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Revista de Cercetare și Intervenție Socială

ISSN: 1583-3410 (print), ISSN: 1584-5397 (electronic)

CORRUPTION AS LEGACY IN OCURRENCE UNDERMINING HUMAN RIGHTS - AN EXPLORATORY RESEARCH ON THE THIRD SECTOR RESPONSE IN ALBANIA WITHIN WESTERN BALKAN CONTEXT

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Revista de cercetare și intervenție socială, 2022, vol. 79, pp. 86-98

<https://doi.org/10.33788/rcis.79.6>

Published by:
Expert Projects Publishing House



On behalf of:
„Alexandru Ioan Cuza” University,
Department of Sociology and Social Work
and
HoltIS Association

Corruption as Legacy In Ocurrence Undermining Human Rights - An Exploratory Research on the Third Sector Response in Albania within Western Balkan Context

Juliana ZAHARIA¹

Abstract

Literature view to corruption as a form of abuse with power and procedures guided research design, and construction of the variables throughout comparative analysis of data, with purpose to introduce through this study a new perspective on the distinct role that the structures of the third sector play in opposing corruption in society. Data collection through quantitative and qualitative methods engaged 406 respondents (n = 406) representing 372 civil society organizations, associations, foundations and social enterprises. Considering Albania as the country in Western Balkan with an widespread corruption exposed from anti-corruption organizations and groups, conducting the study through an one-single nation setting provide a representative background to empirically based scientific conclusions on consequence of corruption to human rights and opportunities, as an underestimated consequence from the perspective of the social sciences.

Keywords: corruption, human rights, third sector organizations, anti-corruption actions.

Introduction

Referring to corruption with different terms as “disease” or “deviation” or “failure” is what many researches and public discourse push into. For citizens of Western Balkan countries, the perception, like the reality of corruptive affairs in economy, politics and social life in general, is a continuous denial of access to human rights, freedoms and opportunities, which is fundamentally a denial of access to democracy. The particularity of social impact that corruption has on society can be found in analysis from different scientific perspectives. The understanding

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of those perspectives and specific definitions on the traits that characterize the phenomenon of corruption has helped the study to create a conceptual basis on the sociological, political and scientific views of the analytical trajectory of this phenomenon.

Following the thought of Sarah Bracking (2007) “The mainstream view of corruption has long historical routes in traditions of classical republicanism and neoclassical political economy, wherein the classical binary dichotomies of public and private, and economic and political first become central to what later emerges as social science epistemology” (Bracking, 2007). In her analyzes, Bracking considers corruption related to several factors, and to name a few, refers to Michael W. Collier (2005) who considers “bureaucratic traditions, ‘cultural factors’, political development, and political system as well as historical trends” (Collier, 2005) to be componential of corruption. But to understand the conceptual definition of corruption related to weakness of institutions she refers to Roberta A. Johnson (2005), and Colin Nicholls, Tim Daniel, Alan Bacarese, James Maton, John Hatchard (2006), who argue that modern political science “tends to define and explain corruption within the ambit of the abuse of public trust and power, within weak political institutions, sometimes very convincingly (Johnson, 2005; Nicholls *et al.*, 2006).

In this paper, the design of the exploratory research, as well as the framing of the inquiring instruments, and the construction of the sections of the questionnaire, was guided by the analysis of the concepts on political corruption according to its characteristics and traits, in the consideration that the political corruption is the dominant form of corruption in Western Balkan countries

Inge Amundsen (1999) believes that “political corruption involves political decision makers. Political or grand corruption takes place at the high levels of the political system. It is when the politicians and state agents, who are entitled to make and enforce the laws in the name of the people, are themselves corrupt” (Amundsen, 1999). Although political corruption varies in terms of corruption in high-level institutions, political patronage and political nepotism (Bracking, 2007) for Amundsen “Political corruption not only leads to the misallocation of resources, but it also affects the manner in which decisions is made” (Amundsen, 1999). He states that “Political corruption is the manipulation of the political institutions and the rules of procedure, and therefore it influence the institutions of government and the political system, and it frequently leads to institutional decay” (Amundsen, 1999).

The literature suggests that the trajectory of “Corruption can take many forms, occur at all levels of power and be conducted by all types of agents, including individuals, businesses, public officials, politicians, state agents and non-state actors” (Trapnell, 2015). The discussion of corruption is a discussion of what is wrong, misconduct and violation of ethics in institutions. This suggestion leads the research to question about the direct role of citizens in the defence of their

integrity and in the protection of their rights through the structures of the third sector, which have as the foundation of the constitutive mission a distinguishable structural principle of the preservation of human rights. Questioning: “At what level is the third sector involved in anti-corruption actions?” by following the consideration of Cecilie Wathne (2021) who considers corruption “complex and resilient” as well as “long and non-linear” (Wathne, 2021) the study urges for a new analyse of the gravity of corruption extension to citizens human rights, and existence, with the purpose to understand the role of third sector organizations, and anti-corruption groups in creating opposition to this phenomenon.

This study contributes to the comprising in the empirical analysis the consequence of corruption to human rights and opportunities, as an underestimated consequence from the perspective of the social sciences. In particular, inquiring into the role that third sector professionals and activists with degrees in social sciences and social work play in anti-corruption initiatives will lead the study’s conclusions to a new contributory approach to the request for enrichment of human rights advocacy prospect with a more scientific definition of acts of corruption and misconduct in institutions, as acts of abuse of citizens’ human rights and opportunities.

Literature review

The review of the literature, as the analyse of the context of corruption in the Western Balkans region, and of the specific features and traits of corruption in Albania as a legacy in occurrence, structured the variable measuring, research inquiring instruments design and further data elaboration and statistical analyse introduced in the following sections of the paper.

Corruptive affairs as the detriment of Democracy – The Western Balkans context

The corruptive affairs to the detriment of Democracy and the rule of law are serious obstacles that prevent the development of the Western Balkans countries from following the models of consolidated democracies. International anti-corruption organizations view illegal activities and corruptive affairs as a long-standing phenomenon that has reached alarming proportions after the overthrow of dictatorial regimes in the region. Corruption, and in particular political corruption, has a negative impact on the development of reforms that promote democratic progress in the Western Balkan countries and advancement in the path of accession to the European Union.

U4 Anticorruption Resource Center and Transparency International in “Overview of corruption and anti-corruption in the Western Balkans and Turkey” published

in 2019 states that “In Albania, Bosnia & Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey powerful patronage networks have infiltrated and consolidated their control of state institutions” (U4 Anticorruption Resource Center and TI, 2019). Considering that these networks “wield influence in many fundamental judiciary, law enforcement and anti-corruption institutions” (U4 Anticorruption Resource Center and TI, 2019) the international anti-corruption organizations show that a cause of the existence of these networks “politically independent and effective oversight and prosecution mechanisms can be absent, and corrupt officials and organised criminals can occasionally engage in acts of corruption with impunity” (U4 Anticorruption Resource Center and TI, 2019).

In their geographical proximity the Western Balkan countries, unfortunately, with a history of dictatorial regimes and a decades-long struggle to democratization, *unite* in numerous anti-corruption reports that indicate high-level of corruption in the region. The European Commission annual progress reports also highlight the need to fight corruption persistently as a way to succeed in reforms and in the prospect of European Union membership.

In analysing specific factors that distinguish Western Balkan countries from other countries in development, Visegrad Insight in the special edition of 2022 “Western Balkan Futures” reports that “There are many - internal and international - undesirable factors, phenomena and processes which would have a substantial impact on the political stability and economic development of the Western Balkans. It certainly relates to the ‘unfinished’ democratisation” (Visegrad Insight, 2022). Hereby, the term of ‘unfinished’ democratisation’ is explained with “the autocratic modus operandi of political leaders, who are stronger than the law, state institutions and citizens; the lack of effective control mechanisms over government; political populism; an unsatisfactory level of the rule of law; election fraud; the limited transition of political power; corruption; nepotism; clientelism, etc.” (Visegrad Insight, 2022).

Corruptive affairs in Albania - The legacy in occurrence undermining human rights

Corruptive affairs in Albania, in the shadow of transit, station, or crossing roads with organized crime, have a dramatic impact on human rights, opportunities and existence of citizens. Although part of the permanent reports of anti-corruption movements, organizations and groups, the attack on democracy, the rule of law and institutions, and the abuse of citizens’ rights through bizarre affairs, organized under the protection or patronage of political corruption, carry on uninterrupted.

The South European Leadership for Development and Integrity (SELDI) report entitled “Corruption in the Western Balkans not Abating: What’s Next” published in January 2022, analyzes in a comparative mode the phenomenon of corruption in the countries of the Western Balkans. The data show that Albania is the country with the highest level of corruption in the region, distinguished as that country in

the region which “Once again comes forward as the country plagued by the highest administrative corruption in the region with 57% of the citizens being asked for a bribe at least occasionally during the year preceding the survey and 47% actually participating in corruption transactions” (SELDI, 2022). Figures of this report express the impact of corruptive affairs within Albanian territory, where data show that the country is at the highest level of corruption in the region.

For a country like Albania where silence and *omerta* are widespread in the *circus* of public media and the third sector, and where the judicial system is among the most corrupted, international reporting of corruption is very important and plays an extraordinary role in exposing this phenomenon and its horrible consequences for the economic, political and social development of the country. This exposition also shows that the dramatic impact of corruption on the human rights of citizens is characterized by a strong legacy, still in occurrence.

Since 1991, due to what legal experts refer to as “tailor-made law number 7501”, the right to property in Albania has been a failure of the concept of preserving human rights as permanent abuse through extortion. This abuse that started with the legal disposal number 7051, entitled “For the land”, sanctioned in July 19, 1991, just a few months after the overthrow of the dictatorship in Albania, keeps an eye on the purpose of destroying private and public property. Recently, the acts of destruction of houses in blocks located in different districts, or the dramatic demolition of the building of the National Theatre with the sole purpose of extorting ambitious territories, located in the centre of Tirana are dramatic references for the abusive construction of sky towers under political interest and patronage. [What citizens of Tirana witnessed in the early morning of May 17, 2019, during the COVID 19 pandemic curfew, with images of the destruction of the National Theatre (with people and civil society activists still fleeing from inside the building, after a long battle to protect it from destruction) is one of those memories of state terrorism comparable to the darkest dictatorship.]

According to BTI-Transformation Index (2022) “the legacies of the past, a one-man style of political leadership, hierarchical political organizations, weak civil society, the lack of democratic political culture, and a dominant system of patronage and corruption has undermined the country’s progress toward achieving functioning democratic institutions” (BTI, 2022). Recently in Albania “the *dominant patronage system*” was actualized with the general elections of 2021, where a few weeks before the date of the elections, a circulating list of patronageists of the ruling political party exposed sensitive data of the voters of Tirana. Each voter was under the scrutiny and control of activists, employers, militants and members of the ruling political party. The control of the vote, since the control of the corrupting benefits of the electoral processes manipulated through the purchase of votes has involved several senior representatives of the central and local government.

The scandal with the list of patronageists in circulation was followed in early 2022 by the latest “Incinerator affair” exposed, in which a government minister was jailed and other senior government employers were persecuted. For the public, the “Incinerator affair” is a big corrupt affair with hundreds of millions of Euros stolen from taxpayers and a clear example of the reality of corruption in the country.

Methodology

The research design

The research design is framed according to the methodology of studies in the social sciences. The selected quantitative research methods were combined with qualitative methods, following research patterns that consider this approach purposive “to address different research questions or gather information from different groups or levels within an organization in accordance with the exploratory and empirical type of the investigation process” (Terrell, 2012) in compliance with study objective to complete the sections of questionnaire with information retrieved through interaction of focus groups members, who were directed to focus on their commitment *in primis* in anti-corruption actions.

The review of the literature guided empirical approaches in the construction of the research variables, the comparative analysis and measuring the level of relationship between *independent variables*: (1) Anti-corruption actions; (2) Social sciences knowledge-based anti-corruption actions, and *dependent variables*: (a) The effect of corruption in human rights; (b) The engagement of the study respondents in third sector anti-corruption initiatives.

Setting of the study

To conduct a study on corruption with the aim of analyzing the most dramatic impact of corruption in the Western Balkans context, the decision to choose the research setting based in Albania is taken not only for logistical reasons, but even after considering that Albania is one of the most representative cases where abuse with human rights is subject of a widespread corruption exposed from anti-corruption organizations and groups. Inquiring on dynamics of third sector anti-corruption response/interventions/actions, and the further analysis of the data, introduce through this study a new perspective on the distinct role that the structures of the third sector, in which above all human rights practitioners graduates in social sciences and social work have in opposing corruption in a society that is profoundly affected by multiple traits of this phenomenon.

Research sample and inquiring instruments

The research *sample* is composed of 406 respondents, representing 372 randomly selected organizations, associations, foundations and social enterprises. As the age range of the respondents is between 19 and 51 years old, the major part works in foundations and social enterprises (*Table 1*).

Table 1. Cross analyse of general information on respondents' age and type of organization

Age * Type of organization				
Count		Type of organization		
Age (years old)		Human rights association	Fondation/ Social enterprise	Total
		19-25	40	
Age (years old)	26-31	81	13	94
	32-37	21	59	80
	38-44	44	32	76
	45-51	12	27	39
Total		198	208	406

Source: A-Institute, 2022

Primary data was collected through questionnaires, the design of which formed five sections of open / closed questions which aided in the collection of general data, as well of knowledge, attitudes, beliefs and current level of involvement of respondents in the anti-corruption movement provided by the third sector. *Secondary data* were collected through eight focus groups, where each was composed of nine members (Acocella, 2012). The information gathered during this phase of the research focused the discussions and interaction between the members of the focus groups on the following topics: (1) Defining the dimensions of corruption and the specific consequences on society; (2) Recognition and reflection on corruptive affairs and political corruption as acts of abuse of human rights and opportunities for citizens; (3) Identifying through personal narration and experiences the direct form of involvement of representatives of civil society organizations and other third sector structures in anti-corruption actions; (4) Measuring the participation of human rights practitioners, social science and social work graduates in anti-corruption activities and campaigns.

Results

To understand the most engaging topics of the respondents' work, the questionnaire was constructed through questions aimed to comprehend the legal basis of the third sector organizations. Table 2 summarizes the correlation between the university qualifications and types of third sector structures grouped in two qualitative variables: "Human rights association" and "Foundation/Social enterprise".

Table 2. Cross analyse of respondents' university qualification and type of organization where they are engaged

Univerity degree		* Type of organization		
Count				
		Type of organization		Total
		Human rights association	Fondation/ Social enterprise	
Age (years old)	Law degree	31	49	80
	Social sciences degree	43	64	107
	Polic sciences	13	54	67
	Economy	9	47	56
	Art, Humanities and other deghrees	40	56	96
Total		136	270	406

Source: A-Institute, 2022

The sections in questionnaire constructed with purpose to analyse the first dependent variable "The effect of corruption in human rights" were elaborated with reference to dimensions of the literature. To the question "Which of the forms of corruption has been most aggravating for the society?" the respondents replied: "Political corruption" (36.9 %), "Corruption at high state levels" (23.6 %), "Political patronage" (9.9 %), "Political nepotism" (15.8 %), "State capture" (13.8 %).

Table 3. Most aggravated form of corruption in society

Most aggravated form of corruption					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Political corruption	150	36.9	36.9	36.9
	Corruption at high state levels	96	23.6	23.6	60.6
	Political patronage	40	9.9	9.9	70.4
	Political nepotism	64	15.8	15.8	86.2
	State capture	56	13.8	13.8	100.0
	Total	406	100.0	100.0	

Source: A-Institute, 2022

Carry on the analyze of the independent variable “Anti-corruption actions” data shows that 76% of human rights associations and 83% of foundations and social enterprises anti-corruption projects have not been supported with financial resources from non-governmental donors, or with any resources from the government budget. The other part of third sector structures, (34.6 % of human rights associations, and 12.2 % of foundations and social enterprises that have been beneficiaries in the past three years) according to respondents, have been able to support a very limited number of projects focused on anti-corruption actions (Figure 1).

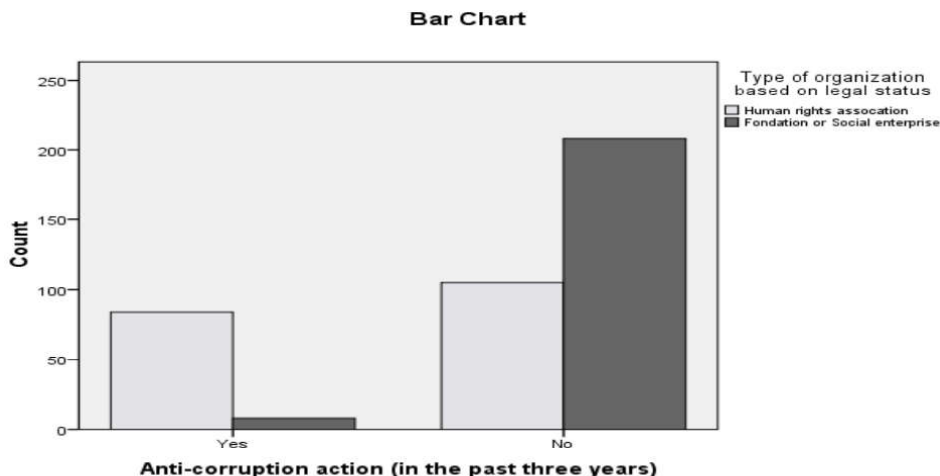


Figure 1. Cross analyse of third sector anti-corruption actions

Source: A-Institute, 2022

Continuing the analysis of the first dependent variable, the respondents believe that the most negative consequences of the corruption affairs could be seen in citizens': (1) Opportunities (37.1 %); (2) Present (25.6 %); (3) Human rights (25.3 %); (4) Future (12 %) (*Figure 2*).

The analysis of the engagement of third sector practitioners with degrees in social sciences and social work in human rights advocacy with the role of fighting corruption and its serious consequences began with the analysis of the data collected for the extent of actions, campaigns, protests and activities, undertaken in the last three years. The analysis of this group of data in correlation with the university degree, which aimed to measure the second independent variable of the study "Social sciences knowledge-based actions", shows that 69.3 % of the total respondents, and 70.6 % of respondents graduates is social sciences and social work have not been part of the anti-corruption action of the past three years.

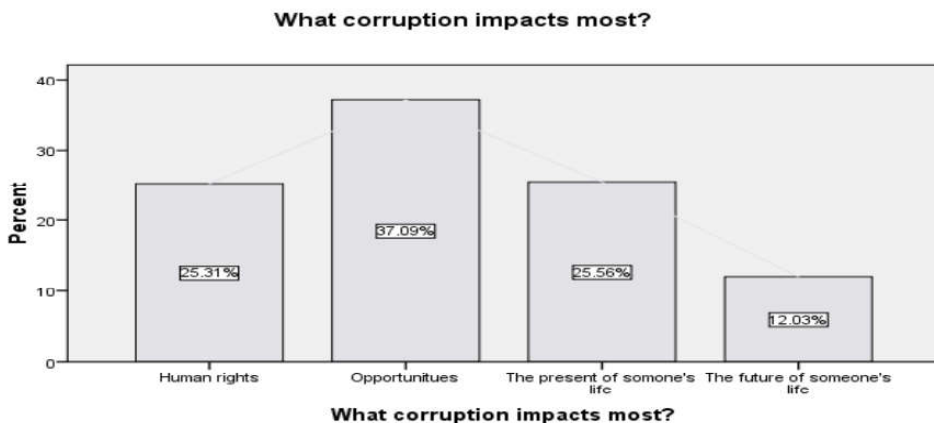


Figure 2. Consequences of corruptive affairs

Source: A-Institute, 2022

For practitioners who have been engaged in anti-corruption initiatives, projects focused principally in "Consequential oriented anti-corruption actions?" (64.3 %) and "Interventions based on ethic and good practices in institutions" (30.3 %) (*Figure 3*).

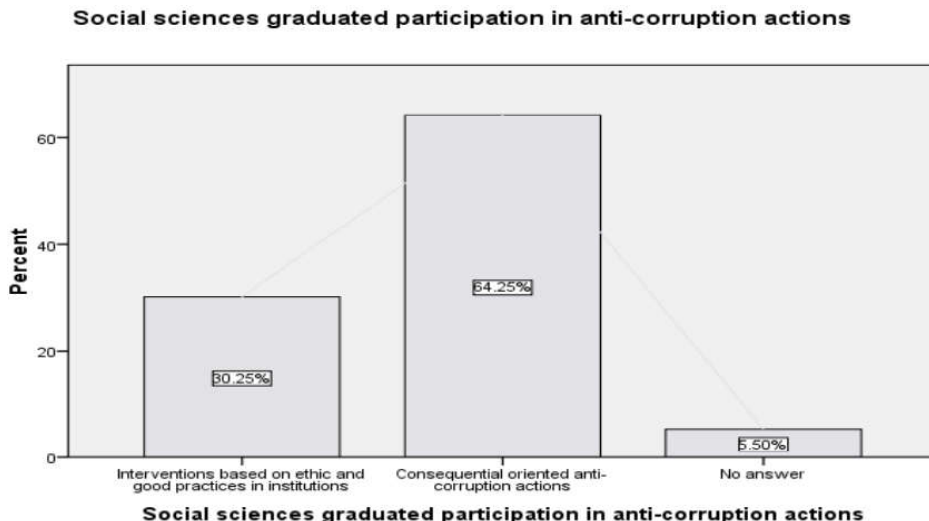


Figure 3. Anti-corruption engagement of social sciences graduates

Source: A-Institute, 2022

Data cross-analysis with focus groups shows that respondents engaged in anti-corruption actions reported highly fragmented anti-corruption protests and public reactions organized by civil society organizations. This cross-analysis with focus groups also shows that in the past three years (reference time used to construct questionnaire sections) access to the financial fund was limited. According to the majority-member of focus groups, the change of practice with European Union funds, disbursed through third-party organizations hired to complete the third sector funding process has been reductive, with calls not prioritizing human rights promoting interventions or anti-corruption campaigns.

Conclusion

This study analyzes the phenomenon of corruption from a human rights perspective, which until now is superseded by social sciences research. The analysis of the corruption research literature followed a twofold approach: from the analysis of the authors and from the reports of anti-corruption organizations.

While the authors define corruption as a form of abuse of public trust and power (Johnson, 2005; Nicholls *et al.*, 2006), and refer to political corruption or high-level corruption such as the manipulation of political institutions and procedural rules (Amundsen, 1999) which implies a weakening of political, economic and social development, anti-corruption organizations analyze data on the basis of extent of corruption. Considering both sensitive approaches, documents review and

data analysis show that the absence of interventions and anti-corruption initiatives is an absence that has a profound impact on citizens' rights, opportunities, the present and the future.

Although the study sample was representative, however, the data analysis was limited due to the COVID 19 pandemic, which prohibited the involvement of a major number of civil society organizations. In light of this, the inquiring procedures highlighted the profound absence of contributions from third sector practitioners in anti-corruption actions, including those with degrees in social sciences and social work.

In conclusion, the widespread of corruption in Albanian society, as the one most affected by this phenomenon in the Western Balkans, is caused by factors that link to a vague approach to anti-corruption interventions. As the data analysis shows, the efforts of the civil society organizations and other third sector components to fight corruption are very few and very limited, which reveals a rather limited involvement of citizens in opposing actions against corruption through third sector structures.

Recommendations

- Mitigating the consequences of corruption impact to human rights within Western Balkan societies already hurt by the absence of consolidated democracies and the rule of law should be at the centre of the actions and interventions of the third sector organizations.
- Programs with specific goal to support the Western Balkans countries in moving forward on the path of accession to the European Union should demand for greater accountability of funding schemes through re-orienting of priorities towards citizens' rights and anti-corruption actions as essential to renew the role of the third sector in the fight against corruption.
- In Albania, corruption indicators and data are at highest rates also because of the lack of opposing actions against slow justice, and impunity, which should be the focus of the third sector and organizations in defence of human rights.
- In particular, practitioners with degrees in social sciences and social work should operate for strengthening their role as human rights advocates from a clear social sciences prospect in creating interventions against the impact of corruption on citizens' rights.

References

- Acocella, I. (2012). The focus groups in social research: advantages and disadvantages. *Qual Quant*, 46, 1125-1136.
- Amundsen, I. (1997). Political Corruption: An Introduction to the Issues. Chr. Michelsen Institute, *Development Studies and Human Rights*, WP 1999:7, 1-39. Retrieved from: <https://www.cmi.no/publications/file/1040-political-corruption.pdf> Last checked: 22 June 2022.
- Bracking, S. (2007). *Corruption and development. The anti-corruption campaigns*, Basingstoke: Palgrave Macmillan. Retrieved from: http://www.untag-smd.ac.id/files/Perpustakaan_Digital_1/CORRUPTION%20Corruption%20and%20Development.pdf. Last checked: 3 June 2022.
- BTI-Transormation Index 2022 Country Report - Albania. Gütersloh: Bertelsmann Stiftung, 2022. Retrieved from: https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2022_ALB.pdf Last checked: 4 May 2022.
- Collier, W. M. (2005). *Political Corruption in the Caribbean Basin: Constructing a Theory to Combat Corruption*, London: Routledge.
- Johnson, R. A. (2005). *The Struggle Against Corruption: a Comparative Study*, Basingstoke: Palgrave Macmillan.
- Nicholls, C., Daniel, T., Bacarese, A., Maton, J., Hatchard, J. (2006). *Corruption and Misuse of Public Office*, Oxford: Oxford University Press.
- Terrell, S. R. (2012). Mixed-Methods Research Methodologies. *The Qualitative Report*, 17(1), 254-280. DOI: 10.46743/2160-3715/2012.1819.
- Trapnell, S. E. (2015). *Users' guide to measuring corruption and anti-corruption*, New York: United Nations Development Programme.
- South European Leadership for Development and Integrity (SELDI) - "Corruption in the Western Balkans not Abating: What's Next". Policy brief No 13, January 2022 Retrieved from <https://seldi.net/wp-content/uploads/2022/04/Policy-brief-Corruption-in-the-Western-Balkans-not-Abating.pdf>. Last checked: 11 July 2022.
- U4 Anticorruption Resource Center and Transparency International (2019) "Overview of corruption and anti-corruption in the Western Balkans and Turkey" - Chr. Michelsen Institute. Retrieved from: <https://www.u4.no/publications/albania-overview-of-corruption-and-anti-corruption.pdf>. Last checked: 10 July 2022.
- Visegrad/Insight (2022) "Western Balkan Futures. special edition 1 (19) | 2022 *Strategic Foresight Report for 2030*. NED, Visegrad Fund. Retrieved from: <https://visegradinsight.eu/app/uploads/2022/03/Western-Balkans-Final.pdf> Last checked: 4 July 2022.
- Wathne, C. (2021). Understanding corruption and how to curb it. A synthesis of latest thinking. U4 Issue 2021/3. Chr. Michelsen Institute. Retrieved from: <https://www.u4.no/publications/understanding-corruption-and-how-to-curb-it>. Last checked: 1 June 2022.