INTERNATIONAL IDEA INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE

Africa Institute of South Africa
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The Integrity of Political Finance Systems in Africa: Tackling Political Corruption

International IDEA Policy Paper No. 20

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Nicasius Achu Check, Tsholofelo Madise, Nkululeko Majozi and Yukihiko Hamada

International IDEA
Strömsborg
SE–103 34 Stockholm
Sweden
Telephone: +46 8 698 37 00
Email: info@idea.int
Website: ‹http://www.idea.int›

The Africa Institute of South Africa (AISA)
Bag X41
Pretoria
South Africa 0001
Website: ‹www.ai.org.za›

Design and layout: International IDEA
DOI: ‹https://doi.org/10.31752/idea.2019.24›

ISBN: 978-91-7671-257-3

Created with Booktype: ‹https://www.booktype.pro›

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Acknowledgements

This policy paper was drafted by Nicasius Achu Check, Tsholofelo Madise and Nkululeko Majozi under the coordination and guidance of Yukihiko Hamada, Senior Programme Officer, International IDEA. Editorial support and administrative assistance were provided by Jenefrieda Isberg, Maria Santillana and Alexandra Cooper. The drafting team wishes to thank Professor Cheryl Hendricks, Executive Director of the Africa Institute of South Africa, for her input, guidance and editing of this policy paper. Valuable comments were also provided by Rumbidzai Kandawasvika-Nhundu and Keboitse Machangana. We also extend our appreciation to Lucy Smith for overseeing the production of this policy paper.

Key recommendations

1. Governments should embark on a public campaign to review public funding for political parties.

2. National governments should engage the African Union and sub-regional organizations in reviewing anti-corruption legislation, with an emphasis on corruption that relates to political party funding.

3. Party leaders and members should be educated on political party finance legal frameworks and the implications of breaking political finance laws.

4. Financial resources and human capacity should be provided to electoral management bodies (EMBs) and other regulatory bodies to enhance their oversight abilities.

5. EMBs should strive to independently manage the electoral process.

6. EMBs should ensure that public and private donations to political parties are properly recorded and accounted for.

7. National parliaments should pass legislation to guarantee EMBs' political neutrality.

8. Civil society should educate the electorate about the funding and functions of political parties.

Executive summary

Unregulated flows of money in the funding of political parties and election campaigns threaten key democratic principles and values in African countries. When politicians and political parties focus more on financiers than public interests and needs, service delivery may be compromised for political expediency. A lack of information on how much money parties raise—and how they spend it—can harm the integrity and accountability of political processes and institutions (Falguera, Jones and Ohman 2014).

Enormous strides have been made since 1990 to tackle the scourge of political corruption on the continent. However, corrupt activities associated with political finance regulations persist. This policy paper analyses political finance regulatory trends in Africa, identifies corruption risk areas in such regulations, and provides actionable policy recommendations for key stakeholders to improve transparency and accountability in political finance. It examines good practices for political finance regulation and the challenges of an integrity-enhanced political finance system and it explores options for redress. The paper identifies key themes in the political finance framework, such as sources of finance, limits on funding, limits on party and candidate spending, and lessons learned regarding the effectiveness of regulatory mechanisms on the continent.

1. Introduction

Money is an integral part of politics, since without financial support, a working political system is not feasible. The relationship between money and politics in democracies therefore remains a key concern for politicians, policymakers, civil society and the general public. A critical issue is political parties' and candidates' access to funding, especially during election campaigns. The emphasis has been on how private money raised by political parties influences policymaking and implementation, how parties spend this money and the possibilities for corruption that this enables. Strengthening political finance regimes is high on the global anti-corruption agenda. For example, the United Nations Convention Against Corruption article 7.3 calls on countries to enhance 'transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties'.

Strengthening political finance regulations is considered particularly important in Africa in order to effectively mitigate corruption risks. According to Montoya (2005: 27), corruption in politics on the continent represents a permanent threat to the three spheres of power—legislative, executive and judicial. Philp (1997: 436) maintains that political corruption is an all-encompassing concept but specifically involves the exercise of illicit political patronage. For instance, the dispensation of favours or rewards such as public office, jobs and contracts by a patron to a client has dominated the political landscape in African countries since the 1960s. Individuals and organizations commonly provide funding to political parties and candidates to influence the political decision-making process. Political corruption can, for example, influence legislators to pass laws that could benefit certain organizations, lead to the capture of state institutions by private entities or enable environments in which corrupt business practices can thrive. For example, private individuals in South Africa have recently captured state institutions (Meirotti and Masterson 2018). There are also multiple examples across the continent of vote rigging, illicit funding used for political campaigns, political killings, embezzlement of state funds, nepotism and so forth.

This policy paper draws on the data provided in International IDEA's Political Finance Database to highlight current political finance challenges and analyses political finance regulatory trends. It provides a set of actionable policy recommendations on how key stakeholders in Africa can enhance transparency and accountability in political party financing.

2. Political finance challenges in Africa

Political parties receive their funding through two main sources—public funding and private funding (membership and donations). Regulating this funding at the national, regional and continental levels in Africa remains a challenge. The consolidation of democracy in Africa after the third wave of democratization has necessitated the development of new norms, frameworks and institutions. Multiparty democracy was seen as a cornerstone of the new democratic architecture on the continent. While the burgeoning of political voices has been welcomed, the manner in which these voices are supported and operate in practice leaves much to be desired. While the regulation of political finance may take many forms, the lack of public funding and the desire to win elections at all costs are some of the major drivers for political actors to engage in inappropriate activities to finance their campaigns and garner voter sympathy and support. These activities include receiving funding from illicit sources or from individuals or companies with ulterior motives, an overreliance on founders as sources of funding, vote rigging, dispensing of patronage, vote buying and character assassination (Falguera, Jones and Ohman 2014). These challenges have necessitated the regulation of political finance and the formulation of guidelines and principles for conducting elections. The African Union (AU), sub-regional organizations and some individual countries do regulate political financing to some extent. While effective mechanisms abound on corruption, few laws directly address misdeeds in political party financing. This section explores the depth, scope and effective implementation of regulations related to party financing.

2.1. Insufficient attention to political finance in current anti-corruption conventions in Africa

Recognizing the fundamentally negative impact of corruption on the continent's democratic development, in recent decades a number of anti-corruption conventions and policy instruments have been instituted at the regional and sub-regional levels. At the regional level, the AU adopted the Convention on Preventing and Combating Corruption in 2003. The convention calls on countries to prohibit the illicit funding of political parties and to increase transparency in political financing. It also addresses issues of corruption beyond political finance; its catch-all approach has been criticized for being ambiguous and lacking adequate oversight mechanisms for effective implementation.

Several anti-corruption policy instruments and guidelines have also been introduced at the sub-regional level. The most significant are the Southern African Development Community (SADC) Protocol Against Corruption, and the Economic Community of West African States Protocol on the Fight Against Corruption (both adopted in 2001) and the 2015 SADC

Principles and Guidelines for Governing Democratic Elections. Although the latter focused solely on electoral processes, the earlier protocols addressed corruption more broadly. Like the AU convention, these instruments have been criticized for being too broad, too prescriptive and lacking sufficient enforcement mechanisms (Adeyeye 2017; Muntschick 2017; Nwabueze and Pofinet 2018).

While legislation specific to political finance does fall under these broader anti-corruption regulations proposed under the regional and sub-regional conventions, it is not directly stipulated. The existing African conventions represent transnational instruments designed to deal with broader corruption in the region; they lack an implementation framework and do not address private political party financing, for example. Nor is there a workable mechanism for sharing intelligence in the fight against corruption. To effectively combat political finance corruption, adequate intelligence frameworks must be set up, for example by establishing formal collaborative frameworks either through Interpol or through bilateral collaboration. Measures therefore need to be taken to ensure that such challenges do not affect the work that civil society organizations have been undertaking on the continent to address corruption and other challenges impeding local development. Going forward, political finance should be an important consideration in the development of multilateral agreements and implementation mechanisms.

2.2. Lack of effective oversight

Mbaku (2007: 4) contends that Africa has been the main victim of political corruption as a 'direct consequence of the poorly developed and inappropriate institutional arrangements' that bedevilled the continent after independence in 1960s. He further argues that efforts to address political corruption on the continent have been ineffective due to a lack of adequate oversight institutions to hold perpetrators to account.

Complicating matters is the fact that patronage politics has been the glue that binds many political systems in African countries. Amundsen (2006: 4) notes that favouritism and the politically motivated distribution of financial and material inducements, benefits, advantages and spoils are some of the main reasons why politicians engage in political corruption. For such a scenario to flourish, Mueller (2008: 185) argues, there has to be a gradual and deliberate weakening of state institutions in favour of personalized power and clientelism.

In Africa, it is primarily the electoral management bodies (EMBs) that have been assigned to oversee political party finance. Other bodies such as financial intelligence units, asset forfeiture units and revenue authorities can also undertake this task. 38 (81%) countries require political parties to regularly report on their finances; Botswana, Central African Republic, Chad, Gambia, Libya, Malawi, Mauritius, Zambia and Zimbabwe do not (International IDEA 2018). However, the mere existence of requirements and enforcement bodies is not a guarantee that they will be adhered to. The My Vote Counts (2016) Policy Brief contends that there is a lack of domestic regulatory framework on private money, both locally and internationally. The Policy Brief further asserts that oversight institutions should ensure accountability and trust in the political process and further opines that policymakers should introduce mandatory reporting of amounts and identities of large foreign donors.

2.3. Illicit financial flows

The majority of African economies are cash based, and increasingly use (largely unregulated) mobile banking, which complicates political finance oversight (UN 2017; Shapshak 2018). In their quest for funding, political actors sometimes resort to complex and illicit ways of self-financing, including the trade in illicit drugs, illegal mining of natural resources, poaching and other forms of corruption. Political parties in Chad, the Democratic Republic of Congo (DRC), Kenya and Tanzania have accepted such funds (Winer and Roule 2003; Warf 2017).

The AU Convention on Preventing and Combating Corruption sought to address this challenge by putting in place mechanisms to fight political corruption and punish those convicted of corruption more broadly. Accordingly, some member states have adopted policy relevant instruments, such as Côte d'Ivoire, Kenya, Nigeria, Senegal and South Africa. However, the effectiveness of these policy instruments has been called into question. For example, Nigeria's Economic and Financial Crimes Commission and Côte d'Ivoire's Audit Bench of the Supreme Court have been fighting the flow of illicit money into politics for years now, but have made little progress (Umar, Samsudin and Mohamed 2018; Abayomi 2018).

3. Accountability and transparency in political finance regulatory frameworks

Accountability and transparency are the main themes underpinning political finance regulation on the continent. The lack of enforceable accountability mechanisms, either to the body responsible for organizing elections or to parliament, creates a conducive environment for political finance-related corruption to thrive.

Transparency regarding the source of political parties' finance and how such funds are used is often insufficient. Walecki (2007: 3) maintains that African countries' regulatory agencies should focus primarily on transparency to combat corruption in political party finance. According to Gadinis (2013: 327), transparency requires political actors to ensure the independence of regulatory agencies.

In order to assess the current state of transparency and accountability in political finance on the continent, this section focuses on four main pillars of political finance regimes: (i) private funding, (ii) public funding, (iii) spending and (iv) reporting, oversight and sanctions.

3.1. Private funding of political parties

While political campaigns are very expensive, few African countries offer public financing to political parties; therefore most rely on private funding. Only nine countries (20%) of the 44 with available data in the region place limits on campaign donations and 10 countries of 46 (22%) limit the spending of political parties (International IDEA 2018). Most private funding comes from four main sources—party membership fees, corporate donations, foreign donations and self-funding. This section discusses each type of funding in turn.

3.1.1. Membership fees

Membership dues are the most common source of private funding of political parties in many countries on the continent (ACE Project n.d.). Political parties with a strong support base can garner enormous resources from their membership fees. The African National Congress (ANC) in South Africa, with a membership of over 700,000, can amass ZAR 35 million (USD 2.5 million) per year from membership fees at the current rate of ZAR 50 per member per year (Nicolaides and Grootes 2015). Though this amount cannot meet all the party's financial needs, it does help to fund basic party structures and communication platforms. Small donations are another important source of political party finance on the continent (Falguera, Jones and Ohman 2014: 45). However, political parties cannot rely on such donations to finance their electoral campaigns, due to high levels of poverty.

3.1.2. Corporate donations

According to International IDEA's Political Finance Database, only 25% (12 out of 48 African countries with no data found for Comoros, Djibouti and Swaziland) of African countries ban corporate donations to political parties. Therefore, large donations from corporations and wealthy individuals have become an important source of political party financing—and may lead to state capture if they are used to buy favourable treatment such as government contracts.

For example, several corporations made small donations to the main candidates in South Africa's 2017 internal ANC leadership election. BOSASA, a government contractor based in South Africa that was accused of alleged involvement in corruption scandals, donated ZAR 500,000 (USD 36,104) to the winning candidate, Cyril Ramaphosa. Hitachi Power Africa likewise paid Chancellor House (a company serving as a front for the ANC) approximately USD 5 million (Mabuza 2018). Chancellor House claimed to have bought 25 per cent of Hitachi Power Africa, and maintained that this amount represented a dividend derived from this investment. Yet many civil society organizations in South Africa construed such payments as corporate funding of a political party. The Democratic Alliance also admitted accepting a ZAR 500,000 (USD 36,104) donation from Jurgen Harken, a German businessman operating in South Africa (Mabuza 2018). Imvume Management Company is also reported to have made a ZAR 11 million contribution (USD 785,825) to the ANC ahead of the 2004 elections (Mabuza 2018).

Though these donations have largely been perceived as apolitical or even motivated by a sense of public duty on the part of the company leadership, some aim to influence a country's political trajectory or to gain favours from the political establishment (Falguera, Jones and Ohman 2014: 45). The recent revelations about some members of ANC and the business interests at the South African State Capture Inquiry point in this direction. Some ruling political parties pressure corporations to make donations in order to ensure their continuous operations in the country, or may reward such donations with tax breaks for the company. This is the case in Botswana, where leaders of the ruling party have notoriously relied on generous donations from the country's affluent diamond trading enterprise, De Beers, in return for political and economic favouritism. This partnership, which has helped sustain the party's rule for decades and aided in the state's peaceful development, may explain the resistance from the country's political elite to require transparency on private donations (Hillbom 2012; Makgala and Botlhomilwe 2017). Similarly, in Kenya, many large corporations and wealthy individuals reportedly exert considerable influence over the political and electoral process (Kiboro 2017). British American Tobacco is reported to have donated GBP 50,000 (USD 65,000) to Martha Karua's National Rainbow Coalition in the run-up to the 2017 presidential elections in Kenya. Though the money was acknowledged as a private donation to her presidential campaign, it demonstrates the extent to which corporations are willing to fund political party campaigns on the continent (Daily Nation 2016).

3.1.3. Foreign donations

Pervasive poverty, unemployment and inequality limit the availability of private funding. Most political parties on the continent therefore solicit foreign donations to fund their day-to-day operations and election campaigns. Yet such donations and other forms of support give foreign interests the potential to shape election outcomes and to manipulate future government decisions (The Conversation 2018).

To prevent foreign funders from acquiring undue influence over parties, 32 African countries forbid foreign donations to political parties (Falguera, Jones and Ohman 2014:

44). However, many cannot adequately enforce this ban due to inadequate transparency and accountability; therefore it is often difficult to determine where donations come from.

Several laws have been passed to improve financial regulatory processes, including the introduction of key democratic entities such as electoral bodies and systems for political party funding, and giving local enforcement agencies the authority to implement such acts. Cameroon, Kenya, Nigeria, Rwanda and Senegal, for example, criminalize donations to political parties from foreign donors but do not provide public funding for political activities instead. In Kenya, section 28 (1) of the Political Parties Act 2011, which was revised in 2015, forbids parties from accepting funds from a non-citizen (International IDEA 2018).

Nigeria's primary oversight agency, the Independent National Electoral Commission (INEC), is legally required to report to the National Assembly when a political party fails to properly keep and report financial accounts. However, the National Assembly does not have sufficient legal authority to reprimand the INEC if it fails to do so. The INEC has not performed these constitutional functions since the return of democratic governance in 1999; nor has the National Assembly been proactive in rebuking such actions. Shirking donation bans is usually seen as common practice (Ukase 2016). The fluidity of the electoral funding instruments jeopardizes the integrity of the political process.

In South Africa, article 8 (4) of the recently enacted Political Party Funding Bill states that 'subject to subsection (5), nothing in (1) (b) prevents a political party from accepting donations from foreign entities for the purpose of (a) training or skills development of a member of a political party or (b) policy development by a political party'. The bill further limits the total amount received each financial year. It also forbids donations from foreign governments and foreign government agencies. The bill represents a very progressive approach towards addressing the foreign funding of political parties.

Uganda does not ban foreign donations to political parties, but it does limit the amount of money a foreign interest may donate to a political party. According to section 14 (1) of the Political Parties and Organisations Acts of 2005, a political party may accept up to USD 104,000 within a 12-month period. By contrast, Burkina Faso does not regulate parties' election spending, and parties there rely heavily on private contributions (Boly and Sampinbogo 2006).

Sudan and Senegal ban foreign donations to political parties. According to article 21 (3) of Sudan's Political Parties Act of 2007, 'political parties shall not accept any financial donation/contribution from any foreign person or from any foreign body'. Article 4 of law no. 89–36 of 12 October 1989 regarding political party regulations in Senegal stipulates that a political party may be dissolved if it accepts direct or indirect subsidies from abroad or from foreigners living in the country.

3.1.4. Self-funding

Many political activities on the continent are also funded by the political party leaders themselves. Candidates for the National Assembly in Mali spend close to CFA 35 million (USD 59,544) to finance parliamentary election campaigns and up to CFA 7 billion (USD 11.8 million) for successful presidential campaigns (Briscoe and Goff 2016: 35). Tanzania's Elections Expenses Act of 2010 authorizes the minister of home affairs to determine the amount a candidate can contribute to her or his own campaign based on the size and population of the electoral constituency, categories of candidates and the communication infrastructure. Liberia legislates that candidates may spend their personal funds on their campaigns, which count towards their candidate expense limits as provided for by the law; these must be reported as contributions and expenses to the National Electoral Commission. In Algeria, presidential candidates may not spend more than DZD 60 million (USD 496,150) on the first round and DZD 80 million (USD 661,367) on the second (International IDEA 2018).

The huge financial costs of campaigns often plunge newly elected politicians into significant debt after an election (Briscoe and Goff 2016: 35). In attempts to quickly recoup the money spent during campaigns and/or to repay their sponsors, self-funded politicians are more likely to engage in corrupt practices—especially if they hold a significant amount of executive power within the party (Prokop 2016). Therefore, the amount a candidate contributes to her or his own election campaign should be systematically regulated and complemented by public funding.

3.2. Public funding of political parties

The public funding of political parties in Africa would help prevent parties from soliciting funds from dubious sources that may jeopardize the credibility and authenticity of the democratic process. Public subsidies to parties would help to level the political playing field, which currently favours better-resourced parties. According to International IDEA's recently updated database, 71% of African countries (34 out of 48 countries for which data is available) provide direct public funding to political parties. 20 of them do so regularly, including Algeria, Burundi, Cameroon and Kenya. Moreover, 12 countries provide financial support for both day to day party operations and funding for campaigns. Only Cape Verde and Tunisia provide funding specifically in relation to campaigns. Yet legislation on how such funds can be spent is stricter in some countries than in others.

The most commonly used eligibility criteria for public funding of political parties in the region are based on the number of votes received in the previous election or representation in elected body. For instance, Cape Verde, Congo, Madagascar, Namibia, Seychelles and Zimbabwe regularly provide public funding to political parties primarily based on the number of votes gained in the previous election. And other countries such as Burundi, Malawi, Morocco and Zimbabwe provide public funding to political parties based on the share of seats held in previous elections. This approach could make it harder for new parties to gain support and funding.

The majority of the countries in the continent allocate these public funds proportionally according to the number of votes or seats received. Only six countries provide equal amounts of funds to all registered political parties. And other countries such as Burkina Faso, South Africa and Uganda distribute some funding equally as well as proportionally. Sixteen countries do not provide public funding to political parties.

Section 236 of South Africa's Constitution and the Independent Electoral Commission Act provide for public funding of political parties. The ruling ANC party has garnered more private financial support than any other party in the country. It reportedly spent up to ZAR 1 billion (USD 72,148) during the 2016 municipal elections, yet achieved the worst results in the party's history, losing control of several metropolitan municipalities (Essop 2016).

The ANC case demonstrates that financial muscle does not automatically translate into electoral support in a well-functioning democracy. It is therefore important to review the manner in which parties are funded, such as the methodological framework for distribution and the regularity with which such funds are provided. In South Africa, funds are allocated yearly based on the number of elected officials each party has at the national, regional and local levels. In Cameroon and Côte d'Ivoire, funds are distributed according to the countries' electoral calendars (International IDEA 2018).

The provision of public funding in Africa is also used to promote gender equality among political candidates, in order to improve the gender balance of elected officials on the continent, who are currently more than 80 per cent male. Only 37.3 per cent of African countries (19 of 51 countries in the database) link direct public funding of parties to gender equality among political candidates. Of the 34 countries that provide public funding to parties, only 8 (23.5 per cent) tie this provision to a requirement to promote gender equality

(Falguera, Jones and Ohman 2014: 52). For instance, the electoral laws in Burkina Faso and Cabo Verde require parties to run at least 25 per cent and 30 per cent female candidates, respectively, to be eligible to receive public funding (Falguera, Jones and Ohman 2014: 52).

In Mali and Niger, 10 per cent of the available funds are earmarked for parties with elected female officials (Falguera, Jones and Ohman 2014: 52). In Cameroon, Côte d'Ivoire and Senegal, candidate lists for municipal and parliamentary elections must include at least 30 per cent female candidates. In Kenya, parties that have more than two-thirds of their elected officials of the same gender are not eligible for public funding. In Rwanda, despite providing funding to political parties, there is currently no gender quota in place. That said, 61 per cent of the current Rwanda parliament is made up of women (World Bank 2018). This case therefore illustrates the idea that if there is sufficient political will to address gender imbalances, the challenge will resolve itself without the need for regulatory frameworks.

The challenge in this regard is the lack of enforceable laws within the political party regulatory framework. Steps need to be taken to ensure that effective implementation mechanisms are adopted to increase the representation of women in the political space.

3.3. Political party spending

African incumbent politicians typically operate in an institutional environment that gives them substantial advantages over challengers (Block 2002: 209). It is therefore in their interest to ensure campaign spending limits are vague and not well enforced. The absence of an independent monetary authority in most African countries has enabled some incumbents to exert political pressure on monetary regulatory institutions to decrease regulation over their spending.

Limiting the amount that parties and individual candidates can spend on election campaigns would reduce the advantages of larger or better-funded parties and help ensure that all political actors have the same chances of succeeding.

A sound regulatory framework should include governance and accountability structures to prevent rich parties from dominating a country's political landscape and empower oversight bodies to investigate parties' adherence to the laws. Benin, for example, limits presidential campaign expenses to CFA 2.5 billion (USD 4.2 million) (International IDEA 2018). In Cabo Verde, no more than 80 per cent of a party's government subsidy can be spent on campaigns. In some countries, the limit is based on specific factors such as the election type or the size and scope of a party's power. In Tanzania, for example, the Election Expenses Act of 2010 stipulates in section 10 (1) that:

> [F]or the purpose of implementation of Section 9 and this section, the Minister shall, by an order in the Gazette (a) (b) prescribe the maximum amount of election expenses depending on (1) the difference in the size of the electoral constituency, (II) Categories of candidates, (III) population of people (IV) communication infrastructure, vary the amount of election expenses to be used by political parties during election campaigns.
> (International IDEA 2018)

With that said, enforcement of party spending limits on the continent remains relatively weak. Only 22 per cent of African countries limit party spending. Therefore, around two-thirds of African countries—including Cameroon, Mali, Niger, Nigeria, Senegal and South Africa—do not.

Similarly, only 16 African countries limit candidates' spending (International IDEA 2018). In Benin, for example, CFA 500,000 (USD 850) is the spending limit for candidates for village council elections, CFA 1.5 million (USD 2,553) for city council and communal elections, CFA 15 million (USD 25,535) for legislative and 2.5 billion (USD 4.2 million) for presidential elections (International IDEA 2018). In Togo, the limits are CFA 10 million (USD 17,022) per candidate for legislative elections and CFA 5 million (USD 8,511) per candidate for local elections.

The lack of a sophisticated banking system and the subsistence nature of African economies have also made it difficult for countries to even contemplate legislating spending limits. For instance, while an overwhelming majority of the 47 countries recorded in the database (95.7%) bans vote buying during election periods, requiring the donations to parties through the banking system is not yet a common practice in many countries. It is difficult to trace who gave what amount of money to whom and why. Requiring donations and funds to political parties via the formal banking system could increase traceability and transparency of money flow as well as have some deterrent effects to vote buying.

3.4. Reporting, oversight and sanctions

While most countries in Africa now regulate party funding to some degree, it has not always been the case, especially when one-party states were more common on the continent. However, the increased prevalence of multipartyism has ushered in new approaches to financing and entrenching the democratic process. Civil society organizations have pressed for more public funding of political parties, and there has been an increase in private donations to parties and candidates. This surge of public and private funds into the political space triggered the need for stricter reporting of what has been received, and the creation of institutions to oversee such activities and sanction violations.

In 2018, the South African Constitutional Court ruled that voters have the right to know who funds political parties. The ruling stressed that information on private funding of parties must be recorded and properly disclosed as such transparency is essential for effectively making political choices and participating in elections (The Conversation 2018). In Côte d'Ivoire, DRC, Kenya, Rwanda and Tanzania, political parties are not required by law to disclose the amount or identity of local funders. Because of the constrained economic situation in most countries on the continent, it is assumed that such funding is negligible and could not influence the country's political trajectory.

In order to develop an integrity-based political finance system on the continent, political parties should be seen as a public good rather than as private endeavours, especially since the provision of public funding to political parties is becoming the norm rather than the exception. For reporting, oversight and sanction purposes, all donations to parties and candidates should be publicly declared and accounted for. The disclosure of such funds would allow the voting public to make informed decisions about their preferred parties and candidates. As van Biezen (2004: 702) maintains, the provision of public funding to parties around the world and bringing party finances under public control have helped transform them from traditionally voluntary private associations that perform public roles into public utilities. This should apply in the African context, where public support for political parties and public control over party financing are increasingly considered legitimate means of curtailing illicit political finance practices.

The debate over transparency in the reporting of parties' financial activities has therefore centred on the need to address illicit aspects of political finance and to curtail corrupt political activities that have been endemic in some countries. The introduction of direct public financing of political parties increases the need for parties to report their financial expenditures, and for the state institutions that are mandated to oversee such spending to safeguard the fairness and equality of political competition (van Biezen 2004: 703).

The need for parties to report on their expenditures is not just for auditing purposes; it has largely been perceived as a basic rights issue. Wehner and Renzio (2013: 96) insist that governments have a moral obligation to their citizens to be transparent about their handling of taxpayers' money, and describe this as a basic right. Most governments that provide public funding to parties do require such funds to be audited by an accredited accountant, and for the statements to be provided to parliament or another relevant institution. The goal of this process is to ensure integrity and accountability as well as effective internal control, external audit, and legislative scrutiny and oversight (Wehner and Renzio 2013: 96). Without an effective reporting mechanism, it is difficult to guarantee transparency and compliance with other fiduciary frameworks, which jeopardizes the democratic process.

Out of 51 countries, 28 require political parties to report on their campaign-related finances. Furthermore, party finance reports are to be made public in 23 (55%) countries, with Benin and Namibia only required sometimes, and not at all required in 17 countries. In case of political finance infractions, fines are the most commonly adopted measure in 85% (40 of 47 with recorded data) of the countries in the region amongst other measures such as imprisonment that is adopted in 34 countries (72%) and loss of public funding adopted in 17 countries (International IDEA 2018).

Parties are able to avoid submitting financial reports due to weak legislative oversight. They are rarely sanctioned or reprimanded for failing to submit such reports. For example, oversight agencies are granted to conduct investigations only in 10 countries and refer the cases for investigations in 6 countries (International IDEA 2018). Even when reports are submitted, they are not scrutinized to ensure that funds allocated to parties or individuals are properly accounted for.

South Africa recently passed a bill that obliges political parties to disclose all sources of funding. The country's Independent Electoral Commission (IEC) is authorized to withhold funding from parties that do not provide audited financial statements for the prior year although there is yet very little information regarding its compliance.

4. Lessons learned on the effectiveness of political finance regulation

4.1. Political finance regulations are often biased towards ruling parties

There is a general perception that the financing of political parties on the continent favours incumbent parties because the boundaries between ruling parties and the use of state resources are not properly delineated and regulated. Incumbents often use state resources for party political activities (Akinduro and Masterson 2018).

Institutions mandated to address the challenge of political finance on the continent should be rooted in the values and ethos of the people (Maclean 2004). They must be tailored to the local socio-economic and political conditions. For example, it is paramount to ensure the regulatory authority's independence from the ruling party, but such agencies are usually staffed by people connected to the ruling party. Individuals tasked with such oversight responsibilities should be provided capacity-building training to enable them to transcend party politics and respect the state and government functions they are called upon to perform (Akinduro and Masterson 2018).

4.2. Continent-wide coalition is needed

The challenges associated with poverty, infrastructure deficiency and unemployment in Africa should be addressed by a continent-wide coalition. Likewise, a concerted effort is needed at the AU, sub-regional and country levels in the fight against political corruption through integrity-enhanced political finance systems.

4.3. International and regional anti-corruption frameworks struggle to sufficiently address political finance

Political finance regulation in Africa is disjointed, ambiguous and fraught with inconsistencies. At the continental level, one of the major shortcomings of such regulation is the contradictory nature of the AU Convention on Preventing and Combating Corruption. Many have argued that it is a non-binding instrument, and member states only respect its protocols when it suits them. Article 5 (2) stipulates that state parties undertake to:

> [S]trengthen national control measures to ensure that the setting up and operations of foreign companies in the territory of a party shall be subject to the respect of the national legislation in force, (3) establish, maintain and strengthen independent national anti-corruption authorities, (4) adopt legislative and other measures to create, maintain and strengthen internal accounting, auditing and follow-up systems, in particular, in the public income, custom and tax receipts, expenditures and procedures for hiring, procurement and management of public goods and services.

However, the convention has no monitoring and evaluation mechanism. Member states are not legally obliged to ensure that anti-corruption legislation is passed, and that transgressors are prosecuted. There is therefore a major gap between the convention's provisions and its implementation.

An overview of country-specific regulatory frameworks shows that they do not align with continental and sub-regional anti-corruption laws. Most countries on the continent do not penalize parties for internal electoral fraud or vote buying. For instance, the IEC is South Africa's main political finance regulatory institution, but it lacks the legal mandate to adjudicate allegations of intra-party political fraud; such cases are heard in mainstream courts.

4.4. Allocation criteria for public funding play an important role

Another important shortcoming of the existing regulatory framework on the continent is the skewed and lopsided allocation of public funding to political parties. To more equitably distribute public funds, all registered parties that obtained a certain amount of electoral support in the previous election could be provided a baseline level of funding equal to 50 per cent of all available state funds, divided equally among the eligible parties. The rest of the funds could then be allocated proportionally according to the number of votes they receive in the subsequent election.

4.5. Oversight of political parties' finance is crucial

States that provide public funding to parties are responsible for ensuring that taxpayers' money is spent correctly and transparently. Therefore, the audit of political parties' finances is not just a regulatory function of the funding authority, but a fiduciary role that must be carried out.

In Africa, the Electoral Management Bodies and the courts are most often tasked to examine financial reports or investigate violations although other entities such as auditing agencies and ministries are also responsible for such tasks in some countries (International IDEA 2018).

Yet, powers granted to such institutions vary across countries. 11.8 per cent of them could refer suspected violations for further investigation, 19.6 per cent could carry out the investigations themselves, 15.7% could request for additional information from the potential violator and 27.5 per cent could impose sanctions. In addition, no clear data on this subject is found in 22 countries (International IDEA 2018). Countries that lack a strong oversight mechanism for political finance should consider strengthening the powers of the oversight agencies to enable thorough auditing of political finance reports and investigations.

The rise of narrow nationalism, ethnic mobilization and religious fundamentalism has also made it necessary for governments on the continent to regulate and audit parties' political activities and ideological orientation. Regulation has been suggested regarding the ideological foundations of political parties that receive public funding. Van Biezen and Kopecky (2007:

239) argue that such public regulation should include the political orientation of the party and its activities, party financing, organization or ideology through public law and the constitution. Rwanda's constitution, for example, bans parties based on ethnic, race, religious or regional characteristics and any violations of such provisions are subject to sanctions. Cameroon, Côte d'Ivoire, Egypt, Ethiopia, Nigeria and Senegal revoke the registration of any party with ethnic, religious, regional or restricted gender membership.

4.6. Effective oversight requires human and financial resources

For a political finance regulatory environment to be considered appropriate for emerging democracies, African countries should be proactively ensuring that public and private donations to political parties and individual candidates during an election are publicly accounted for and defaulters punished. Yet a high level of regulation does not equate to stricter rules; it only indicates that there are measures in place to ensure that parties spend public funds appropriately, and that measures will be taken if violations are uncovered.

A sound political finance regulatory framework must be able to perform all the functions assigned to it. In South Africa and Kenya, the IEC and Independent Electoral and Boundaries Commission (IEBC), respectively, have the necessary financial and human capacity to perform their responsibilities. These regulatory bodies ensure that the annual financial allocations to political parties are provided on time and that measures are taken to ensure the money is spent correctly. They also certify that parties submit their financial returns on time and, where applicable, sanction those that misappropriate the allocated funds. The IEC and IEBC stand out as sound political finance regulatory institutions on the continent. The frequent resignation of commissioners from the IEBC shows that it is independent and can resist pressure from government and opposition parties, especially in election years.

5. Areas for improvement

The reintroduction of multiparty politics in Africa in the 1990s and the increase in the amount of money spent in elections have highlighted the importance of tailoring a transparent framework to the African context that regulates how such money (particularly public funds) is spent. In order to combat political corruption and promote an integrity-enhanced political finance system on the continent, government officials and regulatory agencies should take action to level the political playing field.

5.1. Enhancing regulatory effectiveness

An important area for further exploration is determining how anti-corruption institutions and EMBs can combat political finance corruption more effectively. These regulatory bodies play a crucial role in enforcing applicable laws and promoting an integrity-enhanced political finance system on the continent. They require additional financial resources and expertise in order to fulfil their responsibilities.

While most African countries have some form of regulatory authority, the laws and their enforcement mechanisms are generally lacking. Greater political will is needed to address corruption in the political sphere: introducing measures and instruments without strong support from the top will have little effect.

5.2. Civic education on political finance and corruption risks

Many voters on the continent still support parties and candidates based on their ethnic and religious affinity. For example, Kikuyu voters in Kenya are more likely to support a Kikuyu candidate, and Muslims are more likely to support Muslim candidates in Côte d'Ivoire and Nigeria (Idike and Eme 2015; Long and Gibson 2015; Koter 2016; Muhumuza 2019). Civic education should therefore enhance political education based on candidates' policies rather than their ethnic or religious background.

Governments, political parties, civil society organizations and international partners should also support civic education to improve voter turnout. Fewer and fewer people, especially young people, regularly participate in elections (Young African Leaders Initiative n.d.). Voter apathy can be attributed to a general disillusionment with political parties' performance and leaders' general failure to meet voters' expectations as well as a lack of general political education within the electorate (Thomas and Okoro 2017). In order to fight political corruption on the continent, voters must understand their rights as well as the obligations of the state and other players in the political process.

5.3. Working with civil society and the media

An integrity-enhanced political finance system cannot be realized on the continent without the involvement of civil society and the media. Civil society organizations have an important role to play in ensuring that governments and party officials respect regulatory norms. For instance, Corruption Watch has championed the call to regulate political party funding in South Africa for over a decade. The push for political parties to reveal their funders stems from allegations by many pundits in South Africa that civil society organizations may be fronts for either apartheid-era groups or foreign enemies (Gumede 2018). The media, in all its forms, should also continue to provide the necessary checks and balances.

6. Recommendations

Political finance regulation in Africa is relatively new, and therefore requires patience and effort from all stakeholders in order to create a comprehensive and implementable political finance system. Though good practices from other parts of the world should serve as examples, an Africa-specific framework must be developed. The following recommendations would help address political corruption on the continent.

6.1. National governments

- Governments should embark on a public campaign to review public funding for political parties. South Africa's policies and practices could serve as an example.
- National governments should engage the AU and sub-regional organizations in reviewing anti-corruption legislation, with an emphasis on corruption that relates to political party funding.
- National parliaments should pass legislation on financial malpractices by political parties and ensure that mechanisms to implement such laws are instituted. Financial regulatory authorities should be empowered and sufficiently resourced to prevent laundered money from entering the political process. This should be accompanied by civic education on political finance and heavy penalties for violations.
- Governments should ensure that political finance regulations form part of regional and sub-regional anti-corruption measures with firm mechanisms for implementation and sanction.
- Financial resources and human capacity should be provided to enhance the oversight abilities of EMBs and other regulatory bodies.
- The role of EMBs in the management of financial resources should be clear and unambiguous. All political parties should receive free and equitable access and coverage on state media platforms.
- Sufficient political will should be generated to ensure that elections are conducted in a transparent, fair and free manner.
- The independence of EMBs should be guaranteed by law.

6.2. Political parties

- Party leaders and members should be educated on existing political party finance laws and the implications of breaking them.
- Parties should actively monitor how parliament adopts and/or amends laws related to party funding.
- Parties must ensure that their members respect the rights of voters with different opinions.

6.3. Civil society

- Civil society should educate the electorate about political parties' funding and functions.
- Civil society should monitor that the necessary subsidy is provided to political parties and that parties judiciously manage publicly provided funds.
- Civil society organizations must remain politically neutral.
- Civil society should promote that all political formations are treated fairly, especially in an election year.
- Civil society should advocate that all political parties have equitable access to public media platforms.

6.4. Electoral management bodies

- EMBs should strive to independently manage the electoral process.
- EMBs should ensure that they are financially autonomous.
- EMBs should certify that public and private donations to political parties are properly recorded and accounted for.
- EMBs should recruit well qualified and trained staff.

6.5. National parliaments

- National parliaments should pass legislation to guarantee EMBs' political neutrality.
- National parliaments should ensure that EMBs are financially autonomous and equipped to carry out their fundamental task of delivering free, fair and credible elections.
- Parliamentary processes should be strengthened to ensure that effective legislation and transformative measures on societal practices are put in place to address corruption, particularly by strengthening enforcement.

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Abbreviations

AISA	Africa Institute of South Africa
ANC	African National Congress
AU	African Union
CFA	Franc of the African Financial Community
DRC	Democratic Republic of the Congo
EMB	Electoral management body
IEBC	Independent Electoral and Boundaries Commission
IEC	Independent Electoral Commission
INEC	Independent National Electoral Commission
SADC	Southern African Development Community

About the authors

Nicasius Achu Check is a Senior Research Specialist in the Governance, Peace and Security Research Unit at the Africa Institute of South Africa (AISA) in the Human Sciences Research Council. He holds a Doctor of Literature and Philosophy with a specialization in Political Studies from the University of Johannesburg. He is a member of the editorial committee of Africa Insight. Dr Check has published several journal articles, policy briefs and chapters in edited books. He is also the co-editor of *Cooperative Diplomacy, Regional Stability and National Interests: The Nile River and Riparian States*. His areas of specialization include de-colonial politics, African post-colonial state-building initiatives, genocide studies, African philosophy, humanities on the African continent and African development initiatives.

Tsholofelo Madise is a Master's Research Intern in the Governance, Peace and Security Research Unit at AISA in the Human Sciences Research Council. She is a Sociology Master's candidate at the North-West University, Mahikeng Campus. Her research interests include labour relations and women, peace and security.

Nkululeko Majozi is a PhD Research Intern in the Office of the Executive Director of AISA in the Human Sciences Research Council. He holds a Master's of Security Studies degree from the University of Pretoria and is currently a PhD candidate in African Politics at the University of South Africa. Prior to joining AISA, Nkululeko worked as a Researcher in the Democracy, Governance, and Service Delivery unit at the Human Sciences Research Council. He has published several policy briefs and journal articles in international publications and presented papers at various local and international conferences. His research interests include de-colonial critical theory, race and racism, black consciousness theory, black radical thought, Africa's international relations, as well as peace and security.

Yukihiko Hamada is a Senior Programme Officer at the International Institute for Democracy and Electoral Assistance (International IDEA) in Stockholm, Sweden. His research and work focus on money in politics and anti-corruption. He provides technical support to a number of countries in reforming political finance frameworks and leads the development of International IDEA's Political Finance Database. Prior to joining the Institute, he worked at the Organisation for Economic Co-operation and Development in Paris, where he led various projects on political finance, lobbying, conflict of interest and other public sector integrity issues. He also has a wide range of public sector experience in Japan and the UK.

About the organizations

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Unregulated flows of money in the funding of political parties and election campaigns threaten key democratic principles and values in African countries. When politicians and political parties focus more on financiers than public interests and needs, service delivery may be compromised for political expediency. Enormous strides have been made since 1990 to tackle the scourge of political corruption on the continent. However, corrupt activities associated with political finance regulations persist.

This policy paper:

- analyses political finance regulatory trends in Africa, identifies corruption risk areas in such regulations, and provides actionable policy recommendations for key stakeholders to improve transparency and accountability in political finance;
- examines good practices for political finance regulation, the challenges of an integrity-enhanced political finance system and explores options for redress; and
- identifies key themes in the political finance framework, such as sources of finance, limits on funding, limits on party and candidate spending, and lessons learned regarding the effectiveness of regulatory mechanisms on the continent.

International IDEA
Strömsborg
SE–103 34 Stockholm
SWEDEN
Telephone: +46 8 698 37 00
Email: info@idea.int
Website: ‹http://www.idea.int›

The Africa Institute of South Africa (AISA)
Bag X41
Pretoria
SOUTH AFRICA
Website: ‹www.ai.org.za›

ISBN: 978-91-7671-256-6 (print)
ISBN: 978-91-7671-257-3 (PDF)