Private Sector and Civil Society Partnerships against Corruption in Southeastern Europe

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Abstract

The study seeks to determine whether anti-corruption collaborations between civil society organizations (CSOs) and the private sector (PS) in Southeastern Europe (SEE) exist, as well as to understand the context and nature of such partnerships. As corruption is one of the greatest and most pressing issues in the region, it is of crucial importance that multi-stakeholder groups join forces in the fight against it, as well as to improve transparency and good governance overall. Based on various literature and country desk reviews, followed by qualitative semi-structured interviews with representatives from both CSOs and the PS in the region, the research has found little formal, systemic and effective CSO-PS partnerships in SEE. There are several institutional and sectoral/ individual factors and reasons behind this lack. Nevertheless, all the PS and CSO representatives acknowledged the crucial role of a common direction and collective action in the fight against corruption in the region.

Keywords: corruption, private sector, civil society, partnership, Southeastern Europe, UNCAC.
# Contents

1 Introduction 1

2 Motivation 2

2.1 Why is this a relevant topic for the United Nations (UN)? 2

2.2 Why is this a scientifically interesting topic? 2

3 Literature Review 3

3.1 Corruption Literature 3

3.2 Cross-sector Collaboration Literature 4

3.3 United Nations Literature 5

4 Desk Research 5

5 Theoretical Framework 8

6 Research Method 9

6.1 Qualitative methodology to explore “why” 9

6.2 Interview focuses and description 9

6.3 Interview screening and sampling 9

6.4 Research recruitment and instruments 10

6.5 Thematic content analysis 10

6.6 Complementary data sources 10

7 Findings 11

7.1 Participant profiles 11

7.2 General knowledge of the country’s corruption landscape and anti-corruption efforts 11

7.3 Personal experiences and views of the anti-corruption efforts 12

8 Discussion 13

8.1 Existing collaborations 14

8.2 Reasons for lack of collaboration 14

8.3 The way forward 15

8.4 Limitations 16

9 Implications and Recommendations 16

9.1 Implications from the findings and discussions 16
9.2 Recommendations for future research

9.3 Recommendations for policy-makers (the UN)

10 Conclusion

Bibliography

Appendix A - Prominent and relevant collaboration theories

Appendix B - Information Sheet

Appendix C - Interview Focuses/ Interview Question Checklists (CSOs)

Appendix D - Interview Focuses/ Interview Question Checklists (PS)

Appendix E - Consent Form
Private Sector and Civil Society Partnerships against Corruption in Southeastern Europe

Anita Markos and Thi Hoang

1 Introduction

In the region of Southeastern Europe (SEE), corruption remains one of the greatest challenges that hinders social and economic development and accession to the European Union (EU). Additionally, corruption is considered a major, systemic issue (SELDI 2016, 44) and a prominent phenomenon in these countries’ economic and political transitions (Center for the Study of Democracy 2002, 5). There is a combination of several social, economic and historical factors making the SEE region particularly vulnerable to both petty/low-level corruption and grand, well-organised corruption schemes, noticeable among which is the lack of transparency and public participation in government decision-making. Besides, the public sector in these countries only partially meets the criteria for transparency, performance and provision of services (Center for the Study of Democracy 2002, 5). Therefore, in order for the anti-corruption efforts, as well as improving transparency and good governance endeavours to be successful, other stakeholders, particularly the private sector (businesses, industry associations, trade unions, etc.) and civil society organizations (CSOs)\(^1\), must be involved and engaged in the movement and process.

Given the vital role of the private sector (PS) and CSOs in anti-corruption efforts, which is also recognised by Article 12 and 13 of the United Nations Convention against Corruption (UNCAC), this research project seeks to understand the context and nature of anti-corruption collaborations between CSOs and the PS in SEE, as well as to determine whether such partnerships exist, with a particular focus on the following countries: Albania, Bosnia and Herzegovina, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Kosovo*.

As a result, the research is generally focused on (i) civil society and private sector partnerships studies and (ii) anti-corruption and related fields, while touching on relevant issues and sources from the legal, political, social, economic and public policy areas. Additionally, the SEE country

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\(^1\) According to the World Bank, civil society refers to a “wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations”.

*This designation is without prejudice to positions on status, and is in line with the UNSC Resolution 1244 (1999) and the ICJ Advisory Opinion on the Kosovo Declaration of Independence.
profiles and the existing anti-corruption frameworks - such as the UNCAC and the UK Bribery Act 2010, are also studied.

Finally, the paper is organised as follows: first, the motivation for conducting the project is stated, both from a policy-maker (the United Nations) and a scientific standpoint. Second, relevant literature is reviewed and followed by the desk research on the PS - CSOs collaboration landscape in the SEE. Third, the study’s theoretical framework is introduced. Fourth, the research method and its rationale are presented and discussed, followed by the field results and discussions. Next, limitations and implications are mentioned. Recommendations for future research and policy-makers are also included. Finally, conclusion of the study as a whole is drawn.

2 Motivation

2.1 Why is this a relevant topic for the United Nations (UN)?

This research topic is of particular relevance to the anti-corruption efforts of the United Nations Office on Drugs and Crime (UNODC) and its Corruption and Economic Crime Branch, and the Civil Society Team since the situation with corruption in SEE has seen little improvement so far. UNCAC, particularly Article 7, 12 and 13 (UNODC 2004, 10, 14, 15), acknowledges that neither governments nor companies can fight corruption alone: the private and public sector, as well as civil society (CS), need to work together in this effort. Specifically, under Article 13 of the UNCAC Convention, it is noted that the effective implementation of UNCAC must involve the engagement of civil society at grassroots, local, national, regional and international levels. Furthermore, an additional component to the UNODC’s ongoing project in SEE on “Strengthening the Capacity of Anti-corruption Authorities and Civil Society to Combat Corruption and Contribute to the UNCAC Review Process” focuses on enhancing civil society and private sector partnership on anti-corruption and good governance. Therefore, the research contributes directly to the aforementioned UNODC project in the region.

2.2 Why is this a scientifically interesting topic?

Corruption is a complex social, political and economic phenomenon, covering many countries and societies. Thus, there is substantial variation in academic discourse as to its definition and at this point, there is no single, universal and comprehensive one. Attempts to develop such a definition encounter legal, criminological, political or methodological challenges. Yet, as research on and attention to corruption have grown in recent years - by states, non-governmental organizations (NGOs) or international organizations (International Monetary Fund 1998, 5), we have gained more awareness of the damage corruption causes to the public sector. It undermines citizens' trust in government and the rule of law, causes inefficiencies in public spending, weakens economic growth, supports injustice by giving a small group certain benefits at the expense of others (often the most vulnerable), as well as causes reputational damage to the countries trying to attract foreign investments. In terms of the damage caused to the private sector, it is equally serious: corruption adds to the cost of doing business - monetarily and also in terms of reputational damage and legal consequences. Even definitions of corruption have been
broadened over the years to include corporate/business corruption and several states now place heavy burdens on companies in terms of due diligence programmes and anti-bribery management systems² (BS 10500 Anti-Bribery Management System, ISO 37001 or 19600). The World Economic Forum has estimated the cost of corruption to be about US$2.6 trillion a year (Independent Commission Against Corruption - New South Wales website). Most researchers agree that the complexity of corruption pervades many societies and there are no easy solutions: corruption does not simply disappear as countries develop economically or politically, but it persists in more sophisticated forms (CMI & NUPI 2000, 9).

Therefore, it is crucial to devote scientific attention to the topic of corruption and - more importantly - to its cures. Systematic empirical research on CSOs and PS partnerships has the potential to uncover efficient and effective solutions to corruption. Such partnerships are crucial for engagement of all stakeholders affected by corruption, so that the resulting solutions can be evidence-based, responsive to the reality in the country and to those issues that businesses and CSOs identify. Finally, scientific/evidence-based findings can contribute greatly to the successful implementation of any anti-corruption policy and programme, particularly with regard to the aforementioned UNODC project in SEE.

3 Literature Review

3.1 Corruption Literature

In terms of corruption literature, there are several approaches to the study of this phenomenon: perspectives from political science, international relations, anthropology and sociology, micro- and macroeconomics, etc. A report by Chr. Michelsen Institute (CMI) & Norwegian Institute of International Affairs (NUPI) titled "Research on Corruption: A Policy Oriented Survey" provides a good overview of contemporary corruption research from multiple scientific branches and serves as the basis for our literature review (CMI & NUPI 2000, 2).

Furthermore, research on corruption in developing countries has previously focused mainly on formal government institutions, despite the fact that corruption also takes place through informal networks (CMI & NUPI 2000, 10-34). With regard to the more specific research on CSO-private sector partnership (particularly in the Balkans), there is little literature available. The sources that are more specific investigate either (i) the influence of only one of these actors (CSOs or businesses) on anti-corruption efforts (Themudo 2013); (ii) the impact of specific NGOs (eg. Transparency International) (Sampson 2006); or (iii) focus on CSO-private sector collaboration and its forms in general, not necessarily in anti-corruption (Rosenbaum 2006).

² Lecture by Dr. Jay Albanese (Criminologists without Borders), titled “Empirical Typology of Corruption Behaviours: Clues for Intervention and Prevention”, delivered at UN Vienna, May 24, 2017.
3.2 Cross-sector Collaboration Literature

Since cross-sector collaborations differ significantly in nature and form, perspectives on them also vary. Utting and Zammit (2009) generally define multi-sector partnerships functionally as “initiatives where public-interest entities, private sector companies and/or civil society organizations enter into an alliance to achieve a common practical purpose, pool core competencies, and share risks, responsibilities, resources, costs and benefits”; whereas Lawrence et al (2002) view collaboration as “a cooperative inter-organisational relationship that is negotiated in an ongoing communicative process and that relies on neither market nor hierarchical mechanisms of control”. Furthermore, Austin (2000) looks at the relationship from its changing nature, and thus conceptualised a “collaboration continuum”, in which the collaborations can generally be categorised in three different stages: philanthropic, transactional and integrative. According to this continuum concept, the CSO-PS collaboration should then be understood as dynamic and fluid, not having a static form and a tendency to develop and evolve over time.

Another dimension to comprehend the civil society-private sector collaborations is to look at their scope (including the size and number of players, sectors and issues) and the degree of shared ownership and responsibility of the involved partners. Since this approach is not competing, but rather complementary to the aforementioned collaboration continuum, the study will draw on both, in order to obtain a comprehensive understanding of the manner, form and nature of civil society-private sector partnerships.

Concerning the motivations for partnerships, the literature, especially the Corporate Social Responsibility (CSR) studies, generally shows that businesses tend to collaborate for “altruistic, defensive, and strategic reasons”, whereas CSOs are “identified to have fundraising, stakeholder, and strategic functions in corporate-CSO partnerships” (Poret, 2014). Additionally, Gray and Stites (2013) classified these collaborations’ rationales into four main categories: legitimacy-oriented, competency-oriented, resource-oriented and society-oriented motivations and assess them from both business and CSO perspective.

Relevant collaboration theories

Although the literature on PS-CSO partnerships has grown remarkably in the last decade (Bryson et al, 2015), there is not yet a concrete theoretical framework nor any collaboration theories in the corruption area. Consequently, in order to guide our empirical research, some prominent collaboration theories which have been theoretically well studied and practically applied in/to other fields such as sustainability, CSR, supply chain management, have been examined to determine whether they are also applicable to the corruption topic.

Since there are currently more than twenty collaboration theories proposed in different literatures, a literature review of these theories was deemed very useful and necessary. The recent study of Gray and Stites (2013) has taken on this task, conducting a systemic review of articles on cross-sector partnerships for sustainability, together with their respective collaboration theories,

3 For simplifying reasons, “collaboration” and “partnership” are used interchangeably
in the management and the public policy literatures. They have identified the ten prominent theories which are used to “describe and examine partnerships for sustainability” (Gray & Stites, 2013). Although their research topic focuses on sustainability, not particularly on corruption, their systemic review of collaboration theories and recommendations of the most effective collaborative ways have proved to be very relevant to our research project on partnerships in the corruption area. Among the reviewed collaboration theories, three specific theories stand out to be of significant values to our research: institutional theory, resource dependence theory and stakeholder theory (refer to Appendix A for a brief description and applicability of each of these theories).

3.3 United Nations Literature

There are several relevant United Nations studies in this field, among which is the report “Corruption prevention to foster small and medium-sized enterprise development” (2007), carried out by UNODC and United Nations Industrial Development Organization (UNIDO). It provides anti-corruption assistance with a special interest in small and medium-sized enterprises (SMEs) and is a useful guide for the private sector (especially SMEs) and NGOs who would like to collaborate with each other on this topic. A relevant source by UNODC is a report titled “Corruption in the Western Balkans: Bribery as experienced by the population” (2011), as well as country-specific assessments of bribery experienced by the population of Albania, Bosnia, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia and the report “Business, Corruption and Crime in the Western Balkans: The impact of bribery and other crime on private enterprise.” The country-specific surveys mainly focus on bribery as a significant factor in the business sector. The reports contain analyses of more than 28,000 interviews from within the territory of the Western Balkans, providing a greater understanding of the nature of corruption in the business sector.

4 Desk Research

Transparency International (TI) is one of the few NGOs explicitly addressing and evaluating the scope and quality of private sector-CSOs collaboration in the selected countries. TI's Corruption Perceptions Index ranks the world's countries on a scale of 0 (highly corrupt) to 100 (very clean). The global average score for 2016 is 43, while the top-scoring countries are far outnumbered by those where citizens face the corruption on a daily basis. But more importantly, TI's National Integrity System (NIS) Assessments are a comprehensive means of assessing a country’s anti-corruption efficacy by sectors (legislative/ executive branch of government, judiciary, elections, anti-corruption agencies, political parties, but also civil society and business). These NIS

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Assessments directly and explicitly score the analysed countries on the level of cooperation between the business and the civil society sector, both in terms of the formal framework and the actual practice. Each NIS Assessment includes this question, with a possible score from 0 to 100: "To what extent does the business sector engage with/ provide support to civil society on its task of combating corruption?" Therefore, the TI's NIS Assessments were included in our desk research.

Generally, corruption can be said to be prevalent and even systemic in some countries such as Albania or Bosnia and Herzegovina. While the EU accession plans of some SEE countries (Serbia, for instance) were expected to lead to improvements in anti-corruption landscape as rule of law chapters were opened and addressed, the change has mainly taken place on legislative level and not yet implemented in practice. Thus practical conditions for civil society organisations or business involvement remain negative. CSOs involvement in anti-corruption efforts has generally been minor and its sectoral role has been limited, especially in the case of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia. Moreover, the involvement of CSOs in the anti-corruption field is relatively recent (past few years) and the CS sector itself is still under development and seeking external expertise for strengthening, especially from Eastern European partners. In the case of Serbia and Kosovo*, the CS sector faces additional barriers in terms of financing, since the legal framework is not supportive of CSOs development. While the Law on Corporate Profit Tax in Serbia allows up to 5% of the total revenue to be recognized as an expense for “health, educational, scientific, humanitarian, religious and sports activities, environmental protection, as well as giving for social welfare institutions“, it does not allow the private sector to financially support anti-corruption projects of the civil society sector. Nor does Kosovo* have a proper legal framework for the regulation of CSOs, particularly regarding financing or donations.

Secondly, it is necessary to comprehensively address here the regional and country-specific indices for corruption perception, susceptibility, and acceptability (developed and assessed by the SEE Legal Development Initiative - SELDI). The Acceptability in Principle index shows the extent to which various corrupt practices are tolerated within specific countries. Its value is especially high (meaning greater tolerance of corrupt practices) in Albania, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. However, there are substantial differences in the wider SEE region and Eastern European region, with for example, Romania or Bulgaria scoring lower on this index. In terms of susceptibility to corruption (the citizens' inclination to compromise on their values under the pressure of practical circumstances), this is generally higher than the preceding index in all countries in question. Therefore, this shows that the moral denunciation of corruption as negative does not automatically exclude the existence of corruption in practice (there is low tolerance but high susceptibility to corruption).

Instances of collaboration between the PS and CSOs - Examples of PS/CSO partnership

In terms of actual, practical examples of collaboration in the CSO sector or more specifically of the PS/CSO partnerships, there have been some surprising findings. Starting with Albania, the research has found that there is a perceived level of corruption within civil society itself. About a third of Albanian CSOs themselves have reported that corruption is frequent in the sector,
related mostly to lacking accountability and transparency in the management of finances, which was, in turn, considered to have discouraged businesses from partnering with NGOs in Albania (UNODC, 2011). In Bosnia and Herzegovina, we came across reported cases of existence of Mangos (Mafia-NGOs) and Quangos (Quasi-NGOs) (as noted in the Background document on corruption in SEE by the SELDI initiative). Moreover, the score for BiH in the National Integrity Assessment by TI on the PS/CSO collaboration is only 25 out of 100, with no changes since 2013. Joint initiatives of the business sector and non-governmental organisations are only recent, yet we have found a successful instance of such collaboration in Bosnia (UNODC, 2011).

In response to corruption in public procurement, in 2009 the managers and owners of private companies that participate as bidders in public procurement formed the citizens’ association Tender. The association, notably NGOs, is committed to promoting cooperation with all legal entities in the public and private sectors, in strengthening the role and capacity of civil society in the fight against corrupt practices in public procurement. Under a recent project financed by the European Commission, the association aimed to increase the capacity and capabilities of CSOs to identify irregularities and respond in cases of corruption in public procurement. This was facilitated through a series of thematic two-day conferences, 12 two-day workshops, seminars in 12 cities and 30 public forums/roundtables aimed at CS representatives.7

Furthermore, in Moldova, the private sector is aware of prospects for cooperation, from initiation of joint projects to contracting certain services, but as of yet there are no institutionalized, sustainable relations between CSOs and the business agents. (Chiricac & Tugui, 2015). There is a reported low level of satisfaction among CSOs about their relations with the private sector. In Montenegro, the situation remains similar to Moldova - while the country has a higher degree of confidence in the civil society sector than other respective countries, problems with CSOs transparency and lack of trust in them remain. According to the Civil Society Index Shortened Assessment Tool (CSI-SAT) project’s findings, implemented in the country from October 2005 to October 2006, the private sector is indifferent to civil society and the issue of social responsibility of the business actors is not part of the public agenda - the CSOs seemingly prefer to cooperate with the government, rather than with businesses in this field (Center for Development of Non-governmental Organisations (CRNVO), 2006).

Moreover, Serbia (together with Albania) seems to be one of the more negative examples. Its score on the TI NIS Assessments remains at zero out of 100 since 2011. TI characterizes the situation by stating openly that there is no support by the business sector of non-governmental organizations in the fight against corruption, since the existing legal framework does not encourage such endeavours. This applies equally to the former Yugoslav Republic of Macedonia, where anti-corruption efforts remain at the governmental level, with partial assistance by some CSOs, which provide technical and financial support for legal reforms. Finally, in Kosovo*, corruption is ranked as the second most important problem facing the territory today, after unemployment. It is still a significant issue in the lives of many citizens and is likely to remain so, since any interaction between civil society organizations, even those operating in the same field of activity within Kosovo*, is also fairly limited (the Kosovar Civil Society Index 2016, 49). Therefore, the

opportunities for any CSO/PS partnerships are very much limited by such underlying factors and circumstances. However, we aim to investigate further any positive examples of cooperation, such as the one in Bosnia and Herzegovina, which can lead us to other similar examples or shed light on the reasons why the overall picture in SEE is as unsupportive to anti-corruption partnerships as it seems from the desk research results.

5 Theoretical Framework

Based on the above literature and desk reviews, the research project’s theoretical framework has been designed as follows:

Theoretical Framework – Collaborations between the Private Sector and Civil Society Organisations in Southeastern Europe (SEE)

The concepts and theories derived from the literature (corruption, cross-sector collaborations and UN publications) have provided the theoretical background concerning anti-corruption partnerships between the PS and CSOs for the research, whereas the country-specific desk reviews in the region have showed that there is little collaboration between the two groups in SEE. Therefore, in order to determine if this is indeed the case, as well as to explore the reasons behind the lack of partnerships in the region, we have decided to employ qualitative methods, particularly semi-structured interviews, to understand the institutional and sectoral/individual factors and reasons behind the lack of cooperation between the PS and CSOs in the focus countries. The theoretical background will guide the semi-structured, open ended interview questions. The interview results will then be presented, followed by a discussion, implications and recommendations for relevant stakeholders, policy-makers, as well as for future academic research.

*This designation is without prejudice to positions on status, and is in line with the UN Security Council Resolution 1244 (1999) and the ICJ Advisory Opinion on the Kosovo Declaration of Independence.*
6 Research Method

6.1 Qualitative methodology to explore “why”

In general, qualitative methods are more suitable to explore phenomena, to collect and analyse contextual data, as well as narratives and social concepts compared with their quantitative counterparts (Punch, 1998). There is a little research done on why the PS and CSOs do not collaborate in the SEE. Therefore, to understand the factors and reasoning behind this lack of cooperation, qualitative method is more appropriate as “qualitative approaches seek to explore phenomena”, while “quantitative methods are used to confirm existing hypotheses or facts about phenomena” (Denzin & Lincoln, 2005). Furthermore, given the highly sensitive and subjective nature of corruption, conducting a semi-structured interview with the participants in a private setting was preferred.

Finally, since a quantitative approach cannot capture human experiences, perceptions and feelings properly (Mack et al., 2005), using qualitative methods is comprehensively in consonance with the context and purposes of the research.

6.2 Interview focuses and description

Based on the literature and desk reviews, the interview questions were designed according to three main themes: (i) background question; (ii) general knowledge of the corruption landscape and anti-corruption efforts in the respective counties; and (iii) the personal experiences and views of the anti-corruption collaborations - in order to understand the institutional and individual factors behind the lack of CSO-PS cooperation. In order to collect information from both the CSOs perspective and the PS standpoint, two sets of interview questions were prepared, with compatible questions and themes. The interviews were thus planned to last circa 30 - 45 minutes, containing 12 questions and three themes (see Appendix C and D for more details).

6.3 Interview screening and sampling

The initial screening criteria for PS interview participants were: international or local enterprises; industry or business associations and chamber of commerce; whereas for CSO participants were: from the civil society sector (including NGOs, tender associations, lawyers, doctors and universities) and focusing/working on anti-corruption. The interview participants were then carefully chosen from the private and civil society sectors in SEE, as recommended and approved by the UNODC/C Civil Society team.

This sampling method is called the purposive sampling. According to Palys (2008), purposive sampling is most useful when researchers are interested in why particular groups feel in a particular way about something, thus this is correspondent in our research as we sought to find out the reasons behind the lack of collaboration between PS and CSO in SEE region in fighting against corruption.
6.4 Research recruitment and instruments

After having identified the suitable participants, invitations and Information Sheet (see Appendix B) were sent out via emails. When the approached person showed interest in participating in the study, they would then be forwarded an Interview Question Checklist (see Appendix C & D), and the Informed Consent Form (see Appendix E). For one case, when the interview was done in person, the participant was asked to sign the Consent Form right before the actual interview started. In other cases, the interviews took place via Skype, and the participants were asked to read, sign and send back the Consent Form before the interview date.

6.5 Thematic content analysis

As of the analytical methods, we used thematic content analysis - a method used in qualitative research to find common patterns across a data set. In this case, the narrative content of interviews is analysed for patterns which are then identified, categorized, and coded in order to uncover themes. From our point of view, it was expedient as “rigorous thematic approach can produce an insightful analysis that answers particular research questions” (Braun and Clarke, 2006). The method is based on the following steps: firstly we transcribed the interviews and sent to the participants for approval. We read and re-read the interview materials before coding them according to the three main themes and their respective sub-questions (introduction; general knowledge of the anti-corruption efforts landscapes in the respective counties; and personal experiences and views of the anti-corruption). We then proceeded with searching for patterns in the answers to specific questions, for example most participants responded with “corruption is widespread”, when asked about the country’s corruption context. As one of the final steps, we compared the CSOs patterns of answers with those of the PS’s and at last but not least we wrote up a coherent narrative that includes quotes from the interviewees.

6.6 Complementary data sources

As our research project is made up of several country case studies, any reports regarding the corruption landscape in SEE countries could be used as a complementary data source for us. Company reports from the private sector could also be useful in order to investigate whether there is any kind of attempts from the business side to collaborate with the civil society in fighting against corruption. Besides, as the UNCAC is the only international, legally binding anti-corruption instrument, its country review reports, especially concerning the review process in SEE countries, are of particular value to the research project. Last but not least, an informative UNODC portal called TRACK⁸ provides the researchers with valuable country specific tools, resources and legal documents linked to anti-corruption efforts.

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7 Findings

7.1 Participant profiles

In total, about 30 representatives of Civil Society Organizations and 18 representatives of the Private Sector were approached. Altogether, we have conducted seven interviews. Out of these interviews, we had six from the CSOs and one from the PS. More than half of the participants were from Albania, and the rest were from Serbia, Macedonia and Kosovo*. In general, the majority of the participants’ work focused on anti-corruption and legal areas, specifically on research on public administration and legislation, on compliance function, monitoring, shadow reports, raising awareness on corruption, or on strengthening the rule of law of the respective country.

7.2 General knowledge of the country’s corruption landscape and anti-corruption efforts

“Corruption is widespread and a serious issue in the country”, according to all of our participants, regardless which country they were from. They were also in agreement that in the SEE region, fighting against corruption should be one of the top priorities. However, there were differences in how they defined corruption, and which type of corruption they considered the most crucial one. For instance, one of our participants shared that “when I am talking about corruption I mean using public office for some private gain”. Whereas, other participant highlighted that “corrupt practice” starts even in school in the early ages, when pupils gave their teachers presents on teacher’s day as “both a way of gratitude and an incentive for teachers to take better care of the pupils/children”, which would then “get passed onto the next generations”. Meanwhile in Kosovo*, “it is impossible to get any job in the public administration if you are not affiliated with one political party”.

Concerning whether or not the participants have themselves experienced corruption, there were different experiences among our interviewees. Out of the seven participants, three stated that they have experienced corruption personally; one of whom even claimed that it is because “you can find corruption everywhere anytime”. The remaining four participants said that personally, they did not experience corruption, partly due to the nature of their work/field. Those participants who experienced corruption were all from the CSO sector, among whom two were men and one woman, from Serbia and Albania. Some experienced corruption which was also related to everyday life issues, such as traffic violations (speeding ticket). However, all of our interviewees knew or heard of corrupt cases, with “bribery being the most widespread one”.

When asked about the root causes of corruption in the respective countries, the answers mainly led back to historical events. According to one of our participants, corruption has “anthropological, social and historical” background and roots.

Regarding knowledge of the country’s legal framework, since the majority of the focus countries are applying for and/or negotiating their accession to the EU, many of them have good anti-corruption legal frameworks in place. However, most of the participants emphasized that in their countries, “legal framework is there, implementation is the problem”. One contact from an Albanian CSO
even mentioned that the Albanian anti-corruption law is “among the best in the world”, yet the problem is “that the actual government is not implementing it”. In general, the reasons for poor implementation (or lack thereof) were considered to be due to (i) corrupt system itself; (ii) under budget; (iii) lack of political will; and (iv) lack of public trust and support. The majority of the CSOs representatives also viewed the judiciary system as the most corrupt sector, together with public administration, public procurement, health sector and even higher education.

As for the CSO’s and PS’s knowledge of anti-corruption legal framework and whistleblower protection frameworks in their countries, unfortunately we could only compare the PS and the CSO in Albania. In Albania, the CSO representatives exhibited a greater awareness and knowledge concerning the anti-corruption legal framework, compared to their PS counterpart. With regard to the current trend of the anti-corruption legal framework, in Albania there is an anti-corruption strategy 2015-2020 “that stipulates the activities which various central administration bodies have to undertake to achieve the goals of the strategy”. In Kosovo*, there are several laws on anti-corruption but these laws are still waiting to be implemented. In terms of whistleblower protection, there is a new law on whistleblowers in Albania since last year. In Serbia, there is also one since 2015, in Kosovo* there is a “very short law, at the very early stage”; whereas in Macedonia, “the current law is still being drafted”. To conclude, the anti-corruption legal frameworks are generally in place in the aforementioned countries.

Regarding knowledge of anti-corruption collaboration in the sector and in country, CSOs were more informed. Furthermore, the CSO representatives shared a few examples of anti-corruption collaborations which we were unable to find earlier during the desk research. For example, in Kosovo*, there are joint efforts to fight against corruption in terms of an annual “Anti-corruption Week”; and in Macedonia, a network of NGOs has organised a platform entitled “Platform Against Corruption”. However, with regard to CSO-PS collaboration against corruption, none of the participants could provide a concrete example of a formal partnership between the two sectors.

7.3 Personal experiences and views of the anti-corruption efforts

When asked about personal experiences of fighting against corruption at both individual and organisational levels and efforts, one participant acknowledged the importance of individuals’ awareness and self-motivation for “addressing and dealing with corruption in their own environments and surroundings”. This participant also shared that, “I am trying to make my surroundings corruption free, and if everyone is doing it then it’ll improve”. At the organisational level, all participants addressed that their work related to anti-corruption activities in various ways. The PS participant shared that, her company had specific policies on anti-bribery and anti-corruption in place. She was also responsible for the compliance function, conducting anti-corruption trainings and awareness sessions. Participants from the Albanian CSOs mostly conducted research and reports on anti-corruption and corruption-related legal issues, with the aim to “increase capacities and CSO activism on anti-corruption” in the country. One Albanian CSO has also sued the government on the count of freedom of information. However, as an Albanian CSO participant admitted, “their impact (of these initiatives) remains low and is hampered by a lack of public confidence, fragmented funding, poor constituency bases, and inadequate advocacy”. Other CSO participants from Serbia, Macedonia and Kosovo* have also contributed to the anti-corruption efforts either indirectly through academic
research, working on issues in the judiciary system, monitoring the courts or directly by
organising an “anti-corruption week” annually, which involved multi stakeholders such as the
media, government and other CSOs in the country (Kosovo*).

On the personal experiences of collaborating with other businesses and civil society
organisations; the CSO participants from Serbia, Macedonia and Kosovo* did not recall any
collaborative instances with the PS in their respective countries. On the other hand, the Albanian
NGOs have mentioned that they have started some collaboration with the PS, either short-term
and informally in the form of participating in an event such as the Anti-corruption Day on the
9th December 2017, where CSOs and the PS organised joint activities “to come together, talk and
agree on anti-corruption efforts together”; or more formally as in “they (the PS) helped us (the interviewed
NGO) in raising awareness in EITI (Extractive Industries Transparency) in different regions of Albania”.

Concerning partnering with other CSOs, all but one CSO participants shared that they
informally collaborated with other CSOs, mainly NGOs, on not only anti-corruption but also on public
administration and reforms. However, a representative of an Albanian CSO commented that, “the
collaboration culture should be improved; we need to join forces in being less donor-driven in our anti-corruption
efforts”. Furthermore, the PS representative also responded that they did not have either any
previous cooperation with the CSOs or with the other businesses, except for one instance
when companies were consulted by the International Chamber of Commerce (ICC) concerning the
new legislation on whistleblowing in Albania.

Although there are not many instances of formal collaborations among and between the two
sectors, all CSO participants considered that the PS plays a crucial role in curbing corruption and
vice versa. It is also interesting to note that, despite the acknowledged important role of the PS; a
Serbian CSO representative shared that, in his opinion, “they (the PS) just don’t care...One of the main
reasons why the PS is not willing to engage in anti-corruption is that they are living in a corrupt society and to
them it’s not worth the risks”.

To end the findings on a positive note, there is a high indicated willingness from both the
interviewed PS and CSOs representatives to join forces in anti-corruption efforts - not only with
the other organisations in their sector but also with the other sector. Particularly, the Albanian
collaboration landscape is looking very promising, as shared by a CSO representative: “At the
beginning of 2018, we are going to fund at least 6 small networks among NGOs from different municipalities of
Albania. And there will three or four organizations together to implement a joint project on anti-corruption.”

8 Discussion

Earlier during our literature reviews and desk research, we had found little collaboration between
the CSOs and PS in SEE; therefore qualitative, semi-structured interviews with representatives
from the two sectors were planned with the aim to: (i) explore if there exists collaboration which
we might have missed from the research; and (ii) understand why there is a lack of collaboration
in the region, in addition to a few factors which we have collected from the literature and desk
review, such as there is no tax incentive for the PS in Serbia and Kosovo* to financially support
anti-corruption projects of the civil sector; or that there is a perceived level of corruption within
civil society itself in Albania, particularly regarding the lack of accountability and transparency in the management of finances.

8.1 Existing collaborations

All but one participant could not give a concrete example of existing formal partnerships against corruption between the CSOs and PS in SEE. The one example was given from a representative of a CSO in Albania, stating that the PS has helped them in “raising awareness in EITI (Extractive Industries Transparency Initiative) in different regions of the country”, which has been a successful collaboration. However, the majority of participants, from both the CS and PS, confirmed that there has been some informal collaboration, especially among CSOs. Notably, there is an annual “Anti-corruption Week” which engages multi-stakeholders including the government, media and CSOs in Kosovo*. CSO representatives from Albania, Serbia and Macedonia recalled that there was some initiative in the form of a network/platform on anti-corruption - however the network in Albania was neither successful nor long-lasting. Other representatives from both CSOs and PS have given examples of a more informal “collaboration” - in the form of a short-term conference/workshop on anti-corruption, for example the first Multi-stakeholder Workshop on the United Nations Convention against Corruption (UNCAC) and its Review Mechanism, took place from 25 to 29 September, 2017 in Sarajevo, Bosnia and Herzegovina; or the Anti-corruption Day on the 9th December 2017, when CSOs and companies initiated and/or organised join activities on anti-corruption and good governance.

Most recently, there was an indirect collaboration among the PS in Albania with regard to the whistleblower protection frameworks which was adopted in 2016: the Albanian international Chamber of Commerce organised meetings with its PS members to discuss about the new law’s provisions, as well as to ask for their opinions and suggestions from a business perspective.

8.2 Reasons for lack of collaboration

At the institutional level, most participants from the CSOs responded that corruption is widespread and has become systemic, particularly there is a serious lack of trust in the government. It was also noted several times that the judiciary system was considered as one of the most corrupt institution in Albania, Serbia and Macedonia, along with the political system, health sector and public procurement. Therefore, there is a considerable lack of supportive institutions for collaboration vis-à-vis anti-corruption efforts.

At the sectoral/individual level, “there is a lack of a culture of collaboration and networking”, “at the moment, everyone, every organisation, although wanting to make an impact, is working on different directions and paths”, “being too donor-driven”, as well as “lack of skills”, have been mentioned by the CS representatives as the reasons for the absence of collaboration among CSOs/PS themselves or between CSOs and the PS. Furthermore, a CSO representative from Serbia considered the PS in his country as uninterested in anti-corruption efforts: “my opinion is that they just don’t care”. However, it is positively noted by participants from both sectors that the willingness to collaborate between the PS and CSOs is considered to have increased recently.
8.3 The way forward

The institutional and sectoral factors behind the lack of formal PS-CSO collaborations as shared by the participants above are generally in line with the literature: a 2014 Clingendael report identified three factors that favour corruption specifically in SEE, making the environment in the region an infertile ground for collaborations or partnerships: history, geography and ethnicity. The history of double transition - from war to peace and from communism to democracy - as well as inadequate legislation, weak rule of law and the lack of a strong civil society all contribute to the unfavourable climate for anti-corruption initiatives (EPRS Briefing - May 2015, 2). Current EU reports also reveal further barriers: (i) little progress in advancing reforms to reduce corruption; (ii) low or no track record of convictions on corruption cases; (iii) an early stage in the fight against corruption; (iv) lacking appropriate legal framework (on whistleblower protection, rights to access information, asset declarations, a sound penal code, etc.); or (v) lacking national action plans for the fight against corruption (EPRS Briefing - May 2015, 5).

Looking forward, at the institutional level, the fact that many countries in the region are now candidates for accession to the EU has created both internal and external pressure on the respective countries to improve on transparency and good governance. For example, almost all of the CS representatives from Albania mentioned that, being an official candidate since June 2014, the fight against corruption in Albania has been “one of the key points stressed by the European Commission and others”. This pressure has thus facilitated more supportive institutions for anti-corruption collaboration in Albania specifically and in the region in general.

At the sectoral level, all the CS representatives agreed that the PS plays a crucial role in curbing corruption, given that they “wield immense economic power and political influence nationally”. According to an Albanian CSO representative, “they (the PS) are very much interested in fighting corruption, since they have to deal with that every day” (which is contradictory to the Serbian CSO representative’s aforementioned perspective). One positive example was shared that, since the Albanian government promoted a campaign against informality, the informality level in the country has been decreasing, mainly because companies from various sectors in Albania (where there are 90% SMEs) have started to register their employees with the public insurance scheme/system; making the payment less informal and more transparent.

On the other hand, representatives from the CSOs admitted that CSOs in the region did not have much influence or power to effectively facilitate a change or make things happen. However, it is recognised by the PS that the CSOs are making efforts in collaborating with each other in the fight against corruption.

Overall, participants from both the civil society and private sectors acknowledged that both businesses and CSOs should work together towards the same direction, since they were very clear that “working individually would not bring that impact which the country needs on anti-corruption”. Thus, when there’s a will, there’s a way - developing a common platform and place to learn from each other’s perspectives and expertise, thus facilitating future collaborations and collective action would be the important first step.
8.4 Limitations

Although the purposive sampling method helped recruit the right CSO and PS representatives in the focus countries, the selection of the participants is not random, thus making the study more subjective and biased (Etikan et al., 2016).

Another limitation of our study lies in its small scope and skewed sample: more than half of our participants were representatives from Albania, making the findings biased towards the Albanian context and perspective. Besides, the majority of the participants came from CSOs, which also makes the findings not representative enough in terms of the balance between PS’s and CSO’s participation in the project. This has also affected the comparability between the two sectors’ interview findings. It is also important to note that our findings are rather exploratory than generalisable, given the small number of participants (seven in total). Last but not least, we could, unfortunately, only conduct interviews with participants from four countries out of the seven focus countries in the region, as initially planned.9

9 Implications and Recommendations

9.1 Implications from the findings and discussions

System-wise, there is a need for more supportive institutions for anti-corruption and good governance efforts. Specifically, given that the problem, as stated by most CS representatives, lies in implementation and not the anti-corruption legal frameworks, there needs to be a structural reform in most studied countries, particularly in the judiciary system and public administration. In addition, a systemic track record of convictions on corruption cases should be established and audited by international (European) experts/third parties. In countries like Serbia, sanctions for not complying with the law should be revised to be more strict, clear and realistic, especially with regard to capital punishment. Furthermore, collective action which involves multi-stakeholders is needed in order to create and implement national action plans on anti-corruption, which, when successful, will help “create” or facilitate stronger political will in the fight against corruption.

Partnership-wise, the region’s collaborating and networking cultures, both inter- and intra-sectoral, are recommended to be improved upon. Furthermore, although many CS representatives recognised the crucial role which the PS plays in the fight against corruption, the businesses are still not engaged enough/ properly involved in the anti-corruption efforts and initiatives. One example being that the PS has not been invited to be part of the biggest, annually held “Anti-corruption Week” which included the government, media and CSOs in Kosovo*. Therefore, also acknowledged by the UNCAC, specifically Article 12 & 13, CSOs should try to join forces with the PS, especially with regard to establishing a common direction as well as more formal, systemic collaborations, in order to make a greater impact on the (anti-) corruption landscape in their respective countries.

9 The remaining countries are: Bosnia and Herzegovina, Moldova and Montenegro
9.2 Recommendations for future research

Given the aforementioned limitations of the study, a more representative sample, both in terms of CSO-PS balanced participation, and the randomness of recruitment and sampling, is needed in order to draw more concrete findings on CSO-PS partnerships. Furthermore, future research is recommended to focus more on the remaining three countries, Bosnia and Herzegovina, Moldova and Montenegro, as well as to have a bigger sample size. A quantitative approach as a follow-up to confirm or reject the aforementioned institutional and sectoral/individual factors behind the lack of CSO-PS partnerships is also highly welcomed.

Finally, since corruption is a common phenomenon in the region, a cross-country study, comparing the CSO-PS collaboration landscape across countries in SEE should also be considered - not only to understand the regional trends, but also to produce cross-country findings which enable the CSOs and PS sectors in different countries to learn and exchange from one another, given their similar/close geographical, historical and social contexts.

9.3 Recommendations for policy-makers (the UN)

As UNCAC is the only international, legally binding anti-corruption instrument, the UN is in a good position to greatly influence the SEE countries on their anti-corruption implementation process, especially with regard to the country review process and mobilising international communities’ support and pressure on the region.

Structure-wise, the UN can help its SEE members in refining their sanction schemes and developing a systemic track record of convictions on corruption cases, as well as with providing the international expertise and third audit parties. CSO-PS collaboration-wise, the first “Multi-stakeholder Workshop on the UNCAC and its Review Mechanism” provided a good start. However, more financial and technical support for CSOs in their anti-corruption efforts is needed, together with an action-oriented, networking and knowledge exchange platform, and practical “partnership guidelines” for all the relevant stakeholders (particularly PS and CSOs) in the region, thus facilitating the construction of a common direction between the two sectors.

Finally, since it is often the case that only lawyers and anti-corruption experts are familiar with the UNCAC provisions, educating the public, providing more in-depth knowledge on anti-corruption for the PS and relevant CSO will, gradually, build more aware and less corrupt societies.

10 Conclusion

Our research project’s greatest contribution is being one of the first studies conducting qualitative interviews with the CS and PS representatives with regard to PS-CSO collaborations against corruption in SEE. In addition to our initial literature reviews and desk research, the qualitative interviews have not only uncovered a few collaboration instances which we couldn’t find earlier, but also helped explore the reasons for the lack of PS-CSO partnerships in the region at both institutional level and sectoral level. At the institutional level, there is a serious lack of
supportive institutions for anti-corruption collaboration and efforts. Although the anti-corruption legal frameworks are in place in most countries, there is a prominent, common issue with their implementation. Lack of political will, systemic track record, and transparency has also been mentioned. At the sectoral level, some informal collaboration instances were uncovered, they were, however, mostly short-term and ineffective – reasons being the lack of collaborative culture, a common direction, skills and sectoral impact. Although recognised by both PS and CS sectors to be crucially important in the fight against corruption; formal, systemic and effective CSO-PS partnerships have yet to be found in SEE.

Despite the aforementioned reasons, all the PS and CS representatives acknowledged the important role which the other plays in anti-corruption efforts, and agreed that the two sectors should collaborate together. In fact, a few joint activities have been recently initiated (for example in Albania) - the future of PS-CSO partnerships in SEE has already begun.

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Appendix A

Prominent and relevant collaboration theories

Institutional Theory

This theory, viewing collaborations from an institutional perspective, explains that multi-sector organisations cooperate with each other due to the external coercive, mimetic and normative pressures exerted on them (Gray & Stites, 2013). A significant contribution to the theory comes from Lawrence et al. (2002), who explored the institutional effects of collaborations and conducted a qualitative study which demonstrates that a partnership will be more likely to succeed if it displays a high level of involvement, as well as of embeddedness. They also identified three key dimensions to study the cross-sector partnerships, which are: (i) the pattern of interactions among collaborating partners; (ii) the structure of the coalition formed; and (iii) the type of information sharing.

Resource Dependence Theory

The resource dependence theory characterises organisations in terms of their reliance on the particular resources which are vital to their survival and/or success (Peffer & Salancik, 1978). Therefore, collaborating with other organisations from different sectors can help reduce the uncertainties over the provision of the crucial resources. For instance, complying with the regulations is key to the survival of many businesses, thus, via partnering with the public sector, NGOs or other CSOs, they acquire the necessary knowledge and opportunities to influence the local legislations (Gray & Stites, 2013). This is also in line with another collaboration theory - the “uncertainty reduction” theory (reducing uncertainty via improving transparency) (Cao & Zhang, 2013).

Stakeholder Theory

The stakeholder theory explores the fact that organisations, their behaviour and decisions are greatly affected by their main stakeholders. Therefore, in order to maintain a good relation with stakeholders, they collaborate, engage in and invest in the actions and social causes which are of main concern and importance to the respective stakeholders.
Appendix B

Information Sheet
Private Sector and Civil Society Partnerships against Corruption in SEE

Researchers: Anita Markos and Thi Hoang

Introduction

You are being asked to participate in a research study of a Regional Academy on United Nations’ project on “Private Sector and Civil Society Partnerships against Corruption in Southeastern Europe”, under the guidance of the United Nations Office on Drugs and Crime (UNODC) Civil Society team. We ask that you read this form and ask any questions that you may have before agreeing to participate in the study.

Purpose of Study

As part of the 2017 - 2018 Regional Academy on United Nations programme (RAUN), the researchers are working with the UNODC Civil Society Team, carrying out a research project on “Private Sector and Civil Society Partnerships against Corruption in Southeastern Europe”.

The purpose of the study is to provide a greater understanding of the nature (and/or of the lack) of anti-corruption collaborations between the private sector (the PS) and civil society organisations (CSOs) in the region of Southeastern Europe (SEE), upon which implications and recommendations for improvement in the anti-corruption efforts in SEE will be drawn. This research will be presented at the annual RAUN conference to be held in January 2018 at the Vienna International Centre and the final paper will also be made available to the public in electronic and/or paper form.

Description of the Study Procedure

If you are interested in participating in the research project, an “Interview Question Checklist” and an “Informed Consent Form” will be provided to you in advance of the interview. Each interview will last for approximately half an hour and will be audiotaped with your consent. The “Interview Question Checklist” aims to inform you about the interview questions. You may wish to delete or add questions before interviewing commences. During the interview, further questions may arise as points are pursued and you may refuse to answer any questions without having to give reasons. The audiotaped interviews will be edited and summarised. You are welcome to review, edit or change any materials related to your interview before they are used in the final compilation of the project results. The final report may involve the use of your own name and your organisation’s name unless otherwise objected by you as indicated in the Consent Form. Any other use of the material will require the participants’ consent. All materials collected in the interviews will be destroyed 3 years after the completion of the project.
Should you wish to withdraw from the project you may do so at any time before December 10, 2017 (when data analysis commences), and the provided information and data will be immediately destroyed.

Benefits of Being in the Study

You would have contributed to a unique and important project which benefits you, your organization and other stakeholders at large. The study is expected to be of value to businesses, practitioners, policy-makers and implementers, researchers and students. An e-copy of the research’s final report will be offered to all interview participants.
Appendix C

Interview Focuses/ Interview Question Checklists (CSOs)

Introduction

● Could you please briefly tell us about your role and the work of your organisation?

General knowledge of the country’s corruption landscape and anti-corruption efforts

● What’s your opinion about corruption in general and corrupt practices in your country?
  ○ Have you (directly or indirectly) experienced corruption in the public or private sectors?
● How would you describe the judiciary system in your country?
● What do you know of the anti-corruption legal framework in your country?
● Are you aware of any whistleblower protection frameworks?
● Do you know of any anti-corruption collaboration in your sector and in your country in general? If so, please provide more information.

Personal experiences and views of the anti-corruption efforts

● What type of anti-corruption activities/ programmes have you or your organisation engaged?
● Please describe your opinion on the private sector (PS)’s role in curbing corruption
● Have you had any experiences working with the PS on anti-corruption?
  ○ If yes, please describe the experience
  ○ If no, why?
● Would you consider working with the PS on anti-corruption in the future?
  ○ If yes, please elaborate
  ○ If no, why not?
● Have you had any experiences working with other fellow civil society organisations (CSOs) on anti-corruption?
  ○ If yes, please describe the experience
  ○ If no, why?
● Would you consider working with other fellow CSOs on anti-corruption in the future?
  ○ If yes, please elaborate
  ○ If no, why not?
Appendix D

Interview Focuses/ Interview Question Checklists (PS)

Introduction

● Could you please briefly tell us about your role and the work of your company?

General knowledge of the country’s corruption landscape and anti-corruption efforts

● What’s your opinion about corruption in general and corrupt practices in your country?
  ○ Have you (directly or indirectly) experienced corruption in the public or private sectors?
● How would you describe the judiciary system in your country?
● What do you know of the anti-corruption legal framework in your country?
● Are you aware of any whistleblower protection frameworks?
● Do you know of any anti-corruption collaboration in your sector and in your country in general? If so, please provide more information.

Personal experiences and views of the anti-corruption efforts

● Have you or your company engaged in any anti-corruption activities?
● Please describe your opinion on the civil society organisations (CSOs)'s role in curbing corruption
● Have you had any experiences working with CSOs on anti-corruption?
  ○ If yes, please describe the experience
  ○ If no, why?
● Would you consider working with the CSOs on anti-corruption in the future?
  ○ If yes, please elaborate
  ○ If no, why not?
● Have you had any experiences working with other companies on anti-corruption?
  ○ If yes, please describe the experience
  ○ If no, why?
● Would you consider working with other companies on anti-corruption in the future?
  ○ If yes, please elaborate
  ○ If no, why not?
## Appendix E

**Private Sector and Civil Society Partnerships against Corruption in SEE**

**Consent to Participate in Research**

I, the undersigned, confirm that (please tick box as appropriate):

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<td>I understand I may withdraw myself (or any information I have provided) from this project before the data analysis commences - that is, before December 10, 2017, without having to give reasons. The provided data will thus be immediately destroyed.</td>
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**Participant:**  

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Name of Participant  Signature  Date