it has been regulated. It is a field of responsibility of the Ministry of Justice and the executive branch. In law-making area we have the Anti-Corruption Commission and the central body is the Special Investigation Service. Perhaps some aspects of the position due to unhealthy competition have reached an expert's ear."* R7.

To summarise the importance of UN anti-corruption recommendations, a conclusion can be made that it is not big. The main reasons mentioned were only one evaluation phase, no follow-up with clearly set deadlines, too little attention paid to Lithuania by this global mechanism, recommendations are non-imperative and below expectations. Certain issues pointed by the UN, e.g., whistleblower protection and closer co-operation between agencies, are difficult to address in practice, yet with the change of attitude the situation could improve.

4.3.3. European Union Anti-Corruption Report 'Future Steps'

Asked a question about the European Union Anti-Corruption Report of 2014 and its importance to Lithuania, the research participants gave different opinions. Some said that it was relevant and that it was used daily to get protected against detrimental law-making initiatives (see part 4.2.3 on the value-added of international review mechanisms), setting priorities and paying attention to certain areas:

"We can examine the European Commission report and be among the first ones in the European Union to discuss it publicly. Alternatively, we can read it and tell the others that we have read it and let it stay as a computer file... For two years we have been using it as a reference document. <...> there are many detrimental initiatives and we get back to it and to GRECO recommendations." R7,

"In the health sector there have been many changes and initiatives recently. It's hard to say if that's the effect of the EC report." R8.

Other participants were more sceptical and they said that they had not learned anything new and that the problems mentioned in it were also specified in other evaluations:

"*I think it didn't say anything new. We understand the situation ourselves and we want to have the health sector and public procurement fixed ourselves."* R5,

"Where does this statement "assess the capacities" come from? First, it was formulated by the Law Institute or another body in a research about all the institutions. EC quoted them. <...>. I heard somebody say that the CEC is a notice-board: it receives information and disseminates it. There's no mention of what it really does." R6.

Moreover, the research participants said that the issue of petty bribery identified by the European Commission is relevant but it is not the key issue in the sector:

"in the health sector the problem is not about thank-yous" R2,

"speaking about thank-yous to medical doctors, when we speak about the problem we don't see the other problems which are excessive projects... public procurement, the relationship between private medical clinics and state bodies" R7.

Episodically it was mentioned that the problem of vote buying identified by the EC should not be associated with the problem of party funding and it was not a specific Lithuanian problem:

"I find the document very strange. It speaks about vote-buying as a problem of political corruption. Indirectly, perhaps it is party activity but I don't think parties are involved... <...> Well the situation was escalated and the report was developed accordingly but there's vote buying in other countries too and the situation there is much worse..." R6.

To summarise the opinion of the research participants about the importance of the EU anti-corruption report, a conclusion could be made that it is closer and more relevant because after it was launched the Lithuanian authorities started taking actions in response to the remarks made by the EC. This conclusion could be made by taking into account visualisation of the EU by the research participants, its identification with the "auditor", "civil servant", "family" and "class parents meeting". Probably the biggest role played by the European Union report is paying attention to certain issues and strengthening member states' political will to address them (in order to "keep up" with the others). Moreover, episodically the research participants mentioned that the ACR (along with GRECO standards) act as a shield against harmful law-making initiatives taken to destroy a well-developed system in Lithuania.

Noteworthy, the ACR received much attention from the Lithuanian authorities despite the fact that they were not broadly consulted during the preparation of the report and that it does not have a clearly established follow-up mechanism. It should be noted, however, that the first ACR received broad media coverage.

4.3.4. When Anti-corruption Recommendations are Important and Why?

The research participants were asked to imagine an ideal international review mechanism and effective recommendations issued by them. They had to think about what recommendations could be considered as effective and which criteria they were to meet. They mentioned that recommendations had to be clear, the country's position had to be listened to before they are formulated, deadlines for compliance had to be established and evaluation of their implementation should be in place (without sanctions applied):

"The recommendations have to be clear. And they should say why this action needs to be performed. And it should say several words about why the situation in the country is not as it should be. The country's arguments need to be listened to and checked afterwards..." R4,

There should be consultations with the country evaluated

"they should consult the locals. It's necessary." R6,

They should not be imperative, they should give freedom of manoeuvre

"Whether you look at the recommendation as an imperative or the organisation thinks that its recommendations are mandatory. Or you give a recommendation and you allow the country to choose what it wants to do with it. It could achieve the same result in other ways." R1,

Offering expert assistance,

"On a basic level, perhaps we do not know some practical things. Then we get recommendations advising us to have things fixed. Great. You look deeper into the matter and then perhaps it would work." R1,

"But here they show vocally... Look, there are some... not problems, but aspects, some challenges to be addressed." R5,

They should not be formal or only formally implemented

"Not like landed formally from the text of the convention." R2,

"It's useful when it's not just formal, without content <...>" R1,

"Do they really address the problem or we all develop good report writing skills?" R6,

"If these recommendations are implemented consistently, then they are useful, you can see if the state genuinely makes efforts or it doesn't. Whether it takes a formal or substantial approach to the recommendations." R5.

According to the research participants, the importance of recommendations depends of the will and readiness of the country to implement them:

"It depends on the readiness of the country to implement and admit them." R7,

"Attempts are made to avoid them, do nothing, there's no will saying "yes, let's do it". There's this negative attitude, hostility, they say "why should they come and tell us what we should do?" R9,

"*GRECO holds the problem in its hands: it can see it and it shows it. But it is the role of the country to make it stand on its feet. GRECO shows the spots that hurt, that go wrong."* R10.

Episodically it was mentioned that well-developed standards should be like a living instrument evolving with time:

"The European Court of Human Rights uses this concept of a "living instrument"... it means that the text changes with time and the convention evolves." R4.

In response to the last question about the correlation between the implementation of recommendations and reduction of corruption in the country, some research participants said that it would be difficult to see it, that changes can be achieved only by the actions taken on the ground and that the country's evolution is a natural process:

"*I don't know. These are two very remote things, I would have to analyse all the intermediary elements that come in between."* R3,

"I wouldn't make those recommendations separate from the actions taken by the state. It is one of them and that's it, nothing major." R4,

"The priority lies with the willingness of our country to deal with the issue internally and do it responsibly... Well but taking what is offered... <...> An intelligent person, like an intelligent state, should not ignore the outsider's opinion." R7,

"These are probably natural processes. These international organisations do not come from nowhere and they do not make recommendations out of nothing, there is some goal to achieve. The same goes about the EU or individual member states. They want to be and develop better. Those processes probably go hand in hand." R2.

The other research participants saw the correlation; they said that the recommendations help us move forward, especially when we want to keep up with the other states:

"It may be bigger or smaller but the impact is there." R9,

"<...>in any event we are not a global leader in the area of anti-corruption and therefore it is probably a good idea to learn from the leading countries. For now. Perhaps time will come when we reach a very high level and then we will the ones to dictate fashion." R5,

"Recommendations brought along a certain background with them. Often they were used as an incentive to amend laws or adopt new ones. I think that any international evaluation is a great opportunity to look at oneself through the eyes of the others and compare your country with the other countries. How would you know otherwise?" R8.

Episodically it was mentioned that the implementation of international recommendations is a question of a country's prestige, investment, safety and trust in law enforcement.

"It is natural that the state is not interested in having GRECO mention Lithuania as a non-compliant country, that it faces certain problems. It creates an automatic negative attitude towards the country, e.g. with respect to business investments, security, trust in law enforcement and all the other problems." R10.

The latter opinion reiterates the importance of collective identity described in the theoretical part which shapes the behaviour of individual countries. Seeking to gain positive assessment and trust of the group, the country joins it and acts in a way that helps it gain the trust. For such a country, keeping up with the international standards is a question of political and economic security.

4.3.5. Summary of the Category and Conclusions

1. To summarise the importance of GRECO and its anti-corruption recommendations, the research participants thought positively about this review mechanism because they believed it held a broad view. They could not identify a single recommendation that would bring damage to the country or was not relevant. One of GRECO's strengths is communication with Lithuanian representatives and a possibility given to them to defend their position. On the other hand, some informants believed that the Lithuanian authorities engage in self censorship and do not say the entire truth to the experts. Therefore, the evaluation process is not considered fully objective. The research participants had a

positive view of the anti-corruption articles of the Criminal Code amended as a result of GRECO evaluation, mostly the newly introduced legal institutions: trading in influence and liability of legal persons. They were also in favour of making sanctions for corruption offences higher which facilitated the application of certain procedural actions. On the other hand, due to court practice the sanctions have not become heavier in reality and the possibility to apply criminal liability for legal persons has eventually been restrained. In the area of incriminations, less significant were regarded GRECO recommendations according to which immaterial benefits could also be considered a bribe as well as universal jurisdiction applied to corruption crimes. However, these new provisions were seen as an opportunity for law enforcement which so far has not been used. If the area of party funding, the changes brought by GRECO were considered positive yet still to be improved. The most controversial recommendation was about rotation in the civil service. In 2005, GRECO issued a recommendation to Lithuania to consider introducing rotation in the areas where corruption risks are the biggest, whereas it started applying it in almost the entire civil service. The research participants were also sceptical about the new law on lobbying because they believed that this recommendation was implemented mostly formally rather than substantially. The interviewees held varying views about the GRECO recommendation regarding better communication of courts and prosecution with the public: some research participants thought it was a very important recommendation, the others thought it was less relevant. Episodically they mentioned that GRECO failed to identify one very important problem specific to Lithuania with regard to courts: non-transparent restitution of land.

2. To summarise the importance of UN anti-corruption recommendations, a conclusion can be made that it is not big. The main reasons mentioned were only one evaluation phase, no follow-up with clearly set deadlines, too little attention paid to Lithuania by this global mechanism, recommendations were non-imperative and below expectations. Certain issues pointed by the UN, e.g., whistleblower protection and closer co-operation between agencies, are difficult to address in practice, yet with the change of attitude the situation could improve.

3. To summarise the opinion of the research participants about the importance of the EU anti-corruption report, a conclusion could be made that it is closer and more relevant (than, for instance, UN recommendations) because after it was launched the Lithuanian authorities started to take actions in response to the remarks made by the EC. This conclusion could be made by taking into account visualisation of the EU by the research participants, its identification with the “auditor”, “civil servant”, “family” and “class parents meeting”. Probably the biggest role played by the European Union report is the attention paid to certain issues and strengthening member states’ political will to

address them (in order to "keep up" with the others). Moreover, episodically the research participants mentioned that the ACR (along with GRECO standards) act as a shield against harmful law-making initiatives taken to destroy a well-developed system in Lithuania. Noteworthy, the ACR received much attention from the Lithuanian authorities despite the fact that they were not broadly consulted during the preparation of the report and that it did not have a clearly established follow-up mechanism. It should be noted, however, that the first ACR received broad media coverage.

4. GRECO review mechanism and its recommendations are the closest to the ideal model of the review mechanism described by the research participants: the majority of recommendations are clear, GRECO always listens to the country's arguments, it has set up deadlines for compliance, has a follow-up and does not impose sanctions. In contrast, UNCAC does not have a follow-up mechanism, its recommendations are vague and non-imperative. The recommendations of all the three IOs provide some "expert assistance" and pay attention to problems. They become less important when they are only formal or when they are implemented formally. According to the research participants, the importance of the recommendations depends on the willingness of the state to take action and its readiness to implement the recommendations.

5. Some informants believed that it would be very difficult to identify a correlation between international anti-corruption recommendations and the improvement of the situation as it mostly depends on the willingness of the country to deal with the problems. The others thought that international recommendations help countries to move forward and that their impact is the greatest when the country wants to catch up with the other countries. They are a stimulus to act. Several research participants put a great emphasis on the importance of recommendations because their implementation is a question of the country's prestige, reputation, investment, security and trust in law enforcement.

CONCLUSIONS AND RECOMMENDATIONS

1. Corruption is an inter-subjective socially constructed reality, changing and multilayer, differently defined and perceived. A "stretchy" (narrowed or widened) definition of corruption makes it even more difficult to measure corruption that is based on the collective perception and experience of it. The scale of corruption in the country is measured by national, regional and international surveys. However, they all face difficulties in making proper diagnostics of corruption that is actually experienced rather than perceived and making a distinction between petty and grand scale corruption. Permanent escalation of corruption and anti-corruption increases the perception of the scale of the problem, which is reflected in the surveys. On the other hand, grand-scale corruption remains beyond the knowledge, experience or willingness to report by the respondents. In contrast to the most popular international surveys, the national survey "Lithuanian Map of Corruption" has a clear methodology, helps to identity areas most prone to corruption, the actual experience of it and the anti-corruption potential of the public. However, to improve the reputation of the country the reference should still be made to global, regional or other "standard" surveys used by the international community. Although Lithuania's CPI rating since 2012 has been improving, it is difficult to forecast if these positive trends will remain in the future and how much they depend of the national anti-corruption efforts, let alone the implementation of international anti-corruption recommendations. The conclusions reached in the theoretical part of the thesis are corroborated by the findings of the qualitative in-depth individual research conducted by it. The purpose of the qualitative research is to analyse the role played by the anti-corruption recommendations issued to Lithuania by international organisations.

2. For the Western world, which re-embraced Lithuania by including it into its international organisations, corruption has become a new enemy after the Cold War, whereas anti-corruption has been a common value linking the collective identity of such international organisations. During 2005–2015, Lithuania followed its usual life pattern when anti-corruption was not linked to any "reward" of membership in any strategically important international organisation. In this period, it sought to get established in the international community, gain respect and recognition and get rid of corruption as a relic of the past, one's association with corruption, and construct a new, "anti-corruption" identity, linking it together with the collective identity of the international organisations it has chosen to join. Lithuania sought to achieve this goal by implementing GRECO, UN and EU anti-corruption recommendations issued to it. The theoretical part makes a conclusion that compliance with international norms and legitimation is particularly important in the countries that are not confident

about their reputation and international status. This conclusion is corroborated by findings of the qualitative research which reveals Lithuania's strong wish to be identified with the West and sensitive response to any hint that the appropriate level still needs to be reached. For Lithuania, membership in the EU and NATO means prestige, maintaining a certain level, which is contrasted to the East, Asia or the third world. Anti-corruption is one of the ways to achieve such prestige.

3. The three anti-corruption review mechanisms, in which Lithuania took part during 2005–2015, are different, having their own strengths and weaknesses. GRECO has the biggest number of advantages because it is a time-tested mechanism, with a stable budget, a clear follow-up, taking into account the views expressed by NGOs and academics, listening to the arguments expressed by the evaluated country, yet the final judgement lies with the plenary. During the period researched GRECO gave the biggest number of recommendations to Lithuania and the majority of them were successfully implemented. Although the UNCAC review mechanism is the most ambitious, covering almost all the countries in the world, yet its recommendations are two broad, too vague, difficult to implement in practice, lacking a follow-up and therefore its role is the smallest. The strength of the EU Anti-Corruption Report is tailor-made recommendations to Lithuania and huge media attention. However, the ACR potential is still to be seen as the second report which had to include the progress achieved in implementing recommendations has been postponed to 2017. By looking at the anti-corruption mechanisms through the approach of constructivism theory, the biggest role in shaping the "anti-corruption" identity of the country is played by the mechanisms which are the most visible and audible. Simply put, the mechanisms that enable countries to demonstrate their position of "getting cleaned of corruption". During the period of research such mechanisms were GRECO and the ACR. The conclusion is made on the basis of qualitative research findings. GRECO review mechanism is also the closest to the "ideal" review model, as described by the research participants. Out of the three models, they feel the closest emotional link with the EU, but being in it they still feel to occupy an inferior position (as compared to the other member states). With reference to the profiles drawn by research participants of GRECO, UN and EC, it can be concluded research participants do not identify Lithuania with any of the review mechanisms, although it has been a part of the mechanism since they have been created. This could imply that Lithuania's collective "anti-corruption" identity has not yet developed.

4. A thesis statement formulated at the beginning of the research – that implementation of international anti-corruption recommendations does not have a major impact on the reduction of corruption in Lithuania – has proven only partially true. On the one hand, positive anti-corruption developments in the recent decade mentioned by the research participants have been mostly associated

with the country's willingness to address the issue and the growing public intolerance towards corruption. Only episodically the implementation of recommendations issued by IOs was mentioned as a determining factor in anti-corruption. Moreover, in response to a question about the most effective anti-corruption measure applied Lithuania in 2005–2015, those mentioned by the research participants (e-government, internal control, etc.) cannot be linked to the anti-corruption recommendations issued by the IOs during that period. On the other hand, the research showed a number of "value-added" aspects brought about by IOs which a single state does not have, including the following: pressure forcing the country to take anti-corruption actions, an outsider's look, competition with other countries and the urge to keep up with them, offering new anti-corruption tools, sharing experience, expert and financial assistance, prevention measures forestalling future problems, protection against detrimental initiatives to destroy a well developed system. The latter aspect of international anti-corruption recommendations has not been duly appreciated although it also depends on domestic actions to make use of it. Another important aspect of implementation of international recommendations is the question of the country's prestige and reputation in order to ensure its economic and political security. Therefore, even when anti-corruption no longer constitutes a "prize" of being embraced by the international organisation, anti-corruption actions remain an important factor of getting fully established in the international community.

5. Having analysed and systemised the anti-corruption recommendations issued to Lithuania by IOs in 2005–2015, a conclusion could be made that the majority of them require the change of national legislation and a much smaller share is about ensuring implementation or changing improper practice. This means that true anti-corruption challenges – practical implementation of suggested measures – remain in the future and that the full potential of anti-corruption recommendations issued by IOs has not been fully disclosed. On the other hand, findings of the qualitative research reveal that one of the biggest obstacles of fighting corruption in Lithuania is the abundance of ineffective legislation, formalistic approach to anti-corruption measures and the lack of ownership. Therefore, it could be concluded that the role of international anti-corruption recommendations could be bigger if Lithuania felt a stronger collective identity or ownership of review mechanisms and demonstrated a bigger motivation to change.

Recommendations

1. In order to show a more objective situation of corruption in Lithuania, more attention should be paid to the survey data measuring the actual experience of corruption rather than perception, with a special emphasis on the use of national corruption surveys.

2. In order to ensure stronger ownership of international review mechanisms, it is recommended to have a bigger number of Lithuanian experts involved in monitoring.

3. The UN is recommended to create a follow-up mechanism to monitor the implementation of recommendations issued to countries.

4. The analysis of the impact of anti-corruption recommendations could be continued – not only in Lithuania, but also in other countries.

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ANNOTATION

Koncevičiūtė E. Role played by Recommendations of International Organisations in reducing Corruption in Lithuania: 2005–2015 / Master's thesis of International Politics and Economics. Supervisor Assoc. Prof. Raimundas Dužinskas. – Vilnius: Mykolas Romeris University, Faculty of Politics and Management, Institute of Political Sciences, 2016.

The master's thesis analyses anti-corruption recommendations issued to Lithuania during the period from 2005 to 2015 by international organisations – Council of Europe (GRECO), European Union and United Nations – and examines their role in reducing corruption in Lithuania. Part one examines the issue of definition and measurement of corruption, formation of collective "anti-corruption" identity, internalisation of international norms and compliance with them, following the theory of constructivism. Part two analyses three anti-corruption assessment mechanisms applied in Lithuania, identifying their strengths and weaknesses, collecting and systemising the recommendations issued to Lithuania by them. Part three explains the methodology of empirical research conducted to assess the role of anti-corruption recommendations in Lithuania. Part four analyses and summarises findings of qualitative research based on an in-depth individual interview with research participants who have had previous experience of working with international assessment mechanisms and implementation of the anti-corruption recommendations issued by them.

Keywords: corruption, anti-corruption, collective identity, GRECO, UNCAC, EU Anti-Corruption Report, anti-corruption recommendations

ABSTRACT

Koncevičiūtė E. Role played by Recommendations of International Organisations in reducing Corruption in Lithuania: 2005–2015 / Master's thesis of International Politics and Economics. Supervisor Assoc. Prof. Raimundas Dužinskas. – Vilnius: Mykolas Romeris University, Faculty of Politics and Management, Institute of Political Sciences, 2016.

The master's thesis "Role played by Recommendations of International Organisations in reducing Corruption in Lithuania: 2005–2015" examines the period during which the usual "anti-corruption" pulse of Lithuania as a full-fledged member of the EU and NATO can be taken, when anti-corruption reforms are no longer considered as a pre-condition of membership. The relevance of research is explained by the following two reasons: first, the need to take a critical view of what international anti-corruption recommendations have already been made and implemented, bearing in mind Lithuania's aspiration to join another international organisation, the OECD, and its new anti-corruption requirements; second, taking into account the fact that Lithuania itself participates in setting international anti-corruption standards and evaluating other countries. The thesis starts with a research problem which is defined as the lack of clarity played by the role of international anti-corruption recommendations implemented in Lithuania and sets the aim of analysing three anti-corruption mechanisms – European Union, Council of Europe (GRECO) and United Nations – and the recommendations issued by them to Lithuania in order to assess their role. The objectives of the thesis are the following: first, using the theory of constructivism, examination of construction of corruption and anti-corruption with a particular emphasis on the definition and measurement of corruption, formation of a collective identity and internalisation of international norms; second, analysis and comparison of three international anti-corruption mechanism applied in Lithuania in 2005–2015; and third, conducting a quality research based on an in-depth individual interview with research participants qualitative research based on an in-depth individual interview with research participants who have had previous experience of working with international anti-corruption mechanisms and their recommendations. The following main conclusions are reached: for the Western world corruption has become a new enemy after the Cold War, whereas anti-corruption is a common value linking together its collective identity. By implementing the recommendations issued by GRECO, UNCAC and the EU Lithuania seeks to establish itself in international community, gain self-esteem and get rid of corruption as a relic of the past and construct a new – "anti-corruption" identity – linking it with a collective identity of the international organisations it had joined. Even when anti-corruption is no longer a membership "prize", anti-corruption actions remain an important factor of getting established in the international community. The thesis statement formulated in the beginning of the paper – that implementation of international anti-corruption recommendations has a little impact on the reduction of corruption in Lithuania – has proven only partially true. On the one hand, positive changes are mostly associated with the country's willingness to deal with the issue. On the other hand, the research revealed a number of value-added aspects brought about by the international anti-corruption recommendations. Their role could be bigger if Lithuania shared a stronger collective identity with international anti-corruption mechanisms and had a bigger motivation to change.

The master's thesis comprises an introduction, four parts, conclusions and recommendations, references, annotations and abstracts in Lithuanian and English, and appendices. Appendix 1 provides a full list of recommendations given by international organisations during that period, specifying the shortcomings identified, actions recommended and assessments made.

Keywords: corruption, anti-corruption, collective identity, GRECO, UNCAC, EU Anti-Corruption Report, anti-corruption recommendations

ANNEXES

ANNEX 1

List and classification of recommendations issued to Lithuania by GRECO, UN and EU in 2005–2015

Recommendations issued to Lithuania by the Council of Europe Group of States against Corruption (GRECO)

Lithuania is a member of GRECO since 1999.

GRECO **2nd** evaluation round.
Evaluation report adopted on 17-20 May **2005**.[176]
Themes: 1. Proceeds of corruption
2. Public administration and corruption
3. Legal persons and corruption
Compliance report adopted on 29 May – 1 June **2007**.[177]
Addendum to the compliance report adopted on 29 June – 2 July **2009**.[178]

Table 8. Recommendations issued to Lithuania during GRECO 2nd evaluation round

2nd evaluation round. ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***	***GRECO assessment. Action performed by Lithuania***
1. consider providing the Special Investigation Service with adequate resources and enhance its in-house specialised knowledge with a view to enabling the Service to trace instrumentalities and proceeds of crime, particularly with regard to legal persons, in a more effective manner.	Insufficient STT resources and qualification of employees	Consider increasing resources and organise training	Implemented in 2007. Resources increased, training organised
2. enhance, through guidelines and training, the practical side of management of temporarily seized property (such as enterprises or company shares) among responsible authorities.	Lack of clear guidelines and qualification of officials	Develop guidelines and implement training	Implemented in 2007. Recommendations developed for prosecutors; if necessary qualifications will be increased
3. provide for an efficient monitoring of the anti-corruption programmes adopted at sector and local levels.	Lack of implementation	Ensure practical implementation (monitoring of sector programmes)	Implemented in 2007. Responsible authority (STT) envisaged, results of implementation provided
4. consider introducing the regular rotation of staff, or similar measures, in such areas which entail a	Lack of implementation of	Consider ensuring implementation	Implemented in 2007. Responsible ministry

[176] "Council of Europe Group of States against Corruption. Second Evaluation Round. Evaluation Report on Lithuania. Strasbourg 2005 05 17-20," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval2(2004)12_Lithuania_EN.pdf.
[177] "Council of Europe Group of States against Corruption. Second Evaluation Round. Compliance Report on Lithuania. Strasbourg 2007 05 29-06 01," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2(2007)5_Lithuania_EN.pdf.
[178] "Council of Europe Group of States against Corruption. Second Evaluation Round. Addendum to the Compliance Report on Lithuania. Strasbourg 2009 06 29-07 02," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC2(2007)5_Add_Lithuania_EN.pdf.

2nd evaluation round. ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***	***GRECO assessment. Action performed by Lithuania***
particular risk of corruption	envisaged measure (NACP)		(MoI) tasked to consider. During that year the rotation was introduced only in the Border Guard Police
5. progressively eliminate the practice of accepting gratuities in the health and social care sectors	Improper regulation and practice	Change practice	Implemented in 2007. Regulation changed. Lithuania is encouraged to ensure practical implementation
6. introduce, pending the adoption of the Code of Conduct, regular in-service training on public ethics for public officials at all levels.	Lack of civil servants' qualifications (in the area of ethics)	Regularly conduct training	Implemented in 2007. Training organised. Lithuania is urged to adopt a code of conduct for civil servants (*still not adopted*)
7. establish liability of legal persons for the offence of trading in influence, in accordance with the Criminal Law Convention on Corruption.	Improper regulation	Change regulation	Implemented in 2007. Criminal code amended
8. ensure that investigating, prosecuting and adjudicating authorities have the necessary training in order to fully apply the provisions on corporate criminal liability. Moreover, appropriate information on these matters should also be provided to the tax authorities.	Lack of qualifications (*of officials and civil servants regarding liability of legal persons)*	Organise training	Implemented in 2009. Training organised

Developed the author in accordance with the GRECO 2nd round evaluation and compliance reports of Lithuania of 2005–2009.

GRECO 3rd evaluation round.

Theme I: **Incriminations**

The report was adopted on 29 June – 2 July **2009**. [179]
Compliance report was adopted on 23-27 May **2011.**[180]
Second compliance report adopted on 17-21 June **2013**.[181]

Table 9. GRECO 3rd round recommendations to Lithuania "Incriminations"

3rd round "Incriminations". ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***	***GRECO assessment. Action performed by Lithuania***
1. to take additional measures (training, circulars and other awareness raising initiatives) to encourage the use of objective factual circumstances to substantiate bribery and trading in influence offences.	Lack of qualifications (*in presenting evidence in*	Organise training, develop circulars	Implemented in 2011. Training organised, analysis performed, methodological

[179] "Council of Europe. GRECO. Third Evaluation Round. Evaluation Report of Lithuania on Incriminations (Theme I). Strasbourg, 29 June – 2 July 2009," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2008)10_Lithuania_One_EN.pdf.
[180] "Council of Europe. GRECO. Third Evaluation Round. Compliance Report on Lithuania. Strasbourg, 23-27 May 2011," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2011)7_Lithuania_EN.pdf.
[181] "Council of Europe. GRECO. Third Evaluation Round. Second Compliance Report on Lithuania. Strasbourg, 17-21 June 2013," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)6_Second_Lithuania_EN.pdf.

3rd round "Incriminations". ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***	***GRECO assessment. Action performed by Lithuania***
	courts)		recommendations developed
2. to extend the concept of bribe in the incriminations of bribery and trading in influence so as to cover clearly any form of benefit (whether material or immaterial and whether such benefits have an identifiable market value or not), in line with the concept of "any (undue) advantage" used in the Criminal Law Convention on Corruption (ETS 173).	Improper (too narrow) regulation	Change regulation	Implemented in 2013. CC Article 230(4) amended
3. making it clear for everyone that instances in which the advantage is not intended for the bribe-taker him/herself but for a third party are covered by the provisions on active bribery under Article 227 of the Criminal Code.	Improper (too narrow) regulation	Change regulation	Implemented in 2013. CC Article 227(1) amended
4. to incriminate trading in influence in line with Article 12 of the Criminal Law Convention on Corruption (ETS 173).	Improper (too narrow) regulation	Change regulation	Implemented in 2013. CC Article 226(1), (2) amended
5. to ensure that active and passive bribery of domestic and foreign arbitrators and jurors is criminalised in accordance with Articles 2 to 6 of the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) and to sign and ratify this instrument as soon as possible	Improper (lacking) regulation	Change regulation	Implemented in 2013. CC Article 230 and additional protocol ratified
6. to review the sanctions applicable to bribery and trading in influence in order to increase their consistency as well as the level of penalties applicable (especially to active bribery and trading in influence / bribery of intermediaries), and to ensure they are effective, proportionate and dissuasive.	Inconsistent application of sanctions for corruption offences, small fines	Change practice	Implemented in 2013. CC articles amended: stricter sanctions introduced
7. to analyse Article 227 paragraph 4 of the Criminal Code and recent cases in which the defence of effective regret has been invoked, with a view to ascertaining the potential for misuse of this defence and, if need be, to take further appropriate measures.	Improper practice (possible abuse of the provision)	Analysis of practice, change regulation and practice if necessary	Implemented in 2011. New amendment developed (CC Article 227(5), (6), but <u>not adopted.</u>
8. to increase the flexibility of the statute of limitation (for the prosecution of offences), in particular by providing for the interruption or suspension of the period of limitation upon the institution of criminal proceedings.	Improper regulation	Change regulation	Implemented 2011. Amended CC Article 95
9 (i) to ensure that Lithuania has jurisdiction in respect of bribery and trading in influence offences where the offence is committed in whole or in part in its territory, and in all situations where the offence involves one of its public officials or any other person referred to in Article 17 paragraph 1 subparagraph c of the Criminal Law Convention on Corruption; (ii) to abolish the dual criminality requirement for the prosecution of bribery and trading in influence offences committed abroad by its nationals, public officials or members of domestic public assemblies	Improper regulation	Change regulation	Implemented 2013. Amended CC Article 7. Universal jurisdiction introduced

Developed by the author in accordance with the Greco 3rd round evaluation and compliance reports of 2009-2013.

GRECO **3rd** evaluation round.
Theme II. **Transparency of party funding**
Evaluation report adopted on 29 June – 2 July **2009**.[182]
Compliance report was adopted on 23-27 May **2011.**[183]
Second compliance report adopted on 17-21 June **2013**.[184]

Table 10. GRECO 3rd round recommendations to Lithuania "Transparency of Party Funding"

3rd evaluation round. Transparency of Party Funding. ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***	***GRECO assessment. Action performed by Lithuania***
1. rapidly engage broad consultations about the need to strengthen the implementation of the law of 2004 on Financing and Financial Control of Political Parties and Political Campaigns, and to support the implementation of this legislation with guidance, awareness raising and training initiatives, as appropriate, for the benefit of political parties.	Improper implementation of the law	Ensure implementation (by organising consultations and providing guidance)	Implemented in 2011. A new version of the law dveloped, discussions organised, CEC provided guidance
2 (i) to provide for criteria defining the scope of the annual consolidated accounts of political parties (as well as those concerning elections) that would clearly take into account the structures and activities related directly or indirectly to political parties or which are otherwise under their control, including movements of assets involving the various components and entities; (ii) to introduce rules that would address the activity of third parties	Improper regulation	Change regulation	Implemented in 2013. Stricter accounting rules, prohibition of legal entities to finance political parties introduced
3. take appropriate measures to ensure that the requirement of "inadmissible" donations and unused campaign funds being transferred to charity organisations is not misused to recycle the funds via charities linked to the party or candidates concerned.	Improper regulation	Change regulation	Implemented in 2011. Law amended (on political party and campaign financing)
4. issue guidelines (in the form of accounting rules or instructions adopted by the appropriate authority) concerning the valuation and declaration of in-kind donations	Improper regulation	Change regulation	Implemented in 2011. Resolution adopted (of the Minister of Finance)
5. strengthen the role and control function of campaign treasurers (i) by limiting un-registered donations (and their use) to the largest possible extent and by requiring the centralisation of campaign expenditure payments under the campaign treasurer's responsibility; (ii) by considering entrusting the treasurer with the exclusive responsibility for the collection and registration of regular donations and State grants to political parties; (iii) by making it mandatory also for political parties to open special campaign accounts.	Improper regulation	Change regulation	Implemented in 2011. Law amended (on political party and campaign financing)

[182] "Council of Europe. GRECO. Third Evaluation Round. Evaluation Report on Lithuania on Transparency of Party Funding (Theme II). Strasbourg, 29 June – 2 July 2009," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2008)10_Lithuania_Two_EN.pdf.
[183] "Council of Europe. GRECO. Third Evaluation Round. Compliance Report on Lithuania. Strasbourg, 23-27 May 2011," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2011)7_Lithuania_EN.pdf.
[184] "Council of Europe. GRECO. Third Evaluation Round. Second Compliance Report on Lithuania. Strasbourg, 17-21 June 2013," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3(2013)6_Second_Lithuania_EN.pdf.

3rd evaluation round. Transparency of Party Funding. ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***	***GRECO assessment. Action performed by Lithuania***
6 (i) to extend the financial reference period applicable to election campaigns, so that the financial activity during election campaigns is more properly accounted for in light of the law of 2004 on Financing and Financial Control of Political Parties and Political Campaigns (LFP); (ii) to remove possible inconsistencies between the LFP and other laws as to registration deadlines.	Improper regulation	Change regulation	Implemented in 2011. Law amended (on political party and campaign financing)
7. (i) to provide a leading body, possibly to be assisted by other appropriate services, with a mandate and adequate powers and resources to supervise effectively the implementation of the law of 2004 on Financing and Financial Control of Political Parties and Political Campaigns, including the ability to investigate possible infringements, and (ii) to ensure that this body is in a position to exercise its functions in an independent and impartial manner.	Improper regulation	Change regulation	Implemented in 2011. Regulation amended. Clearer identification of roles
8. i) to ensure adequate standards are in place as regards the independence of auditors entrusted with the certification of party and campaign accounts and to raise the level of requirements vis-à-vis the audited entity or candidate; ii) to issue, in consultation with the competent body(ies) auditing standards specific to party and election campaign financing	Improper regulation	Change regulation	Implemented in 2011. CEC developed the terms of reference for auditors
9. review the system of sanctions applicable in case of violation of the law of 2004 on Financing and Financial Control of Political Parties and Political Campaigns, in order to spell out precisely which type of proceedings and sanctions are applicable to a given infringement, and to ensure that the various possible infringements actually attract sanctions.	Improper regulation, sanctions too small	Change regulation	Implemented in 2011. Stricter sanctions envisaged in the law on political party and campaign financing and CALV.
10. spell out clearly that the body/bodies responsible for monitoring the implementation of the law of 2004 on Financing and Financial Control of Political Parties and Political Campaigns are required to refer cases of suspected violations to the prosecutor.	Improper regulation	Change regulation	Implemented in 2011. Law amended (on political party and campaign financing).
11. i) to increase the level of administrative fines for infringements in the area of transparency of party and campaign funding and to provide for the possibility to disqualify persons found guilty of such infringements from holding an elected office; ii) to introduce wider possibilities for suspending the State grant to political parties..	Improper regulation, too small administrative sanctions	Change regulation	Changed regulation **Partly** implemented in 2013. Amendments to CAVL developed but not adopted.
12. extend the statute of limitation applicable to violations of the law of 2004 on Financing and Financial Control of Political Parties and Political Campaigns, including related violations under other relevant laws.	Improper regulation	Change regulation	Implemented 2013. CAVL provides for a longer period of the statute of limitations

Developed by the author in accordance with the Greco 3rd round evaluation and compliance reports of 2009-2013.

GRECO **4th** evaluation round.
Theme. Corruption prevention in respect of members of parliament, judges and prosecutors
Evaluation report adopted on 8-12 December **2014**.[185]
Compliance report has not been adopted yet. It was planned in the second half of 2016 but postponed to early 2017.

Table 11. GRECO 4th round recommendations to Lithuania

Fourth evaluation round. ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***
General		
1. at the initiative of the Chief Official Ethics Commission, the cooperation on an operational level between the institutions responsible for overseeing the implementation, by members of the Seimas, judges and prosecutors, of rules on conduct, conflicts of interest and related matters be significantly strengthened.	Improper co-operation among different bodies (responsible for monitoring implementation of the conflict of interest rules)	Strengthen co-operation
Regarding members of parliament		
2. transparency of the legislative process be further improved by ensuring that agendas, working documents and minutes of committee meetings are made accessible in due time.	Insufficient transparency of the law-making process	Change regulation/ practice by making committee agendas available in due time
3. introducing rules on how members of parliament engage with lobbyists and other third parties who seek to influence the legislative process.	Improper regulation	Change regulation (adopt additional rules)
4. appropriate measures be taken to ensure effective supervision and enforcement of the rules regarding declarations of private interests and other rules of conduct of members of the Seimas.	Improper implementation (lack of an effective mechanism for monitoring conflict of interests)	Ensure practical implementation
5. efficient internal mechanisms be developed to promote, raise awareness of, and thereby safeguard, integrity in the Seimas, both at institutional level (training, institutional discussions on ethical issues related to parliamentary conduct, etc.) and on an individual basis (confidential counselling).	Lack of knowledge (about conflict of interest)	Ensure practical implementation, Organise training
Regarding judges		
6. judicial authorities continue in their endeavours to ensure (i) appropriate education to strengthen the professional skills for drafting judicial decisions and (ii) better communication with the public	Insufficient professional skills; poor communication with the public	Organise training, improve communication with the public
7. (i) that the method for appointing the members of the Selection Commission of Candidates to Judicial Offices be reviewed in order to strengthen their independence and that the procedure for appealing against the Commission's decisions be consolidated, and (ii) that the Judicial Council be given a more important role in the procedure for selecting judges.	Improper practice (too small role of the Judicial Council in the selection procedure)	Change practice, regulation
8. judicial authorities (i) take further measures to raise judges' awareness on ethical issues and conflicts of interest, notably by stimulating institutional discussions and that (ii) these measures be communicated to the public	Shortage of knowledge (on conflict of interests)	Organise training
Regarding prosecutors		
9. that the prosecutorial authorities continue in their endeavours to improve communication between the prosecution service and the public, notably by ensuring	Improper communication (of prosecutors) with the public	Organise training, ensure practical implementation

[185] "Council of Europe. GRECO. Fourth evaluation round. Corruption prevention in respect of members of parliament, judges and prosecutors. Evaluation Report of Lithuania. Strasbourg, 8-12 December 2014," accessed on 29 August 2016, http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4(2014)5_Lithuania_EN.pdf.

Fourth evaluation round. ***GRECO recommendation***	***Shortcoming identified***	***Action recommended***
proper implementation of the adopted standards, 53 complementing them where necessary, and by providing relevant training		
10. in order to increase the transparency and objectivity of the recruitment and promotion in the prosecution service, strengthening the decisive influence of the selection commissions, by providing that their recommendations be followed as a rule and that written motivation be given if they are not.	Improper practice, regulation	Change practice, regulation
11. (i) the Code of Ethics of Prosecutors be complemented in such a way as to offer practical guidance by way of explanatory comments and/or practical examples on conflicts of interest and ethical issues and (ii) that further measures be taken to raise prosecutors' awareness of these issues, notably by stimulating institutional discussions	Shortage of practice	Raise awareness, complement rules

Developed by the author in accordance with the Greco 4th round evaluation report of 2014.

UNCAC review report of Lithuania

Country review report of Lithuania adopted on 14-16 November 2012, the whole text published on 29 October 2013.[186]

Table 12. Recommendations issued to Lithuania by UNCAC monitoring mechanism

UN recommendation	***UNCAC provision mandatory/optional***	***Recommended action***	***Performed action***
Criminalisation and law enforcement (Chapter III)			
Explore ways to secure that the embezzlement, misappropriation or other diversion of property made by a public official are criminalized through specific provisions	Mandatory	Change regulation	Not implemented.
Undertake appropriate follow-up action to ensure the timely enactment of the new legislation supplementing and amending the existing provision of the CC on money laundering	Mandatory	Change regulation	Implemented. On 19 December 2013, Seimas (Parliament) adopted amendments to Articles 7 and 216 and additional Article 224^1 to the Criminal Code (Law No. XII-702.) Regulation changed in response to EU requirements and MONEYVAL recommendations issued to Lithuania.
Explore the possibility of giving more precise description of the act of concealment and, thus, ensure more effective implementation of article 24 of the UNCAC at the domestic level	Optional	*Explore the possibility* of changing regulation	Not implemented.
Study the possibility of criminalizing the abuse of functions regardless of the damage caused and in line with the requirements of article 19 of the UNCAC	Optional	*Study the possibility of* changing regulation	Not implemented.
Continue to pursue further clarity in jurisprudence as to the imposition of sanctions to legal persons for specific offences by means of identifying thresholds of penalties for such legal persons, as well as specifying appropriate indicators for application of a certain type of penalty; in doing so, take into consideration the size or the financial situation of the legal person	Optional	Pursue further clarity in jurisprudence	Study conducted by the Law Institute (Lithuania)
Supporting provisions to criminalisation			
Develop consistent jurisprudence to provide clarity regarding the confiscation of income and other benefits derived from corresponding proceeds of crime or property, i.e. added value of such property, as required in article	Optional	Develop consistent jurisprudence	Study conducted by the Law Institute (Lithuania)

[186] "UNODC. Country Review Report of Lithuania."

UN recommendation	*UNCAC provision mandatory/optional*	*Recommended action*	*Performed action*
31, paragraph 6, of the UNCAC, in particular, whether "property received directly or indirectly from a criminal act", as set forth in article 72, paragraph 2, CC covers instances of confiscation of secondary proceeds of crime			
Pursue action, including through the consistent development of relevant jurisprudence, to secure that the concept of "good will" of third parties is applied in a manner that is not prejudicial to their rights in confiscation procedures	Optional	Develop consistent jurisprudence	Study conducted by the Law Institute (Lithuania)
Ensure, in line with article 35 of the UNCAC, that legal persons or entities would benefit not only from the status of civil plaintiff, but also from the status of victim in criminal proceedings, as such status is currently afforded only to natural persons	Mandatory	Change regulation	Partly implemented. Amendment to the criminal code Article 28(1) registered with the parliament.
Take into account the need to reconsider the development of specific legislation on the protection of reporting persons, to further ensure that procedural and nonprocedural witness protection measures are applied to whistle-blowers in corruption cases	Optional	*Need to reconsider* changing regulation	Not implemented.
Continue to clarify the interpretation of existing legislation on criminal jurisdiction through jurisprudence to enable a more comprehensive and flexible scheme of criminal jurisdiction over corruption offences	Optional	Clarify court practice	Not implemented.
Specialised authorities and inter-agency co-operation			
Consider the allocation of additional resources to strengthen the efficiency and capacity of law enforcement bodies and agencies	Optional	*Consider* allocation of additional resources	Implemented.
Continue to strengthen inter-agency coordination and cooperation in the field of law enforcement against corruption, as well as the exchange of information among competent bodies, with a view to avoiding, to the extent possible, conflicts at the institutional level	Mandatory	Strengthen interagency co-operation	Being implemented through the work of the Interagency Anti-Corruption Commission.
International co-operation (Chapter IV)			
Systematize and make best use of statistics, or, in their absence, examples of cases indicating the length of extradition and MLA proceedings to assess their efficiency and effectiveness	Optional	Systemise data	Not implemented.
Continue to make best efforts to ensure that extradition and MLA proceedings are carried	Mandatory	Improve practice	Being implemented.

UN recommendation	*UNCAC provision mandatory/optional*	*Recommended action*	*Performed action*
out in the shortest possible period			
Systematize and make best use of statistics, or, in their absence, examples of cases of simplified extradition, postponement of MLA proceedings and enforcement of foreign criminal judgements	Optional	Systemise data	Not implemented.
Continue to explore opportunities to actively engage in bilateral and multilateral agreements with foreign countries (particularly non-European countries), with the aim to enhance the effectiveness of different forms of international cooperation	Optional	*Explore opportunities* to increase co-operation	Being implemented.
Consider the allocation of additional resources to strengthen the efficiency and capacity of international cooperation mechanisms.	Optional	*Consider* allocation of additional resources	Not implemented.

Developed by the author according to the assessment conducted by UN and information provided by the Ministry of Justice (RL)

Annex "Lithuania" to the EU Anti-Corruption Report

Adopted on 3 February 2014.[187] Next report that should include assessment of implemented actions is envisaged in 2017.

"Lithuania has demonstrated commitment to prevent and combat corruption, including through an extensive legal framework. The challenge is to apply relevant provisions in practice and to promote appreciation of their meaning and rationale, in order to tackle both petty and high level corruption. Further reinforcing the independence and effectiveness of anti-corruption institutions would help address challenges in public procurement, the financing of political parties, and healthcare. The following points require further attention:

- Assessing the **Public Procurement Office**'s monitoring capacity and prioritisation of larger cases, and developing additional prevention tools within contracting authorities to help detect corruption at various stages of procurement, with a focus on the local level and the healthcare sector. Developing a targeted strategy against informal payments in **healthcare**, establishing control mechanisms with the necessary powers, training and operational independence;
- Analysing the effectiveness of the **Special Investigation Service** (STT) focusing on the number of indictments and seriousness of cases, to identify potential areas for improvement including coordination with other institutions and proactivity in the investigation of high-level corruption;
- Strengthening the **Chief Official Ethics Commission**, improving the methodology for checking declarations of conflict of interest by elected and appointed officials, monitoring violations, and enforcing dissuasive sanctions.;
- Ensuring that **political parties** provide timely and adequate information on their sources of **funding**, strengthening the monitoring of party expenditure and income, including membership fees, and assessing the monitoring capacity of the Central Electoral Commission."[188]

[187] "European Commission. Annex "Lithuania" to the EU Anti-Corruption Report. Brussels, 3 February 2014," accessed on 29 August 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_lithuania_chapter_en.pdf.
[188] Ibid, 11–12.

ANNEX 2

MYKOLO ROMERIO UNIVERSITETAS

CONSENT TO TAKE PART IN SCIENTIFIC RESEARCH

"ROLE THAT ANTICORRUPTION RECOMMENDATIONS GIVEN BY INTERNATIONAL ORGANISATIONS PLAY IN LITHUANIA: 2005-15"

Hereby I agree to take part in the aforementioned research:

1. I have been made familiar with the goal, means, data collection and data usage in relation to this research.
2. I agree to take part in the research voluntarily.
3. I understand that by taking part in the research I will have to answer the questions asked by the researcher.
4. I have the right to refuse answering any of the questions given.
5. I have been explained that I can discontinue my participation in the research at any time.
6. I have been told that my identity will not be disclosed in presenting the findings of this research and that confidentiality of the information provided will be preserved.
7. I have no objection to having authentic excerpts of the interview, without revealing my identity, used in presenting findings of the research.
8. Research findings will be processed following the principle of confidentiality, no personal data (first name, last name) will be revealed.

_____ _____

Research participant's first name, last name, signature Date

_____ _____

Researcher's first name, last name, signature Date

For more information about the research please contact:

Elena Koncevičiūtė, an MA student of International Politics and Economics at the Faculty of Politics and Management, Mykolas Romeris University, elena.simono@gmail.com.

ANNEX 3

Questionnaire of the in-depth individual interview

I. Concept of corruption. Assessment of the level of corruption and anti-corruption efforts in Lithuania.

1. How do you understand 'corruption'? How do you define it?
2. How do you measure corruption and its level?
3. What is the level of corruption in Lithuania? How does it change? Why?
4. How do you assess the importance attached to anti-corruption in Lithuania? What is Lithuania's strength? What does Lithuania do well/wrong?
5. What anti-corruption measures are the most effective?

II. International organisations and their anti-corruption role.

5. Why did anti-corruption become an international issue, an issue dealt with by the international community?
6. What are the strengths of IOs? What can they do as opposed to a country acting alone? What is the value-added of international monitoring mechanisms?
7. What are the weaknesses of IOs? What can't they do?
8. What was Lithuania's aim to join the international anti-corruption instruments? Expectations?
9. Why do different IOs engage in anti-corruption activities?
10. What is the role of Lithuania as a country subject to anti-corruption monitoring?
11. If an IO (GRECO/UN/EU) turned into a human being, what kind of a person would that be?

III. Importance of anti-corruption recommendations.

12. What problems are addressed by anti-corruption recommendations issued to Lithuania? What type of recommendations are issued to Lithuania?
13. Which recommendations (type) are easier/more difficult to implement? How does Lithuania comply?
14. How important are anti-corruption recommendations in reducing corruption? Which recommendations matter as compared to others? Which ones are effective? What does it depend on? How do you understand their effectiveness? When do recommendations hit the point?
15. Which recommendations are tailor-made (corresponding to the specifics of our country)? How do external experts manage to feel it? How much are they standard-based?

IV. Discussion of concrete recommendations issued by GRECO, UN and EC

16. What is your opinion about the 2005 GRECO recommendation on regular rotation of staff?
17. What is your opinion about the 2005 GRECO recommendation on eliminating the practice of accepting gratuities in the health sector?
18 What is your opinion about the 2009 GRECO recommendation on the review of the institution of effective regret?
19. What is your opinion about the 2009 GRECO recommendation on introducing stricter and more consistent sanctions for corruption?
20. What is your opinion about the 2009 GRECO recommendation on criminalisation of trading in influence?

21. What is your opinion of the change of the Criminal Code, following GRECO assessment, to have universal jurisdiction applied to bribery and trading in influence offences?
22. What is your opinion about the 2009 GRECO recommendation on having a leading body in charge of ensuring control of party funding?
23. What is your opinion about the 2014 GRECO recommendation on improving communication of judges and prosecutors with the public?
24. In 2014, GRECO recommended to introduce rules for members of parliament on how to engage with lobbyists. What do you think about this recommendation?
25. What is your opinion about the 2014 EU Anti-Corruption Report? What is your opinion about the priorities set by the European Commission?
26. What is your opinion of anti-corruption recommendations issued to Lithuania by UN in 2012? What is our view of the UNCAC review mechanism?
27. What is your opinion of the UN observation with regard to the lack of a special legal act in Lithuania ensuring protection of whistleblowers?
28. Both the EU and UN gave Lithuania a recommendation to improve inter-agency co-ordination and co-operation. Why do you think they paid attention to that?

V. Epilogue.
29. What is the relationship between anti-corruption recommendations and the change in the level of corruption in Lithuania?
30. Is there anything I forgot to ask?