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**DEMOCRACY BAROMETER  
ANALYSIS REPORT NO:5**

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**EVALUATION REPORT FOR  
FUNDING OF THE CAMPAIGN  
FOR THE ELECTIONS OF  
NOVEMBER 1, 2015**

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**CHECKS AND BALANCES  
NETWORK**

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## Introduction

Today, political parties use several different channels and instruments to communicate their suggestions to more voters and to be more visible. This makes us voters think more about the effect of money on politics. This report presents an assessment based on the results of the General Election of 1 November 2015 for "the financial resources used by political parties in their election campaigns and how such resources are used", which poses great significance in terms of universally recognized democratic governance principles such as transparency and accountability but is largely ignored in Turkey.

The relationship between financial resources and politics is a matter with various aspects, each of which should be dealt with individually. The most important one among these aspects is certainly to build a legal framework on this matter on the basis of the principles of transparency and accountability. To this end, today's democracies enforce legal regulations that contain mechanisms which ensure both transparency and effective and independent inspection. On the other hand, we know that legal regulations are not sufficient on their own.

At this point, civil society should play a major role in addition to regular financial audits to be conducted by independent bodies. Monitoring compliance of political parties with laws and sharing the findings with the public is a right of civil society organizations as well as a requirement and responsibility of their existence. A voter that is aware of the origin of the financial resources held by political parties and how and to what extent such resources are used would be able to observe whether those who represent them look after the priorities of citizens or of those who fund political parties and call this matter to account.

Setting out from this idea, as the Checks and Balances Network, we started the campaign "***Aramızda Paranın Lafı Olsun***" (Why Not Talk Money) (<http://paraninlafi.birarada.org/>) on funding of politics. Our purpose is to enable us, voters, to be well-informed about the situation in politics and funding of elections, and to contribute to putting an accountable, auditable system into practice.

Bringing together 270<sup>1</sup> civil society organizations representing various parts of the society and different political views at national and local levels, the Checks and Balances Network is a movement that struggles to empower a participatory and pluralistic democracy. The organization has worked to contribute to enhancement of the balance and inspection system, an indispensable element of democratization of Turkey through policy development of policies, monitoring, generating public opinion and advocacy works since July 2012<sup>2</sup>.

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<sup>1</sup> Although we have 270 members at the time of publication, the number of our members is increasing every day.

<sup>2</sup> This project is supported by the MATRA Fund of Dutch Embassy.

## METHODOLOGY

As the Checks and Balances Network, we conducted our first study on donations to political parties in the period of election and the use of public resources was when we conducted monitoring and evaluation studies on funding of election campaigns in **Adana, İzmir, Mardin and Ordu** before the General Election of November 1, 2015. One of the reasons why we restricted our evaluation works with these two domains was our objective to use our resources efficiently. However, the most important reason was that we observed normalization of public resources in election campaigns - despite the fact that it is illegal - in the General Election of November 1, 2015.

In choosing these four provinces for our monitoring and evaluation studies, we paid attention to the fact that the mayors of four political parties represented in the Grand National Assembly of Turkey (GNAT) held office in these provinces. The criteria used in forming a group to conduct the evaluation studies were that the members the balance of genders was to be maintained and the members would come from various regions of Turkey and represent civil society organizations that work in different domains. A total of **17 (10 male and 7 female) members that included member and supporting organizations of the Network of Balance and Inspection organized observation visits in groups of 4 or 5** to the provinces mentioned above from 20 to 29 October 2015.

During these visits, **84 interviews** were conducted in total with political parties, candidate deputies, municipalities, provincial governorates, professional organizations in public status, provincial election councils, civil society organizations, media employees and scholars representing different political views. Based on the findings and observations of the visits made by 4 groups, this evaluation report addresses common determinations and problem areas in a conceptual manner. The report focuses on funding of the election campaign, and more specifically, on the **donations to political parties and the use of public resources**, and also includes recommendations for possible improvements.

## RESULTS

- The legal framework regarding the elections in Turkey, if enforced completely and efficiently, provides the conditions required for democratic elections. However, **with regard to the funding of election campaigns, except for the Law no. 6271 on Presidential Election, funding of the campaigns of candidates is not subject to a regulation.** Lack of a legal framework for funding of the campaigns for general elections creates gaps, causing establishment of a non-transparent and unaccountable relationship between political parties and voters through monetary or in-kind aids. In addition, it is a common practice for local governments to use public resources despite the fact that it is illegal. Voters think that this is an ordinary practice.

- An **“election economy”** ranging from flags to pennants, newspaper ads, and television commercials emerges at the times of election. Although the last period of election campaign was rather still compared to previous periods of election, election campaigns create their own economy, which highlights an economic relationship in the opinion of the citizens on elections.
- **The link established by organized and unorganized citizens between funding of election campaigns and democratization is a restricted one.** The citizens lack a serious awareness on this matter.
- In the current state of affairs where polarization is more clear, there is a common belief that it would be inappropriate to reveal the amount of donations to political parties and those who make them. **The donors are anxious that the parties they finance would cause them to be undergo social pressure due to their political views. It is stated that the personal rights of donors should be protected by law if their name and the amount of donation they made are revealed.**
- There is a general view that **women** are not sufficiently represented in political life. Lack of a legal regulation regarding funding of campaigns turns elections into a financial competition, which creates a serious obstacle for participation of underrepresented groups such as women in politics. It is emphasized that certain regulations should be made in party constitutions and the Political Parties Law and that such practices should also be promoted in practice **in order to ensure that politically underrepresented groups are made more visible.**
- **It is stated that the parties that compete in elections do not benefit fairly from state aids, and the opportunities of propaganda on radio and television for competitive equality.** In this sense, the media is not able to meet the expectations and requirements of voters for fair and equal elections.
- It is observed that the bodies, particularly the Constitutional Court, which are commissioned to monitor and inspect the funding of politics and election campaigns and to impose sanctions for violations are ineffective in correcting the problematic areas. **Lack of effective inspection mechanisms and sanctions leads to arbitrariness.** It is stated that commissioning accredited independent international organizations with performing inspections would be preferable. Furthermore, it is frequently stated that **new legal regulations and amendments** are required for improvement of problematic areas.

## FINDINGS

### Legal Framework

Funding of politics in Turkey is referred to in several legal regulations in addition to the Constitution of 1982, the Law no. 298 on the Fundamental Provisions of Elections and Register of Electors, the Political Parties Law no. 2820, the Parliamentary Election Law no. 2839, the Law no. 2972 on the Elections of Local Administrations and Neighborhood Headmen, and the Law no. 6271 on Presidential Elections.

Regarding the funding of politics, the Constitutional Court conducts financial audit of political parties with the assistance of the Court of Accounts in accordance with the Law no. 6216 on Establishment and Rules and Procedures of the Constitutional Court of Turkey. Since the information and documents that are submitted to inspection by the Constitutional Court include the recorded revenues and expenses only, the requirements of parties, particularly in the period of elections, cause unrecorded resources to come into play.

Despite the fact that lots of regulations are available in the laws for funding of politics, this is not the case in **funding of election campaigns. Except for Presidential elections, funding of the campaigns of the candidates is not subject to any regulation. Due to the lack of a legal regulation and spending cap for funding of campaigns, candidates and parties with higher economic power hold advantage over their opponents.**

The problems arising from the lack of regulation were mentioned frequently during the interviews. **Money is used effectively both in turning economic power into political power and in the efforts of individuals and groups to create an impact and power in politics.** Such problems that are caused by funding of politics also threaten the political and economic system, damaging the stability and confidence.

### Use of Public Resources

It was stated during the interviews that public resources were mobilized for election campaigns. According to the constitution and relevant laws, Public officials should have an “objective” sense of duty. In addition, **it is observed that using the resources of municipal and public bodies in elections is not considered strange. There is a strong belief that public resources are used for political propaganda efforts.** However, the provision on distribution of publications and materials of propaganda in the Law no. 298 on the Fundamental Provisions of Elections and Register of Electors is clear: “Acts Forbidden During the Period of Election: Article 63 - Officers mentioned in Article 62 and associations operating for public benefit as well as officers and employees employed therein shall be obliged to be impartial during elections. The persons specified above shall, during elections, not be entitled to: a. provide grants, donations and assistance to political parties or independent candidates under any name whatsoever, b. have their officers and servants as well as all of their equipment, supplies and facilities used for the benefit and under the order of a political party or an independent candidate or have the same operated in any political activity.” It is

fair to say upon the interviews that citizens lack the awareness of the prohibition of the use of public resources.

### **State Aid**

About 90 per cent of the incomes of major parties is made up of state aid. Inability of minor parties that offer different options to voters to receive state aid that would allow them to compete on “equal” terms hinders competition or causes unfair competition in favor of the parties already more “powerful”. In this sense, **lowering of the state aid threshold from 7 per cent to 3 per cent in 2014 was an important step.** Lack of state aid in the last election caused the election campaigns of political parties to be conducted with more moderate budgets and by using the funds raised by the candidates. **It is stated in the interviews that state aid should not be made at all, and that even if it should be made, it should be distributed regularly and evenly among all political parties.**

### **Disclosing Donations to the Public**

**The topics of focus were reorganization of private and anonymous donations, enforcement of spending caps, and declaration of campaign accounts of parties and candidates. Almost all interviewees agreed on the requirement of transparency in funding of politics.** In addition, it was stated in the interviews that it would be inappropriate to disclose the names of donors and the amounts of their donations in the current state of affairs that is characterized by polarization. It was stated by the business world that the donations were made secretly and in kind to the greatest extent possible. **It was further stated that the personal rights of donors should be protected by law if their name and the amount of donation they made are revealed.**

### **Financial Audit of Political Parties**

The problems encountered in the financial aspect bring forward the matter of transparency in funding of politics and election campaigns. Lack of legislation on funding of political campaigns causes a gap and irregularity. **Sources of income, and spending of candidates are not subject to any inspection. The inspection is conducted within the framework of the “data at hand and submitted documents”.** Even though the court has constitutional and legal authority, it is not able to conduct an examination on site. **A monitoring and inspection authority for candidates is missing.** Lack of non-governmental organizations that would supervise this aspect precludes impartial inspections. For this reason, **it was stated that commissioning an internationally accredited independent auditor with the task of inspection would be appropriate to ensure transparency of campaign funding.** It was also frequently emphasized that lack of effective inspection mechanisms and sanctions caused arbitrariness, and legal regulations were needed for transparency, inspection and accountability.

## **The Relationship between Transparency of Election Funding and Democratization**

Funding of election campaigns in Turkey involves many problematic areas including transparency, which is also important for sustainability of democracy. Transparency is the first step in incomes and expenditures of political parties and in funding of campaigns in order to increase social confidence and to ensure that the systems get into a sustainable order. It was stated in the interviews that pre-election and post-election expenditures should be made public item by item. In addition, it was observed by citizens and civil society that **the correlation established between funding of politics and election campaigns, and democratization is a weak one**. It was stated that awareness had not been raised on this matter, and whoever comes to power would not abide by other prohibitions including the use of public resources. It was further stated that a nontransparent system caused assumption of office by those who lacked sufficient knowledge, which hindered fair and equal means of competition. It was frequently pointed out that **the steps to be taken for democratization in politics related to transparency of the funding of political parties, and becoming a state of law depended on this principle only**.

### **Female Candidates**

The current framework lacks regulations on funding of politics, which would facilitate active participation of women in politics. It is favorable that several parties do not charge women subscription fee or conduct positive discrimination in women's favor. Nevertheless, national and international studies reveal that the most important obstacle before participation of women in politics is lack of financial resources. **It was pointed out in the interviews that due to the lack of a legal regulation on funding of election campaigns, candidates and parties with higher economic power held advantage over their opponents, which constituted a serious obstacle before participation of minor parties and independent candidates, particularly women and underrepresented groups in politics**. It was emphasized that legal regulations should be made and that such practices should also be promoted in practice in order to ensure that politically underrepresented groups are made more visible.

### **Civil Society and Media**

**In addition to the issues of "independence" and "impartiality" of official monitoring and inspection bodies and organizations, an effective civil society supervision is not available**. In this sense, the evaluation study that the Checks and Balances Network conducted on the use of public resources and disclosure of donations is the first of its kind. Presence of conditions that would enable political parties to compete on fair and equal terms is of great importance in terms of democratization of politics. For this reason, it is important for civil society organizations operating particularly in democratization to monitor the donations and spending made to political parties in the period between two elections, and primarily during the periods of election.

Regarding the media, it was stated that the parties that compete in elections do not benefit fairly from **the opportunities of propaganda on radio and television** for competitive equality. In this sense, the media has not been able to meet the expectations and requirements of voters for fair and equal elections.

## SUGGESTIONS

- Transparency and accountability should be considered primarily in funding of politics. A **legal regulation** that will allow sharing of donations, expenditures, inspection processes and sanctions with the public in a detailed and transparent manner should be implemented.
- The regulation of the funding of election campaigns should be considered with improvement of the **Political Parties Law**. In other words, although it is important to draw up a legal regulation on funding of politics, a more holistic perspective on the matter, which implies amendment of the whole Political Parties Law, is required.
- Political parties should be subject to a **strict audit in financial terms**, and the Constitutional Court has proven insufficient for this task. A new regulation is required for devising effective inspection mechanisms and sanctions. Technology should be used to ensure that the inspection is made in a more effective and efficient manner. A web-based network system (such as e-government, e-internal affairs) covering 81 provinces and 919 districts should be established, and the political parties should be able to keep records of their incomes and expenditures and upload their documents on this system. In addition to contributing to declaration of the information of each party to the public, this method will allow effective and efficient inspection.
- It is necessary to have internationally-accredited independent auditors to conduct **inspections** and to ensure that the results of such inspections are shared with the public in a transparent manner.
- **Personal rights of donors should be protected by law** to make sure that donors are not subject to oppression due to their political preferences in the event of disclosure of their names and the amount of donation they made.
- Legal regulations should be made to ensure political participation of minor parties, independent candidates, **women and underrepresented groups**.
- **Ethical Principles or Codes of Conduct** including transparency and accountability in funding politics should be determined for elections.
- **Awareness-raising** activities should be conducted with regard to funding of election campaigns, and the existing activities should be maintained.
- **Media** plays a major role in raising awareness on funding politics. Media organs should broadcast and promote contents on this issue.



- **Effective civil society surveillance** should be established for funding of politics, in addition to “independence” and “impartiality” of official monitoring and inspection bodies and organizations.
- For the activities regarding the funding of politics, **the unique characteristics of each region** should be taken into consideration with their problematic areas identified, and activities should be conducted to this end.

## **AFTERWORD**

The findings we derived from our interviews revealed once more the need for a legal regulation that will regulate funding of election campaigns and ensure transparency and accountability. This regulation that should be in the agenda of the new Parliament should be formed with an inclusive and participatory process that will bring different stakeholders, civil society and specialists together. Furthermore, civil society and citizens should unite to engage in civil monitoring in the process of election campaigns and raise awareness on the matter.

The legal framework to be formed on funding of politics and election campaigns will establish a campaign environment where everyone will compete on equal and fair terms. This will also invite citizens to make a claim to democracy, and to use time and resources better. We hope this first civil initiative for monitoring the transparency of election campaigns, which is undertaken by the Checks and Balances Network, sheds light on future efforts.

In order to resolve the uncertainties of future with a common will, it is possible to pave the way for including all colors of politics, creating equal and fair grounds for competition, and raise confidence in political parties among citizens. This is what inspires the present evaluation report: the desire and hope to attain transparent and accountable politics and a strong democracy...

## The Team of Monitoring and Evaluation of Election Campaign Funding

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5	<b>Hayati Çam</b>	BİKTUDER / The Association for Supporting Knowledge, Culture and Tourism	Çorum
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