GUIDE: IMPORTANCE OF THE PRIVATE SECTOR IN THE IMPLEMENTATION OF UNCAC IN SOUTHEAST EUROPE
# Table of Contents

What is UNCAC? .................................................................................................................. 02
The importance of the private sector in UNCAC implementation........................................ 03
Most relevant articles of UNCAC to the private sector.......................................................... 04
  ARTICLE 12 - Involvement of the private sector in UNCAC implementation....................... 04
  ARTICLE 15 - Bribery of national public officials................................................................. 05
  ARTICLE 16 - Bribery of foreign public officials and officials of public international
  organisations......................................................................................................................... 05
  ARTICLE 18 - Trading in influence....................................................................................... 05
  ARTICLE 21 - Bribery in the private sector......................................................................... 06
  ARTICLE 22 - Embezzlement of property in the private sector.......................................... 06
  ARTICLE 23 - Laundering of proceeds of crime.................................................................... 07
  ARTICLE 26 - Liability of legal persons................................................................................ 07
  ARTICLE 32 and ARTICLE 33 - Protection of whistle-blowers, witnesses, experts and victims. 08
  ARTICLE 39 - Cooperation between companies and investigating
  and prosecuting authorities.................................................................................................... 08

What can the private sector do to increase their integrity and transparency?............................ 09
Published internal acts of the companies on issues related to the fight against corruption....... 09
  Enabling outsiders to report suspicions of corruption with the specific company............... 10
The companies have implemented part of the provisions of UNCAC in their operations........ 10
Creation and implementation of internal acts for whistleblowers.......................................... 10
Creation of courts of honor as a mechanism for maintaining ethics in business.................... 11
Conducting regular audits...................................................................................................... 11
Cooperation with State institutions for the creation of policies to prevent of corruption........ 12
Cooperation with CSOs and the media.................................................................................. 12
What can the private sector do?............................................................................................... 13
Contact details....................................................................................................................... 14
Corruption presents a complex and multifaceted problem that governments cannot tackle alone. In order to combat corruption, it is crucial to engage various stakeholders, including the private sector and civil society. These groups have a critical role in reinforcing the legal framework for addressing corruption.

The United Nations Convention against Corruption (hereafter, "the Convention") was adopted by the United Nations General Assembly on 31 October 2003 and came into effect on 14 December 2005. This Convention is widely recognized as one of the most essential and influential international agreements in the fight against corruption. It contains mandatory provisions that require signatory States to establish a comprehensive set of criminal offenses within their national legal systems that relate to corruption. These criminal acts serve to unify the subject matter of criminal law, which in turn enhances cooperation between states and leads to greater effectiveness in the fight against corruption.

The purpose of the Convention is to address various forms of corruption that may exist within a country, such as the misuse of power or trading in influence, as well as corruption in the private sector, including fraud and money laundering.

The Convention also aims to strengthen international cooperation and promote the implementation of legislation and judicial cooperation between countries. It provides effective legal mechanisms for the international protection of asset recovery, further reinforcing its efforts to combat corruption.

The Convention is the only global instrument that is of binding character in this area among the States that have ratified it and which provides a framework for the establishment of anti-corruption standards. The purpose of the Convention is to:

- promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
- promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;
- promote integrity, accountability and proper management of public affairs and public property.

The Convention does not offer a specific definition of corruption, although it does list corruption-related offenses in Chapter III. This approach has the benefit of not limiting the scope of the Convention to a definition agreed upon by governments at a particular time.

The UNCAC is structured into eight chapters, with the first chapter containing general provisions and the final two chapters addressing mechanisms for implementation and final provisions. The remaining five chapters focus on the subject matter, covering preventive measures for deterring corruption, criminalization of specific crimes and their enforcement, international cooperation, collection and recovery of illegally acquired assets, and technical assistance and information exchange.

- **Chapter I - General provisions** (followed by four chapters containing material provisions).
- **Chapter II. Preventive measures** - The measures covered include codes of conduct for public officials, transparency in public procurements and public finances, and steps to prevent corruption and money laundering in the public sector. Article 13 requires States parties to ensure the participation of civil society and non-governmental organizations in the prevention and the fight against corruption. It refers to the need for measures to provide public access to information and participation in educational programs.
- **Chapter III. Criminalization and law enforcement** - The criminal offenses covered in this chapter include bribery, embezzlement, abuse of office, unlawful enrichment, concealment, money laundering, trading with influence and obstruction of justice. The chapter also stipulates the protection of whistleblowers, witnesses, victims and experts.
In order to effectively combat corruption, it is crucial for the private sector to play a significant role in promoting the implementation of UNCAC. As corruption can have a significant impact on businesses and business associations, they can be valuable allies for effecting change. By partnering with the private sector, all stakeholders can bolster their efforts in the fight against corruption.

It is important to note that private sector corruption is often interconnected with private-to-private corruption, with practices such as kickbacks, bribes, corporate fraud, and collusion among private entities often considered criminal offenses by national laws. Such practices can distort the rules of competition, limit access to markets, and inflate prices. As a result, legislation on corruption needs to go beyond the traditional definition of corruption as an abuse of public office.

UNCAC recognizes the private sector as a significant stakeholder in promoting good governance and as a partner in the fight against corruption. Additionally, it calls for the establishment of a legal framework that covers all stakeholders, including the private sector, in the fight against corruption.

States parties have a responsibility to establish a national legal framework for preventing corruption in line with UNCAC. In doing so, it is important to take a comprehensive approach that clearly outlines the relationship between prohibited conduct, consequences, and protections.

Legal measures should also contain sufficient detail to inform the private sector of the law’s applicability and requirements. Therefore, UNCAC serves as a crucial tool in enabling the private sector to detect and prevent corruption, and in creating an environment that promotes transparency, accountability, and good governance.
Article 12 of the Convention outlines a framework for preventing corruption in the private sector. This includes the application of national legal regulations, accounting and auditing standards, and appropriate penalties for non-compliance. The Convention emphasizes the importance of cooperation between State agencies and the business sector to support the implementation of legal regulations. Preventive measures listed in Article 12 include the promotion of standards, procedures, and codes of conduct for private sector activities, good practices for contractual relations with the State, and inter-institutional and international cooperation.

In addition, Article 12 addresses the issue of "revolving doors," or the practice of holding job positions in the private sector that are directly related to functions previously exercised by public officials. The Convention also highlights the need for State institutions to establish a record-keeping and bookkeeping system in accordance with domestic legislation to ensure financial transparency and accountability, and to prevent mismanagement of accounts or the use of false documents.

Overall, UNCAC recognizes the importance of the private sector in promoting good governance and combating corruption, and provides guidance for States parties to establish a legal framework and take necessary measures to prevent corruption in the private sector.

North Macedonia’s anti-corruption law encourages private sector

In North Macedonia, according to the Law on Prevention of Corruption and Conflict of Interest, corruption refers to “the use of function, public authority, official duty, and position to achieve any kind of benefit for themselves or for others." Article 17 paragraph 16 of the Law on Prevention of Corruption and Conflict of Interests states that the State Commission for Prevention of Corruption (SCPC), in addition to the others, has the competence to cooperate with the private sector in connection with the prevention of corruption and conflict of interests. Article 18 paragraph 5 stipulates that the National Strategy for Prevention of Corruption and Conflict of Interests (prepared by the SCPC) is prepared with the participation of representatives of state bodies, institutions, associations, foundations, the private sector, and the media. Article 30 of the Law provides for the SCPC, in the framework of the realization of its program activities, which include research, analysis, training, informing and raising the awareness of public and public sector institutions, and transferring good practices, to cooperate with associations and foundations, scientific institutions, and the private sector in the area of prevention of corruption. In the preparation of the latest national strategy, 2021-2025, the private sector participated through the involvement of representatives of the Chambers of Commerce.
Although the private sector’s contribution is very valuable to the work of investigative and prosecution authorities, it is also important to ensure that the private sector does not participate in bribing public officers. In this regard, Article 15 states that each state should adopt the appropriate legislative measures to establish bribery of a public official as a criminal offense when committed intentionally. This article stipulates that national legislations need to be in line with the definition of bribing as the promise, the offering, or the giving, directly or indirectly, of an undue advantage to a public official, for the official himself or herself or another person or entity, to make the official act or refrain from acting in the exercise of his or her official duties.

**ARTICLE 15 - Bribery of national public officials**

Serbia strengthens anti-corruption laws for private sector

The Criminal Code of Serbia defines criminal acts with the aim of curbing corruption, which are classified, primarily, in the group of criminal acts against official duty: abuse of office (Article 359), trading in influence (Article 366), soliciting and accepting bribes (Article 367), and bribery (Article 368). Also, most criminal acts against the economy are important for curbing corruption. The Criminal Code incriminates performing all forms of trading in influence by a person holding the status of an official; also, a perpetrator of accepting bribes can be a foreign official, i.e., when the bribe is given, promised, or offered to a foreign official (Article 367, paragraph 5, and Article 368, paragraph 3). In terms of curbing corruption in the private sector, the law amending the 2016 Criminal Code introduces new incriminations within the criminal acts against economy that refer to corruption in the private sector.

**ARTICLE 16 - Bribery of foreign public officials and officials of public international organisations**

In Article 16, UNCAC stipulates that each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offense, when committed intentionally, the promise, the solicitation, or the acceptance, directly or indirectly, by a foreign public official or an official of a public international organization, of an undue advantage, for the official himself or herself or another person or entity, so that the official acts or refrains from acting in the exercise of his or her official duties in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

This article should be understood in such a manner that the obligation is directly binding for each of the signatory states. Private sector entities should adopt internal acts that clearly lay down integrity practices in their everyday activities and also have monitoring mechanisms.

**ARTICLE 18 - Trading in influence**

Article 18 acknowledges the need to regulate the trade in influence towards public officials, directly or indirectly. The purpose of this article is to regulate the promise, offering or giving to a public official or any other person, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person; Also the article regulates the solicitation or acceptance by a public official or any other person, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.
According to this article, each state party should consider adopting legislative and other measures to establish bribery in the private sector as a criminal offense when committed intentionally in the course of economic, financial, or commercial activities. In more detail, this article says that each state party needs to regulate the promise, offering, or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself, or for another person, so that he or she, in breach of his or her duties, acts or refrains from acting. This stipulates that the private sector needs to adopt internal acts that will regulate bribery as a criminal act and promote good governance in their work. Also, article 21 says that the solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself, or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting, needs to be criminalized in each state.

**ARTICLE 21 - Bribery in the private sector**

According to this article, each state party should consider adopting legislative and other measures to establish bribery in the private sector as a criminal offense when committed intentionally in the course of economic, financial, or commercial activities. In more detail, this article says that each state party needs to regulate the promise, offering, or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself, or for another person, so that he or she, in breach of his or her duties, acts or refrains from acting. This stipulates that the private sector needs to adopt internal acts that will regulate bribery as a criminal act and promote good governance in their work. Also, article 21 says that the solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself, or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting, needs to be criminalized in each state.

**ARTICLE 22 - Embezzlement of property in the private sector**

Embezzlement refers to a form of white-collar crime in which a person or entity intentionally misappropriates the assets entrusted to them. In this type of fraud, the embezzler obtains the assets lawfully and has the right to possess them, but the assets are then used for unintended purposes. Article 22 of the UNCAC promotes adopting legislative measures to deter the embezzlement of property. Moreover, UNCAC states that States need to establish embezzlement as a criminal offense when it is committed intentionally in the course of economic, financial, or commercial activities by a person who directs or works, in any capacity, in a private sector entity with any property, private funds, securities, or any other thing of value entrusted to him or her by virtue of his or her position.
The criminalization of the laundering of proceeds of crime is also elaborated by UNCAC. Each state party shall adopt, in accordance with the fundamental principles of its domestic law, legislation that covers the laundering of proceeds of crime.

The laundering of proceeds of crime includes the conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offense to evade the legal consequences of his or her action. Also, each state party should criminalize the concealment or disguise of the true nature, source, location, disposition, movement, or ownership of or rights with respect to property, knowing that such property is the proceeds of crime.

Each legal system needs to criminalize the acquisition, possession, or use of property knowing, at the time of receipt, that such property is the proceeds of crime and participation in, association with, or conspiracy to commit, attempts to commit, and aiding, abetting, facilitating, and counseling the commission of any of the offenses established in accordance with this article.

In order to implement these obligations, each state party shall include offenses committed both within and outside the jurisdiction of the state party in question. However, offenses committed outside the jurisdiction of a State Party shall constitute predicate offenses only when the relevant conduct is a criminal offense under the domestic law of the State where it is committed and would be a criminal offense under the domestic law of the State Party implementing or applying this article had it been committed there.

**ARTICLE 23 - Laundering of proceeds of crime**

States parties are required to sanction not only individuals in the public or private sector who perform or facilitate a corrupt act but also companies. This article also calls for adequate sanctions and long statutes of limitation.

Each state party shall adopt measures to establish the liability of legal persons for participation in the offenses established in accordance with UNCAC. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil, or administrative. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offenses. Also, each state party needs to ensure that legal persons held liable in accordance with this article are subject to effective, proportionate, and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

**ARTICLE 26 - Liability of legal persons**

All WB6 Countries

In all of the WB6 countries, fraud and embezzlement are regulated in the criminal codes of the respective countries. However, what is noted is that due to the slow administrative processes, understaffed administration, and connections between the private entities and the governments, many of the embezzlements have not been deterred. Usually only high-profile cases that are investigated by the investigative journalist are brought to public attention by the prosecution.
ARTICLE 32 and ARTICLE 33 - Protection of whistle-blowers, witnesses, experts and victims

UNCAC encourages the private sector to protect whistleblowers, witnesses, experts, and victims. Article 33 requires States to carry out a process of the existing measures in their countries in order to find areas of improvement, whether in the legal framework or in practice. The development of systems to protect whistleblowers is complex, far more so than the criminalization of corrupt behavior, and experience shows it is unlikely to be achieved in a single stroke.

Also, each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offenses established in accordance with UNCAC and for their relatives and other persons close to them. Possible measures that can be taken must be taken without prejudice to the rights of the defendant, including the right to due process. Each state party needs to establish the necessary procedures for the physical protection of such persons, including the relocation of such persons where appropriate and the non-disclosure or limited disclosure of information concerning the identity and whereabouts of such persons. Also, states need to provide evidentiary rules so that witnesses and experts give testimony in a manner that ensures their safety, for example, through the use of communications technology such as video or other adequate means.

CSOs strengthen whistleblower protection

In most of the WB6 countries, CSOs pointed out that, in order to maximize the benefits of whistleblowing, comprehensive laws must be put in place to provide whistleblowers with reliable avenues to disclose corruption and mechanisms to protect them from retaliation. It was under such circumstances that a collaboration between government institutions, international organizations, and CSOs was established in the Western Balkans and Moldova to develop whistleblower protection laws, most of which were adopted during the period between 2014 and 2019. More importantly, once adopted, whistleblower protection laws have been reviewed for their effectiveness through monitoring of their implementation by the media, CSOs, and international organizations. However, states did not consider the private sector as a stakeholder in the process, and it was left out in drafting the laws.

ARTICLE 39 - Cooperation between companies and investigating and prosecuting authorities

One of the most important articles that gives direct recognition to the private sector is Article 39, according to which UNCAC calls for cooperation between national authorities and the private sector to fight corruption and promote the interests of both sectors, including through private sector reporting on corruption. Corruption schemes are frequently complex and, by nature, covert, making their detection hard. The cooperation of private entities, especially financial institutions, is often key to launching and conducting investigations. UNCAC promotes the reporting of corruption as one of the most important tools for the prevention and repression of corruption. The idea behind including the private sector is to promote good governance, integrity, accountability, and transparency among all stakeholders.
Private sector combats crime

In order to foster cooperation with all stakeholders, the private sector from WB6 countries participated in the Berlin Process at the Western Balkans Summit in Berlin on July 5, 2021. The need for a multi-agency response, including cooperation with the private sector and CSOs, in order to increase the effectiveness of joint work to tackle serious and organized crime, illicit finance, corruption, and terrorism was emphasized. This underlines the importance of monitoring links between organized crime groups and radicalized individuals and terrorist organizations; reiterates the importance of the EU’s role in countering terrorist financing and money laundering; and encourages further cooperation in this regard, in particular through EU support for training financial experts in the region, information sharing, and the exchange of best practices and know-how.

What can the private sector do to increase their integrity and transparency?

In order to review how the private sector brings business practices in line with the principles of UNCAC we conducted interviews with representatives of companies from the Western Balkan region. The following research instruments were used:

- Indicators of transparency (IT) that provides answers to the availability and accessibility of information related to the work of the private sector to the public on issues related to the fight against corruption.
- Accountability Indicators (AI) that provides answers to the degree of realization of the so-called vertical accountability before the institutions to which they are accountable and horizontal accountability towards all other stakeholders to whom there is no formal responsibility (other institutions, the civil sector, citizens, the media, etc.).

Published internal acts of the companies on issues related to the fight against corruption

In order to review the transparency of the companies, we asked if the companies publish the internal acts related to the fight against corruption and, if so, where those reports are published.

The difference between domestic companies and international companies was visible. Specifically, international companies have their standards, according to which each branch needs to adopt internal acts that are in line with their parent company and domestic law for integrity. International companies adopt internal acts for integrity, due diligence, whistleblowers, etc. However, those internal acts are usually only published on internal websites. They publish only the necessary internal acts according to the law.

When it comes to domestic companies, they follow domestic laws and publish internal acts only when required by law. Similarly, they implement additional internal acts for integrity and due diligence only if those are demanded by international companies to ensure cooperation. Again, when it comes to publishing, they publish only the necessary documents that are required by domestic law.

Concerning the implementation of national regulations, companies comply fully with domestic law, which is confirmed by the annual revision that most companies undergo.
When it comes to best practices for this issue, Crnogorski Telekom in Montenegro and AD Telekom North Macedonia are regularly publishing data regarding the fight against corruption. Since they are both part of the Deutsche Telekom Group, both companies are following the rules that the DT Group has. They are committed to the prevention of all forms of corruption and have strict rules aimed at preventing them from occurring. Their compliance system management is based on the principles of risk assessment for business compliance, training and communication, and internal rules, policies, and regulations. From their suppliers and partners, they expect behavior that is in accordance with the highest ethical standards, as well as respect for the provisions of our Code of Conduct and the basic principles of ethical business. On their web pages, the code of conduct, compliance breach reporting lines, and rules for compliance with ethical principles are published.

Enabling outsiders to report suspicions of corruption with the specific company

When it comes to engaging companies in the fight against corruption, we have asked the companies if they have tools to report suspicions of corruption within the company itself and if they are publicly available for citizens, in accordance with Article 39 of UNCAC. Companies that are customer-oriented or that are mostly oriented towards the citizens with the goods and services that they provide often offer the customers’ venues to express their opinions or complaints on the goods and services that they received. However, this is not directly connected with reporting suspicions of corruption, and they also do not have an obligation to follow up on the complaint.

The companies have implemented part of the provisions of UNCAC in their operations

We have asked the surveyed companies how much they know about UNCAC and how they implement the Convention. The majority of the companies reported that they did not know that this convention exists or what its purpose is. Usually, the legal department or advisor is the one that follows the domestic and international regulations for their operations and provides information on what needs to be incorporated into their internal regulations. According to the companies, if UNCAC provisions are part of the domestic legislation, then they will implement the whole provision since it is mandatory. It can be observed that only companies that have already participated in UNCAC trainings at the national or regional level possess knowledge of UNCAC.

WB6 Countries

In order to foster knowledge about UNCAC and the role of the private sector, the UNODC Civil Society Unit, together with the Regional Anti-Corruption Initiative (RAI) and the International Chamber of Commerce in Albania, organized the workshop in 2022 on Implementing the UN Convention against Corruption in South East Europe: Private Sector Integrity. The event brought together 20 representatives from small enterprises, chambers of commerce, business unions, and other entities from across the region.

Creation and implementation of internal acts for whistleblowers

When it comes to the protection of whistleblowers, the WB6 countries have different approaches depending on if the country has adopted a law on whistleblowers protection and if the obligations the law prescribes concern the private sector. Companies confirm that they are following the domestic regulation on this issue, and for example, in North
that they are following the domestic regulations, the law obliges the companies to have a person who is appointed for the protection of whistleblowers. According to the Economic Chamber of North Macedonia, many workshops have been conducted on the duties that companies have regarding this law, and according to them, most of the big and medium-sized companies are fulfilling this obligation. However, the implementation is not visible since there are not many cases regarding whistleblowers in the private sector.

Also, usually, these internal acts are not publicly available. Here it is necessary to note that the laws in the region differ regarding to what extent the private sector is involved in the protection of whistleblowing, and that is why the companies have different approaches in the implementation. Nevertheless, companies are fully implementing only what is required by domestic law. If companies have operations inside the EU, stricter provisions may apply.

**Creation of courts of honor as a mechanism for maintaining ethics in business**

In order to review the level at which companies promote ethics and integrity in business, we have asked the national economic chambers if they have in their internal bodies a Court of Honor and, if so, what is the role of this body. Usually the Court of Honor operates as part of the business associations to intensify the cooperation with the private sector and strengthen its capacity for an efficient and effective fight against corruption. The Court of Honor usually rules on cases of violations of business practices, violations of the principles of the market economy, and nonperformance of the obligations of the Chamber’s members. However, these courts are rarely employed by companies.

**North Macedonia**

The Court of Honor is part of the Economic Chamber of North Macedonia, whose task is to prevent unfair competition, harmful, immoral, or other types of business behavior that are contrary to good business practices, the basic principles of the Law on Obligation Relations, as well as other regulations that are applied in the operation of the economy. In this way, it is tried to influence competitive action and operation. Through its activities, the Court contributes to the development of out-of-court settlements in the country and the promotion of consumer protection policies. However, in many CSO reports, it was noted that the Court should be responsible for promoting integrity and good governance and for adopting and implementing clear anti-corruption policies and effective anti-corruption procedures. The Chamber started the process in partnership with CSOs from across the country to use the court as a mechanism for maintaining ethics in business and to ensure that they identify and mitigate corruption risks to protect their reputation, their stakeholders, and the communities in which they operate.

**Conducting regular audits**

In order to review if the companies fulfill the obligation from Article 12 of the UNCAC, we have asked them if they conduct regular audits and, if so, if they publish the audit report and where. The article of the Convention refers to legal regulation at the level of the national economy through the application of accounting and auditing standards, as well as defining the appropriate penal policy for non-compliance with the measures. In each country, companies confirm that there are obligations to have a regular annual audit and submit the audit to the correspondent state institution. International companies have an even more detailed audit to be conducted by their parent company. The companies are confirming that this is the best way to check if the companies are working in accordance with the law and if the due diligence is fulfilled.
Cooperation with State institutions for the creation of policies to prevent of corruption

Most companies recognize that the business sector lacks space for dialogue in the phase of law adoption. Laws that are adopted through a fast-track procedure (an extraordinary procedure), in particular, bypass the basic rule of consultation with the business community. Also, the weakness of the institutions results in a lack of transparency in the work processes of the legal entities and the enforceability of laws.

North Macedonia

One positive example is the Economic Chamber of North Macedonia (ECNM), where, with support from the World Bank, a Delivery Unit has been established, which consists of more than 70 experts from the ECHM’s members and will be involved in conceptualizing and drafting laws and legislative amendments. Additionally, for those laws where business representatives’ opinions were not taken into consideration from the start, ECNM will use the instrument to request the president of the state not sign the law, and finally, after exhausting all other mechanisms, ECNM will file an initiative to assess the constitutionality of legal decisions before the Constitutional Court of the Republic of North Macedonia. These mechanisms will be the main instruments for the prevention of corruption through leading transparent and accountable processes in the creation of policy frameworks.

Cooperation with CSOs and the media

When it comes to the cooperation of the private sector with CSOs and the media in the prevention and repression of corruption, the opinions of the companies are different. Usually, companies consider that they can cooperate with the media in promoting the good practices and integrity of each company. They are using this tool, but only to promote specific companies’ achievements. They are aware that investigative journalism can provide good insights about possible corruption in some companies, but they are not using this tool much. Also, companies are skeptical towards investigative journalists as they are afraid that among them there could be corrupt journalists that are working by someone’s directions to sometimes demolish the reputation of some businesses.

Also, in some countries, media companies are directly connected with political parties, so the media outlets are not fully free in their editorial lines.

However, according to the companies interviewed, CSOs are perceived as the most reliable to push the efforts to fight corruption due to their knowledge, experience, and expertise to tackle this issue. The synergies between the companies and CSOs are generally weak, but the economic chambers and business associations have the most potential for cooperation since they perceive themselves as part of the civil society sector in a wider context.
The private sector can maintain regular dialogue with the state institutions in the process of adopting laws to reduce the risks of adverse effects resulting from law implementation.

Prepare a white paper on key anti-corruption measures that will be addressed to the state to push for the implementation of appropriate measures for prevention and reduction of the level of corruption.

Develop a register of anti-corruption measures, as it will serve as a relevant source of information on adopted measures in the fight against corruption, a basis for their upgrading, and an important tool in the fight against corruption.

Increase cooperation between the private sector and the CSOs to strengthen the fight against corruption, especially in monitoring conflicts of interest, analyzing monopolistic behavior and attempts to take control of the market, promoting best practices, and sharing successful experiences in public procurement.

Strengthen cooperation at a regional level with all stakeholders, state institutions, and think tanks through awareness campaigns, promoting business integrity and anti-corruption policy measures, and collective actions to boost the fight against corruption.

Establish an internal ethical culture that rejects corruption and has support from top management to ensure consistency throughout the organization. The principled position of the top management is essential for establishing an internal culture of zero tolerance for corruption.

Engage in the corruption proofing of legislation in order to counter corrupt practices and interactions.

**Albania**

A positive example of cooperation amongst the private sector and other stakeholders is The Week of Integrity, a national awareness-raising campaign on the importance of business integrity that ICC Albania implements annually in the country.

The Week of Integrity stands as a national awareness-raising campaign where collective action is anticipated as a leverage to draw attention to the importance of integrity and to promote ethical behavior not only in business but also in governmental bodies, academia, and CSOs. The goal of the “Week of Integrity” is to draw attention to the importance of integrity by promoting ethical behavior not only in business but in the workplace, with governmental bodies and social organizations being active players.
Contact details

**Macedonian Centre for International Cooperation**

- **Email**: mcms@mcms.org.mk
- **Address**: Nikola Parapunov 41a, P.O.box 55, 1060 Skopje, Republic of Macedonia
- **Phone**: +389 2 3065 381/298
- **Website**: https://mcms.mk
- **Twitter**: @mcms_mk

**UNODC Civil Society Unit**

- **Email**: unodc-ngounit@un.org
- **Address**: United Nations Office on Drugs and Crime
  Vienna International Centre
  P.O. Box 500
  Vienna, Austria
- **Twitter**: @UNODCCSU