

PROJECT CONCEPT NOTE

Title

Evidence Based Monitoring Public Spending During Elections

Subtitle

Media Room for Fair Elections

Organization Name

Albania Institute of Science / Open Data Albania

For the attention of

Members of Working Group for Elections in Albania & Potential Donors

Date of Submission

October 2022

Project Period

12 months 2023

Contact Person: Aranita Brahaj info@ais.al

Budget Estimation: 85,000 Euro

Project Goal

This project aims to ensure civil engagement for a fair and regular electoral process and increase and strengthen citizen's participation in the democratic culture.

The project also aims to provide education, capacity building, response and activism for quality democratic processes and fair elections.

The project will be working under the slogan *Make Elections Count*.

Scope of Intervention:

Rule of Law; Good Governance; Free and Fair Election; Electoral Reform; Media Capacity Development; Civil Society Activism

The specific scope of this project is Monitoring the Public Spending and Litigation for each case of Misused Publics Funds during next electoral process.

Background and Justifications:

On the 24th of October the Albanian President announced the date for local elections, to be held on the 14th of May 2023¹.

Electoral processes held every two years (for general parliamentary elections and for local elections in 61 Municipalities), often take place among harsh tones, and have been repeatedly contested by the parties. The voting process, including the election campaign was deemed by several institutions like the People Advocate² and the OSCE/ODIR³ to be calm, transparent and with the secrecy of the vote mostly respected. However, the monitoring reports also noted that the misuse of administrative resources amounted to a concerning problem. Vote-buying, abuse of public resources, the media bias and the underlying lack of transparency in administration resources during electoral processes have marked Albania's recent election cycles, and laid bare a central need to reform the legal framework governing usage of public funds for electoral benefits, to stem corrupt practices that undermine election standards and alienate the public from government. While international reports list issues with their procedures and administration, case by case reporting also speaks of abuses, vote-buying or misuse of assets and human resources of public administration for electoral purposes. The two organizational bodies, in charge of administrating and overseeing the electoral process implementation, were

¹ <https://president.al/presidenti-dekreton-daten-e-zgjedhjeve-vendore-2023/>

² <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raport%20monitorimi%20per%20Zgjedhjet%20vendore%202021.pdf>

³ <https://www.osce.org/odihr/elections/albania/493687>

established in 2020; Central Election Commission and the Appeals and Sanctions Commission (KAS). Both institutions are fairly new and have little experience and resources in effectively overseeing the use of public funds misuse. The justice system, which would have to investigate and punish criminal offenses against free elections, is still undergoing a lengthy vetting process, part of the Justice Reform, that is delaying delivery of results.

With the existence of grey areas in the existing legislation, targeting mostly public administration for electoral campaigns and focusing less on public funds misuse and lack of proper monitoring and oversight on this issue, heightens the risk of misuse of public money during the election process. Especially taking in consideration that the total financial report of the 21st of April electoral campaign in Albania amounted to only 293 020 608 ALL⁴, while the cost of a single case of abuse reported by AIS complain was 926 449 664 ALL. AIS believes that the local election monitoring can play a central role in raising public and institutional attention to cases of misuse of public funding and contracting.

Although monitoring of the electoral processes is a permitted and an established practice, very few CSOs in the last election have focused on usage of public funds for political parties' benefit, with only two cases of complain submission for abuse of public resources. The first was a case of inauguration of a school during a public campaign⁵ and the second, presented by Albania Institute of Science (AIS) was the misuse of the Post-Earthquake Reconstruction Program in Durres Municipality, where the prime minister run for election. The case was rejected by the administrative investigation institutions did not provide clarity on the violations found in the area. AIS reported that in violation of the Electoral Law, the Council of Ministers Decision dated 25 March⁶ and Durrës Municipal Council Decisions 12-24 April, transferred and executed in Durrës 6.1 Million Euro of non-emergency grants with Individual beneficiaries benefitting 1-5 thousand Euro. The Commissioner declared himself incompetent and rejected the case. After AIS Appeal, the Appeals and Sanctions Commission (KAS) accepted the investigation but ended after only one hearing where no experts or challenged parties were heard, setting thus a dangerous precedent. Based on the positions of the KAS and those of the

⁴ <http://ais.al/new/denoncim-prane-komisionerit-shteteror-per-zgjedhjet-fondi-i-rindertimit-u-perdor-ne-durres-per-favorizim-te-subjekti-elektoral/>

⁵ https://kqz.gov.al/wp-content/uploads/2022/06/vendim_data_220601_Nr_171_Per-shqyrtimin-e-denoncimit-te-Qendreses-Qytetare-ndaj-z.-Edison-Memolla.pdf

⁶ <https://www.kryeministria.al/newsroom/vendime-te-miratuara-ne-mbledhjen-e-keshillit-te-ministrave-date-25-mars-2021/>

Commissioner, the organization raises the alarm that the Emergency Fund, a medium-term budget program for 3-5 years, and other public funds can be used in the next elections to compromise voters by giving individual grants, even just a few hours before voting. In this framework, AIS sees it as its mission to engage in real time evidenced monitoring, litigation and fact checking, in close collaboration with media, CSOs and engage citizens.

Intervention

With the aim of countering the lack of oversight on this particular issue, using its existing open data sources⁷, AIS plans to initiate an evidenced base monitoring process on the governmental monetary transaction, contracting and budget reallocation, starting in December 2022 / January 2023. This evidenced base real time monitoring will serve as an effective fact finding, observing and advocating tool to stop usage of public funds for political gain during electoral campaigns and the months preceding it.

For the monitoring to be effective, AIS will monitor and trace public expenditure to map out public expenditure and public fund allocation and to evaluate if there is abuse with public funds to promote certain political parties' objectives during a six-month period. AIS will do in close collaboration with the media, through the establishment of an informal cooperation mechanism, such as "Media Room for Fair Elections". AIS will follow up with litigation procedures with the Central Commission and follow up on the process for each and every case raising doubts on misuse of public funds. At the end of the project, AIS will also draft a final report with findings and recommendations on the public expenditure and budget reallocation pattern observed during the monitoring. The report will be submitted to all stakeholders that have functions and responsibilities in ensuring free and fair electoral processes, including CEC, the ad hoc parliamentary committee on Electoral Reform and the International Working Group for Elections in Albania⁸, with the aim of initiating a systemic change.

AIS aims to engage the broader public in the demand for transparency and accountability on public fund usage for political parties' objectives, by establishing a close cooperation with the media through the establishment of an informal dedicated media room. This media room will serve as space to rally public interest and also bring attention of responsible authorities to the matter, or cases of potential risk, ensuring thus real time intervention in case of public fund abuse. AIS intervention will pay particular attention

⁷ https://ndiqparate.al/?page_id=10789&lang=en, <https://opencorporates.al/>

⁸ <https://www.osce.org/presence-in-albania/504130>

to engage other CSOs effective in this area and will also focus its analysis on gender discriminatory patterns in election campaigns.

Key Project Activities, Quantitative Results

Activity no. 1 Evidenced based fact checking monitoring of public expenditure, contracting and budget reallocation to trace and evaluate cases of political parties favoring from public fund abuse.

AIS will engage in a comprehensive 5 month long public expenditure fund, contracting and budget reallocation, monitoring and fact checking in the months preceding the new local elections. AIS is particularly is favored in conducting this type of monitoring, because it has established innovative tools and databases to access, publish and inform the public on each and every public expenditure through “Treasury Transactions”⁹, including here also the budgetary institutions of the local government. It also avails of the “Open Contracting” and Open Procurement¹⁰ tool, which uses an algorithm to evaluate the risk in public procurement of both local and central institutions. Furthermore, AIS uses a particular methodology for the identification and crosschecking of the integrity of contracted companies of the municipalities through the Database of the organization Open Corporates Albania¹¹. AIS will cooperate with the existing pool of dedicated staff and expert to monitor and trace the management of public funds, financial resources, management of services, payment collection, public procurement and public contracting, granting, concessions, license issuing and permitting. The identified risks will be assessed in order to priorities them according to their potential impact and probability/ likelihood of occurrence, as well as occurrence for district. AIS is conscious that these data analysis and fact checking are not always easy to follow for the larger population, or even other civil society activists or stakeholders, therefore sees the necessity of creating innovative tools for data visualization and information, such as an interactive map showing financial activities for each of district. The cases, which represent risk and may influence the results of the election process, will be analyzed by the team of AIS analysts who work on social economic data analysis, public budgeting or legal experts. The same litigation process will be used for the cases which will be signaled by the media collaborators.

Outputs Activity no. 1

⁹ <https://spending.data.al/sq/treasury/list/year/2019>

¹⁰ <https://openprocurement.al/en/index/index>

¹¹ <https://opencorporates.al/en>

- Intermediary Monitoring Reports on expenditure, contracting and budget reallocation money (every month electoral period 7 – 10 Reports)
- 3 Comparative Analysis Reports for the election period and non election period Articles at OpenData.al
- 5 Evidenced based risk analyses on expenditure (every month)
- Visualization and Publishing of data within follow the money

Activity no. 2 Litigation of identified cases of abuse in the Central Electoral Commission and the Appeals and Sanctions Commission KAS

Depending on the analysis of the team of experts, AIS will follow up through reporting and litigation of the cases for administrative investigation. Albania has a two-level Administrative Investigation, which is a fairly new process in the electoral legislation introduced by the amendments to the Electoral Code made in 2020. It regulates the right of the parties to formulate and report a complaint and report setting thus in motion the administrative investigation. The Commissioner and KAS are two newly reformed institutions, which cover many roles in the process and procedure of the administrative investigation, and are set in motion with the request of different subjects, including anonymous ones. In the pre-election period for local elections 2023, the findings with risk that will be identified and monitored may be several, the most prolific ones will be formulated in the form of a complaint and will be submitted to the Institution. In addition to formulating the complaint, the organization will also provide facts or data during the process of complaint review, investigation and appeal, following up all stages of the litigation process. AIS aims to present all high-risk cases for administrative investigation at the Elections Commissioner and KAS. AIS will also cooperate with other CSOs during the litigation process to ensure stronger representation.

Outputs Activity no. 2

- Processes of Litigation for Administrative Infringements
- Expert and evidenced based Report for each case resulting in litigation
- Official Complain Documentation for every case documented
- Appealing at KAS or Administrative Court for cases rejected by the commissioner.

Activity no. 3 Establishment of a Media Room for Fair Election to communicate in real time findings and cases of abuse, rallying public support and educating media members and public on how to trace public expenditure.

It has been proven that the public and media pressure can act as safeguards to the electoral processes and can put an end to potential abuse. Throughout the years of activity AIS has maintained string collaboration with the Media, which has developed in a close partnership and is viewed as a trustworthy source of information and analysis for them. Furthermore, AIS has trained many journalists on aspects of usage of Open Data by journalists. In this framework, AIS will establish an informal structure, named “Media Room for Fair Election” to engage in an effective communication and interaction to raise awareness on potential abuse cases, with the aim of flagging the issue to respective authorities and bring the needed attention to specific cases and find real time solutions. The process will be structured in a twofold manner, with both AIS flagging high risk cases, but also the media reporting on cases which can be marked as potential abuse. For this election process and the period preceding it, a core of journalist collaborators of the organization will be invited to become part of the Media Room for Fair Elections, an informal organization in which to get information, conduct fact cross checking, analysis and journalist investigation. The evidenced based cases of abuse on public expenses and contracts will be shared with the journalists. The journalists acting on the clues received from their undisclosed sources will be able to seek information and data on certain expenses or certain contracts. Journalists will act as a reliable partner to disseminate data and analysis presented by AIS. Through this public reporting of risk cases and in coordination with the Media Room, cases of abuse will be interactively reported to the media, civil and social forums. Communication with the media will also be structured in the distribution of a monthly newsletter detailing the cases identified during that particular month and also weekly report. Both communication tools will be distributed electronically also to the donor community, especially to the International Working Group for Election. AIS will also avail from the strong collaboration with a group of with other organizations that work in the freedom and human rights sector; issues of good governance; act; integration etc. This ecosystem will help the organization to communicate and conduct the monitoring, distribution of facts and awareness in real time.

Output Activity no. 3:

- The capacities of 20-25 journalist are further developed and their knowledge is broadened in fact finding and misuse of public funds in electoral campaigns and processes, during two training sessions.

- 2 Training Media Representatives How to Monitor Public Spending and Contracting During Elections
- 40 media reports, referencing data and analysis of the project.
- Promotion and education material on Fair Elections free from abuse.

Budget Estimation Activity no. 3: 27,000 EUR

Activity no. 4 Conducting a legislative and policy gap analysis on public fund usage for political party gains and provide recommendations for systemic change

In the last month of the project, after the conclusion of the election process, AIS based on the data and cases evidenced through its monitoring and fact checking processes and litigation will conduct an analysis of institutional and legislative framework regulating the monitoring, administrative investigation, prevention and punishment of cases of misuse in public funds. The analysis will aim to gauge whether institutions and the legislation provide opportunities for preventing and investigating cases of abuse. Comparative data of past elections on the same issue will also be part of the report. AIS, through the collaboration of one international and one local legal election expert, will also try to establish if the electoral institutions have adequate capacities and if the by-laws (decisions of the reformer at the CEC) on public fund usage are complete. AIS will offer best practises for possible legal recommendations. The findings will be validated with the relevant stakeholders and will be presented in a closing event, with guests from the Electoral Institutions; CEC, KAS, Ad-Hoc Parliamentary Commission on Electoral Reform, Parliament, Electoral Subjects, Representatives of Associations that are active in the promotion of free elections, members of the International Working Group of Elections, and media representatives.

Output Activity no. 4:

- Final Report on Finding and Recommendations
- Validation Workshop, Experts of the field, CSO-s and Stakeholders
- Final Even with stakeholders and responsible institutions for free and fair Election Processes.
- Presentation of the Final Report

Budget Estimation Activity no. 4: 17,000 EUR

Beneficiaries:

Activists, journalists with a vocation to contribute to democratic processes in the country. Citizens in general; Journalists; Activist and other stakeholders committed to Democratic Culture and Processes.

Project Sustainability: The Final Report on Finding and Recommendations will be presented for the Electoral Reform Experts; Members of Commission and CEC Institution. Through this legislative and policy gap analysis on public fund usage for political party, we also anticipate long-term results, whose effects will extend well beyond the projects' timeframe. Following the election period, reports and recommendations will aim to spark changes and improvements in national regulations and practice. Likewise, we expect that the beneficiaries of these activities will continue to exercise their civic role even after the completion of the project, as extended election monitoring can provide legitimacy for the international community as well as to provide a sense of trust in the country or community in Albania and can be a valuable tool for improving the quality of elections. The long aim of this intervention will also be to promote and protect the civil and political rights of participants in elections. Through the evidenced based monitoring, litigation and media cooperation, AIS seeks to help leading stakeholders in the correction of errors or weak practices, even while an election process is still under way. It also may prove to be a deterrent of manipulation and fraud.

Part of the sustainability of the project is also offering the best model of civic engagement against the widespread apathy of the citizens in Albania and we will ensure that the activists, who will join the initiative, will develop a strong and continuous civic engagement and litigation in election processes.

Brief Description of Organization

AIS, is an organization established in 2011. The original name of the organization is the *Albanian Institute of Sciences*, referred to as AIS in the proposal. The main mission of our organization is to use innovation and new technology as tools for providing more information, transparency, communication and citizens' participation. AIS activists and founders have established a joint group of experts from different fields.

SCOPE: Disclosure of information and accessibility in the public sector through Open Data; Information Symmetry; Youth capacitating and up skilling; Increased Citizens' awareness; Raised public reaction and pressure (e-Participation); Strengthened Anti-corruption efforts; Instillation of the Fact-Checking and the Watchdog Culture.

The work of the AIS is strongly related to **Principles** such as Transparency; Accountability; e-Participation; Citizens Engagement, Youth Capacity Building; and Good Governance.

Applied **instruments** to conduct its scope include: Open Data Standards; Risk Assessment tools and methodologies; Case Studies; Innovation and ICT; Youth Engagement.

Past and ongoing projects are supported by **donors** like the Netherland Embassy in Tirana¹² ; SIDA- Embassy of Sweden¹³ in Tirana; the National Endowment for Democracy (NED), the Democracy Commission Small Grants of the Public Affairs Section of the US Embassy in Tirana¹⁴, EU Commission, OSCE Presence in Albania.

The following databases are a product of the Organization:

<https://ndiqparate.al/> - allows you to follow the money trail, through transparent data and socio-economic research articles.

<https://openprocurement.al/> Open Procurement Albania – Open and transparent data regarding each stage of tendering process in sectors like Health; Road Infrastructure; Acquisition of Publicly Owned Companies; Municipality tenders. The database also employs an instrument for risk assessment and tender marking, whose algorithm marks with a *RedFlag* tenders exhibiting issues of competition and race.

<https://spending.data.al/> Spending Data Albania platform constitutes a database containing all the information regarding payments issued by the State Treasury from 2012 onwards. These payments are listed and can be traced by Institution; beneficiary client; date of execution; category of expenditure, or description of invoice.

<http://moneypower.al/> MoneyPower.al - Money and Power is a database containing data present in the mandatory Asset Declaration Form, compiled by senior officials, MPs, mayors, members of the Council of Ministers, and Magistrates.

<https://opencorporates.al/> Open Corporates Albania - another platform offering open data profiling and passports with information for every business that wins public contracts (with state institutions).

<http://www.aksesrejttesi.al/> Information and Passport with accessible data and documents concerning High Level Judges.

Legal Status: Non-Governmental Organization

Court Registry number 3048 Albania date of registration 28.03.2011.

Address: Rr. Asim Vokshi; Building 13/25 floor 3 Tirana.

¹² Contact Person: Elga Mitre elga.mitre@minbuza.nl

¹³ Contact Person: Ermelinda Xhaja ermelinda.xhaja@gov.se

¹⁴ Contact Person Angjelina Pistoli Pistolia@state.gov