INTERNATIONAL IDEA INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE

Southern Africa Policy Dialogue: Money in Electoral Processes

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15–16 August 2016
Namibia

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Acronyms

AMI	Africa Media Initiative
AU	African Union
AUC	African Union Commission
DRC	Democratic Republic of the Congo
ECN	Electoral Commission of Namibia
EMB	Election Management Bodies
GDP	Gross Domestic Product
MISTRA	Mapungungwe Institute for Strategic Reflection
ORT	Other Recurrent Transactions
REC	Regional Economic Communities
SADC	Southern African Development Community
STAE	Technical Secretariat for Electoral Administration

Contents

Executive summary

The Regional Policy Dialogue for Southern Africa on the theme 'Money in Electoral Processes' was jointly organized by the Electoral Commission of Namibia (ECN) and the International Institute for Democracy and Electoral Assistance (International IDEA). It took place in Windhoek, Namibia, on 15–16 August 2016. The dialogue brought together 65 experts (24 women and 41 men) from 11 Southern African countries. Among the participants were representatives from Election Management Bodies (EMBs), political parties, parliaments, civil society, academia, diplomatic missions, the African Union (AU) and International IDEA.

The topical context for the dialogue session was the global discourse on money in politics and the fact that the role of money in elections in Africa has increased in the past decade. Debates on the quality of electoral democracy have gained momentum — not only in Southern Africa. Among the topics for debate was whether money is enhancing or reversing the consolidation of electoral democracy. The capacity of governments to fund elections is an indicator of national economic development/performance. Governments in countries such as Namibia, South Africa, Botswana and Angola have managed to finance the organization of elections in their countries, while a number of other countries in the region rely to some extent on the international community. EMBs in Southern Africa have repeatedly highlighted the key challenges linked to inadequate resources and/or unpredictability or delays in making resources available.

The overarching objective of the dialogue was to assess the causes and patterns of money influencing elections in Southern Africa and the impact on the quality of democracy in the region. It sought to help identify the key electoral finance reform interventions that will require the attention of political leaders, EMBs, civil society and regional organizations such as the Southern African Development Community (SADC).

The growing influence of money generally and illicit money in particular on the quality and legitimacy of democracy was noted during the opening ceremony. In his opening remarks, Professor Adebayo Olukoshi, Regional Director for Africa and West Asia, International IDEA, noted that politicians buy power as a commodity with money sourced from illicit trade. He raised the question of whether democracy has been eroded by the use of 'big money'. Dr Kabele Matlosa highlighted the implications of money in electoral processes for sovereignty and the ownership of democracy from a critical perspective. The Electoral Commission of Namibia Chairperson, Advocate Notemba Tjipueja, emphasized the need for robust regulations in order to enhance transparency and the accountability of political parties and electoral financing. Professor Peter Katjavivi, the Speaker of the Namibian National Assembly, supported her point and called for mechanisms to enforce policies on party financing.

The dialogue was divided into six sessions over a two-day period. Discussions in *session 1* focused on the *State of Electoral Democracy in Southern Africa*. Participants noted two trends in the subregion: an increased number of highly contested elections and a rise in authoritarianism. In addition, the majority of democracies in the region struggle with the weakness of their economies. Participants discussed the interlinkages between money and politics, and coercive military forces — and their effect on society. The role of the military in political processes in Angola, Lesotho, Mozambique and Zimbabwe were used as examples. Soldiers are actively engaged in party politics and the military is involved in the extractive industries.

The dialogue in *session 2* focused on *Money in Politics and Emerging Perspectives for Democracy Building and Consolidation*. Participants established that the injection of an excessive amount of unregulated money into politics undermines democracy. They highlighted the lack of regulation of money flows in politics and of sanctions. It was noted that an offshore economy incentivizes political leaders to fund political power. As a result, there is a need for continuous and deliberate regulatory mechanisms that constrain the income stream derived from offshore cliques, of which political leaders are part.

The dialogue in *session 3* focused on *Electoral Management Financing in Southern Africa*. Participants debated whether private funding of an electoral management body is a viable option in terms of sustainability and the ownership of electoral democracy in the region. It was noted that legal frameworks to avert corruption and similar vices that delegitimize elections must guide electoral management financing. In Botswana, for example, the IECB is fully (100 %) funded by the state under an Appropriations Act.

The dialogue in *session 4* focused on *Political Party Financing (Public and Private) and the Impact on Electoral Competition*. Participants recommended that countries in the region should introduce legislation on political party funding. Furthermore, regulations on public funding should be geared towards the discouragement of ‘briefcase’ and phantom parties. Participants noted that legislation on political parties should encourage disclosure of the names of donors to registered parties and candidates in an effort to discourage the influence of illegal money on electoral democracy in the region.

The dialogue in *session 5* focused on *Electoral Finance and the Impact on Women’s Participation in Southern Africa*. The session focused on four key questions: Are women and men equally capable of raising money for their campaigns? What are the main factors that prevent women from accessing economic resources? To what extent do the socio-cultural, political and economic contexts influence men’s and women’s access to resources? And what measures have countries put in place to address the gender dimension in access to resources for political campaigns? Participants recommended that political parties in the region integrate gender policies into electoral processes in order to enhance women’s political participation and representation. In addition, regulations on political party financing should ensure consideration of gender equity.

The dialogue in session 6 focused on *Political Party Financing Regulatory Frameworks*. It was noted that political party regulatory frameworks vary in each country of the region. In South Africa, the law provides for the regulation of public funding but not of private funding. Namibia has regulations on both private and public funding. Participants concluded that countries in the region lack enforcement mechanisms to ensure the effectiveness of their regulations. Mauritius was cited as a case where regulations on political party financing are violated in every electoral period. SADC must enhance its election observation methodology to include monitoring of political party financing.

Recommendations

- International IDEA and its partners should explore the links between party funding and the problems of clientelism and state capture;

- Electoral Management Bodies (EMBs) and political parties in the region were encouraged to adopt policies to enhance women's political representation, such as the 'zebra rule', and make them mandatory for party registration;

- While many countries in the region have made remarkable efforts to institute regulations on public funding for political parties, there is need for national actors (political parties, civil society organizations, EMBs) to lobby for private funding regulations to political parties and candidates;

- Governments in the region should strive to fund 100 per cent of the required budget of EMBs in order to achieve sustainability and ownership of electoral democracy;

- The AU and Regional Economic Communities (RECs) should review and potentially modify their relevant normative instruments in order to curtail the negative influence of money in politics;

- Collaborative synergies should be developed between the AU and the RECs within the framework of the Africa Governance Architecture to enhance the implementation mechanisms of the normative instruments in general and with regard to regulating the influence of money in electoral politics more specifically;

- The AU and the RECs should enhance their electoral assessment methodologies to incorporate robust monitoring of the financing of electoral politics;

- Given that political parties and candidates in elections are the main conduits for corruption of political finances, strategies to promote the regulation of money in politics should require their concerted efforts. Consideration should therefore be given to the establishment of rules governing the disclosure of all sources of funding of political parties.

1. Introduction

The Dialogue on Money in Electoral Processes in Southern Africa was one of a series of policy dialogues organized by the International Institute for Democracy and Electoral Assistance (International IDEA), Africa and West Asia Programme, in collaboration with its local partners. This two-day policy dialogue was co-organized with the Electoral Commission of Namibia and held on 15–16 August 2016 in Windhoek, Namibia.

1.1 Objectives

The broad objectives of the dialogue were to examine the sources and flows of money in electoral processes and their ultimate impact on the democracy-building agenda. More specifically, the dialogue was organized to:

- Scrutinize the different sources of financing for political parties and electoral campaigns in Southern Africa and the effects on the quality of democracy;
- Assess the role of and challenges associated with public funding of national electoral processes, including political parties and electoral campaigns;
- Explore the link between intra-party election campaign financing structures and women's participation and representation in elected bodies, and propose strategies for enhancing women's participation through a targeted allocation of resources;
- Review the state of legislation on reporting/monitoring mechanisms for political party financing and explore possible priorities for reform;
- Devise clear recommendations on key areas of continued engagement at the subregional and domestic levels.

1.2 Participation

Among the participants were a number of regional practitioners and experts, including representatives of Electoral Management Bodies (EMBs), political parties, civil society and community organizations, the media, academia and professional associations. The composition of the participants mirrored regional patterns of gender and inter-generational representation.

Participants at the Regional Policy Dialogue

1.3 Methodology

The dialogue comprised a number of panel presentations followed by robust and open exchanges of experiences and perspectives in a plenary session.

1.4 Anticipated results

The dialogue anticipated two main results: (a) enhanced stakeholder awareness of the role of money in politics and electoral processes, and its impact on democracy and women's participation in politics; and (b) clear recommendations on interventions by political parties, legislative bodies, women in parliament, EMBs, civil society and other stakeholders with the goal of enhancing regulatory frameworks on electoral management, political party financing and women's participation.

2. Opening ceremony

The opening session was moderated by Barney Karuuombe, a Commissioner at the Electoral Commission of Namibia who also serves on the Southern African Development Community (SADC) Parliamentary Forum. After welcoming the participants and introducing the guests for the opening session, he invited Professor Adebayo Olukoshi, International IDEA's Regional Director for Africa and West Asia, to make the opening remarks. Professor Olukoshi welcomed the guests present and the participants in the dialogue. He expressed his appreciation to the Electoral Commission of Namibia (ECN) for hosting the dialogue. Putting the dialogue into context, Olukoshi explained that International IDEA was established in 1994 as an intergovernmental organization devoted to the promotion of democracy. At the time of its establishment, the United Nations and the Organization of African Unity were reticent about championing democracy because of the principle of non-interference, which still dominated state relations at that time.

Professor Adebayo Olukoshi, Regional Director, Africa and West Asia, International IDEA

The founding members of International IDEA were fully aware of the prevailing challenges for democratization. To cope with these challenges, International IDEA's work builds on certain principles. First, it acknowledges that democracy has different models — parliamentary, electoral, social, liberal and others — but that core principles such as 'one person one vote' are part of all the different models. International IDEA does not promote one specific model of democracy. Second, International IDEA does not go to any country without an invitation from recognized institutions based on an agreement with the host country. This serves to eliminate the problem of resistance. Third, permanent members of the United Nations Security Council are not permitted to be members of International IDEA, to ensure that the organization is not perceived as an instrument of the foreign policy of powerful states. He remarked that Namibia is one of the founding members of International IDEA, and holding the dialogue in Windhoek was part of acknowledging Namibia as such. While acknowledging that there is no such thing as a perfect election, he recognized Namibia for making commendable progress in its election management.

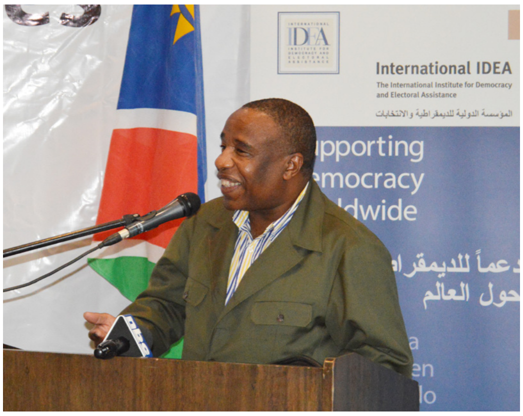
Setting the tone for the dialogue, Olukoshi observed that various pressures in the region threaten the integrity of elections and ultimately of democracy. He emphasized that the theme of the dialogue was meant to put a spotlight on the growing influence that money generally and illicit money in particular has on the quality and legitimacy of democracy. Politicians buy power as a commodity, often with money sourced from illicit trade. They also use illicit money to evade laws. He referred to the example of Guinea-Bissau, where drug lords are known to be financing elections which has paralyzed electoral processes and democracy.

Illicit traders, including terrorists, look for weak spots on the continent and try to exploit the vulnerability of state institutions more generally. Olukoshi gave a broader picture of the problem of the influence of illicit money on electoral processes, which extends beyond Africa. As a case in point, he drew on the example of the United States, where lobby groups put a lot of money into electoral processes. The inevitable question in such circumstances is whether democracy has been eroded by the use of 'big money'. Highlighting the urgency of the situation in Africa, where institutions are generally weak and vulnerable, he called for urgent action to prevent electoral processes being hijacked by 'big money politics'.

Similarly, Olukoshi criticized donor funding of elections, which takes place in the majority of African states, and singled out Namibia as one of the few states that fully finances its own elections. He raised the question of who elected leaders are accountable to when donors underwrite elections.

Professor Olukoshi also highlighted the relationship between public finance and political institutions, which is gathering momentum in Africa. He mentioned Nigeria as one of the countries with the highest paid elected officials. One-third of the national budget is now spent on elected officials, especially parliamentarians.

He stressed that these important issues, alongside many others, call for a dialogue on the mechanisms for financing electoral processes to enable interventions that ensure the integrity of electoral processes and the legitimacy of African democracies. He mentioned the example of Kenya, which is currently working with International IDEA on limiting expenditure on elections. Professor Olukoshi ended by referring participants to International IDEA's ***Handbook on Political Finance: Funding Political Parties and Electoral Campaigns*** as a useful resource for those working to regulate the financing of political campaigns.

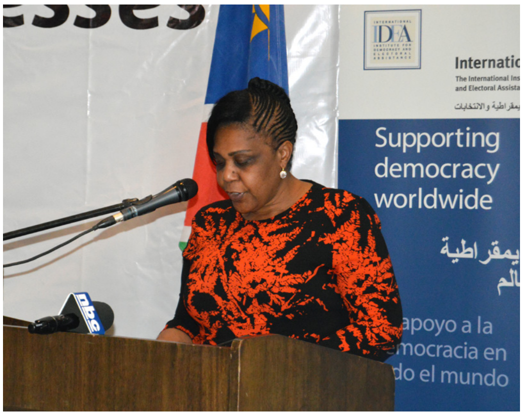


Dr Kabele Matlosa, DPA Director, AUC

Brightening the tone of the dialogue, Dr Kabele Matlosa, Director of the Department of Political Affairs at the African Union Commission (AUC), observed that the African continent has made considerable progress in terms of democratization. There has been a transition from predominantly military leadership to multiparty democracy. This means that transfers of power now result from regular multiparty elections instead of coups d'état. However, he raised questions about the cost of these elections and financing them. What are the implications of the finance mechanisms for sovereignty, and for who really owns the democracy? He cited the example of the 2006 elections in the Democratic Republic of the Congo (DRC) as the cheapest election for a country because donors covered

90 per cent of the costs. Dr Matlosa recalled the adage: ‘he who pays the piper calls the tune’. On campaign financing for political parties, Matlosa noted that the fusion of ruling parties and the state has invariably led to the abuse of state resources. Thus, the question for the dialogue was how the abuse of state resources by ruling parties might be controlled or prevented altogether. He mentioned the case of Zambia, where parliament had been dissolved in the May prior to the 2016 election but cabinet ministers had retained their positions. Given the absence of legislative ‘checks’, the abuse of resources became an issue. The situation was resolved by the Constitutional Court, which ordered ministers to leave office and repay the salaries they had received since the dissolution of parliament.

Matlosa noted that the funding of political parties can be from public or private sector sources. Each has its own problems that need to be addressed though specific regulations. He observed that opposition parties also run the risk of being captured by corporate interests. Furthermore, he raised doubts about the motives of donors to opposition parties that want to remain anonymous. Matlosa ended by presenting the Joint Political Parties Programme of the AUC and International IDEA.

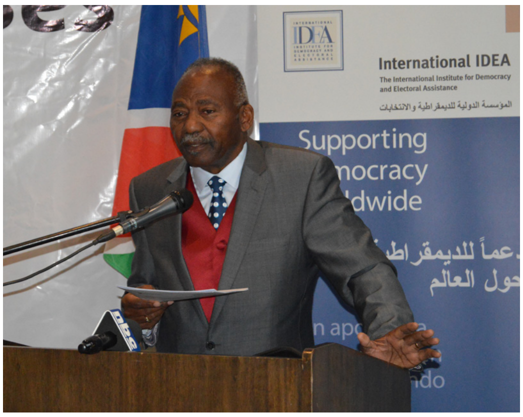


Advocate Notemba Tjipueja, ECN Chairperson

The third speaker of the opening session was Advocate Notemba Tjipueja, the Chairperson of the ECN. After welcoming participants and acknowledging International IDEA for steering the dialogue on democracy and elections, Tjipueja noted that the dialogue came at a strategic time for Namibia as the ECN was in the initial stages of implementing provisions on political party funding. To set the dialogue on course, Tjipueja highlighted the different purposes of legal regulatory frameworks on political party funding. Among others, she referred to the deterrence of corruption, a check on specific interests and vote buying, a limit on spending on political activities as well as the targets to achieve equity in funding and a level playing field for political actors. While acknowledging that every country faces problems of political party funding, she highlighted the different models of regulation available to ensure accountability and transparency in money and politics. She expressed the hope that the dialogue would be fruitful, and introduced the keynote speaker, Professor P. Katjavivi, the Speaker of the Namibia National Assembly.

In his keynote address, Professor Katjavivi first acknowledged the importance of the dialogue and applauded the excellent collaboration between the ECN and International IDEA. Delving into the issues, he noted that the theme of the dialogue spoke to the needs of the time and that efforts to improve policies on political finance are much needed. Recognizing that the availability of financial resources can have a tremendous impact on electoral processes in a democratic regime, Katjavivi shared his thoughts on two key questions: (a) what exactly constitutes a free and fair election; and (b) the standards to be used to measure the freedom and fairness of an election. He commented that freedom and fairness cannot be determined just by assessing events on election day. The events preceding the election must also be taken into account. In particular, the entire campaign process must be observed and judged according to predetermined guidelines. He highlighted the fact that political financing and the influence of money on democracy are structural obstacles to the freedom and fairness of elections. The key challenge that attends these structural obstacles is monitoring party funding in a difficult and pluralistic environment in which money can come from various sources and through different channels. He noted that some countries enact statutes that require the disclosure of sources of financing and the publication of accounts by political parties.

Katjavivi also claimed that there is a growing demand for public funding of opposition political parties in Africa. This, he observed, recalls the need for political parties to be held accountable when they disburse public funds for their activities. He underscored that each country has to consider several local factors when developing a model for public funding of political parties. Four components are key to any model. First, it is critical that each political party and candidate is required to submit financial statements. Second, the financial statements must have sufficient information on money flows, such as donations. Third, there must be a mandate for an independent review of these accounts. For this purpose, an independent institution may have to be created to review the financial statements of political parties and candidates, and investigate infractions, which must be punished by sanctions. Fourth, as part of transparency, it may be necessary to require political parties and candidates to make their financial statements public in a user-friendly manner. Recognizing that many values may be at stake in seeking to regulate political campaign financing, countries should consider developing policy enforcement frameworks informed by standards of ethics, transparency and accountability.



Professor Peter Katjavivi, Speaker of the Namibia National Assembly

Professor Katjavivi argued that ‘begging’ by political campaigns would undermine the legitimacy of electoral results and elected governments, and has often led to contested election results in Africa. It is therefore critical that political processes are financed from legitimate sources, which requires the regulation of financing of political processes. Despite the contextual differences in each state, Katjavivi concluded that the issue of money in politics pertains to all the countries in Africa. Hence, the dialogue was an important opportunity to develop joint solutions. Katjavivi looked forward to the recommendations from the dialogue and wished all the participants fruitful deliberations. On that note, he declared the dialogue officially open.

3. Dialogue sessions

3.1 State of electoral democracy in Southern Africa

Dr Roukaya Kasenally, a Senior Adviser on media development at the African Media Initiative, moderated the first session of the dialogue. After introducing the panellists and the topic for discussion, she fleshed out a few points concerning the state of democracy in Southern Africa. She argued that democracy is generally in decline in Southern Africa and Africa as a whole. There is a rise in authoritarianism once again. Given its failure to inspire a desirable state of governance, this begs the question whether democracy is still relevant; and, if so, what model of democracy is viable in Africa. She observed that money has taken centre stage and created a general disillusionment among people. It is therefore important to pay more attention to the quality of our democracy across the continent.

Spearheading the panel discussion on the state of democracy in Africa, Brian Tamuko Kagoro, a governance expert, referred to the contrast between 'good governance' and 'development governance'. Development governance, or governance for development, is about creating a better future for all by using the authority of the state to promote economic development and catalyse structural transformations. It is orientated towards resolving common national development problems, creating new national development opportunities and achieving common national development goals.

Session panel

This requires system-wide coherence among social, economic and environmental policies. Kagoro highlighted that Africa needs an approach to governance that makes economic and social policies responsive to people's needs and aspirations, including the eradication of poverty and expanding the choices that people have in their lives. Two dimensions are key to democratic development governance in this regard. First, the system of governance must foster inclusivity and participation through effective channels for citizens to express their interests and the means to hold governments accountable. Second, the capacity of states to be responsive must be improved by reforming and strengthening public administration, local governance institutions, parliament, access to the judiciary and the rule of law. Kagoro stressed that governance in Southern Africa is legitimized by its outcomes, which must include economic transformation and a capable developmental state.

Kagoro observed that discussions on the financing of political parties and candidates have focused on fraud and corruption in the raising and spending of money. He suggested that it must shift to a range of other factors that attend the role of money in politics. For example, it would be critical to analyse the interlinkages between money, politics and coercive/military forces in society. In this context, he referred to countries such as Lesotho, Angola, Zimbabwe and Mozambique, where soldiers are actively engaged in party politics. He emphasized that it is necessary to examine the role of the military in politics because there is a growing involvement of the military in the extractive industries and this has implications for illicit financial flows. Furthermore, he suggested that it might be necessary to analyse the role of diasporas and their financial support to political parties and candidates, and the impact this has on campaign processes.

With regard to the state of electoral democracy in particular, Kagoro claimed that recent experience in Southern Africa indicates that elections perform other roles than the consolidation of democracy. In particular, elections tend to be used to recycle failed and stagnant politicians; and have unwittingly become a legitimization process for autocrats, xenophobes and kleptocrats, as well as ethnic chauvinism or regionalism. Elites, thugs and those with financial interests have also hijacked elections. Elections have largely failed to address inequity, social inclusion and inequality. Kagoro suggested that there is an entire political economy of elections that needs to be analysed in order to improve governance in the SADC region.

Furthermore, he noted that Southern Africa has a mixed record on building democracy. On the one hand, a number of countries such as South Africa, Zambia, Mauritius, the Seychelles and Botswana conduct regular elections that ensure a rotation of leadership. On the other hand, authoritarian political practices characterized by violence and intimidation prevail and elections do not result in a change of leadership in Zimbabwe, Angola and Madagascar. The countries in the first group are generally more participatory, while countries at the other extreme tend to have dominant ruling parties that stifle opposition and pluralistic participation in politics. The result in the latter cases is a regression of governance.

Furthermore, he described the backdrop to the consolidation of electoral democracy in Southern Africa as a mix of various interrelated but contradictory factors: both optimism and frustration about nationalism; the lure of capitalism and the predominance of an anti-state logic which is based on the fetish that the 'private sector knows best' and the elusive promises of neoliberalism; the quest for human rights; a subversive citizenry; more informed and better networks of international activism; the unfinished business of nation- and state-building; and the paradox of deferred, failed or unimagined social transformation.

Kagoro highlighted several factors to put political party financing in Southern Africa in context. First, dominant liberation movements have captured the state apparatus and have extensive direct and indirect linkages with the market place in Tanzania, South Africa, Zimbabwe, Mozambique, Angola and Namibia. These linkages also serve as a platform for patronage networks. The political parties linked to these movements have unparalleled access to state resources before, during and after elections. Second, donor funding and the finances of private business interests dominate the opposition in Southern Africa. In some cases these are used to facilitate favourable decisions at the local and national levels, such as on public tenders. Third, a recent conflation of private sector business interests and the political, bureaucratic and military elites has resulted in the use of violence and other coercive means to construct and mobilize consent and consensus. This conflation also provides grounds for manipulation both inside political parties and of national politics.

Kagoro argued that the ability of rules on political financing to change the behaviour of political parties, candidates and financers is affected by a range of factors:

a. The existence of largely poor voters who the state and the political elite treat as clients or dependants;

b. The existence of party mafias who use informal and formal power to manipulate intra-party democratic processes;

c. The illicit financial flows and proceeds of crime that are used to finance or otherwise influence political activity;

d. The difficulties in tracking the various forms of donations (cash, goods, services and in-kind alternatives) within and to political parties;

e. Weak oversight and poorly conceptualized penalties for infractions of rules on political party financing;

f. Stagnation of the rules on political party financing, which fail to keep up with financial practices;

g. The overall quality of democracy and the ethics of the actors in the system;

h. The behaviour and attitudes of party members and leaders;

i. The prevailing lack of consciousness and passive attitude of the electorate on the abuse of party financing rules.

Kagoro ended by stating that in conducting the dialogue, it is important to go beyond questions of which party got what money and from which sources, to examine the entirety of the underlying morphology and ideologies.

The second panellist in the first session was Zephania Matsimbe, a governance expert. At the outset, Matsimbe observed that the balance of democratic progress in Southern Africa is a mixed bag of realities that can generally be divided in two: countries such as South Africa, Mauritius, Botswana and Namibia represent an encouraging trend, whereas countries such as Zimbabwe, Angola and Swaziland display less encouraging trajectories. Generally, the preconditions for a flourishing democracy are absent in most countries. First, countries with a low per capita Gross Domestic Product (GDP) are likely to fall short on democratic progress. The countries in the SADC region generally have a low per capita GDP compared to other regions. This means that the majority of these democracies struggle with weak and poor national economies. Furthermore, the 'winner takes all' electoral system common in the SADC region results in the exclusion of other political actors from access to state resources. The result is a political playing field that is not conducive to healthy political competition.

Second, political competition and the related threat of loss of power to the opposition have led incumbents to adopt a politics of intimidation and violence. He cited the growing intolerance of the newly elected President of Tanzania and the recurrent violence in Zimbabwe and Mozambique. Third, the region is generally characterized by weak opposition parties, which seem not to understand democratic governance and make no efforts to become strong institutions. This undermines the viability of alternatives to the ruling parties.

Fourth, the region grapples with the issue of money. Instead of being used to invigorate political parties, it is used to diffuse the parties because parties start internal fights over the control of financial resources. In addition, public funding of political parties has caused a mushrooming of political parties that have little if any national representation. Fifth, Matsimbe claimed that the competition for power has bread a culture of corruption in the region at both the intra-party and the inter-party levels. Various interests are able to profit illegitimately from public resources, for example, through tenders.

The region is also faced with a weakened and less autonomous civil society, which undermines its position as a watchdog of political financing malpractice. Finally, the region has weak parliamentary and judicial institutions that are still largely under the control of liberators. For example, in Zimbabwe the military determines the course of political events. Nonetheless, Matsimbe concluded that despite the above-mentioned challenges, the region has made considerable democratization gains. Relatively speaking, the SADC region is the most stable region in Africa.

The fourth panellist in the first session, Dr Matlotleng Matlou, was another expert on democratic governance. Dr Matlou claimed that elections have become a matter of life and death because they are about access to power and resources for personal benefit. While noting that indices have their limitations in depicting reality, he referred to the 2015 Mo Ibrahim governance index, which places Mauritius in first position in the region followed by Botswana, South Africa and Namibia, while the DRC is at the bottom. He highlighted the fact that the judiciary is of the utmost importance in a democracy. It is also important to ensure that participation in politics and decision-making more generally are inclusive across the board, especially at a time when leaders are increasingly unethical in exercising their political authority, mainly for personal enrichment. Matlou raised the question of where traditional systems of government fall within the democracy discourse and hoped that the dialogue would tackle the issue. He also spoke about how people tend to migrate from their home countries to other countries in the region that are generally better off.

After the panel presentations, the event was opened up for discussion. Intervening during the plenary, a participant raised doubts about the Mo Ibrahim index cited by Dr Matlou. The participant contrasted South Africa, where leaders are held accountable to the people, to the case of Botswana, where this is not the case. He also stated that in Namibia there is no provision for funding for those political parties that are not represented in parliament, which puts such parties at a disadvantage in the competition for power. Another participant asked what was wrong with liberation movements remaining in power if people continue to vote for them. He also stated that it is the influence of private financers which is the problem and should be the centre of focus.

In response to the comments from the plenary, Dr Matlou reiterated that the statistics in the Mo Ibrahim index were from 2015, and that all indices have their limitations. Concerning longevity in power, Matlou stated that the problem in African countries is that those who stay longest in power often manipulate the process to ensure their continued stay. They also distort the history of liberations, which by their very nature were not fought by the few who exclusively claim the trophy of being liberators.

For his part, Kagoro stressed the limitations of indices generally and the Mo Ibrahim index in particular, claiming that people participate more in local governance in Rwanda than in South Africa. On funding for all political parties, he argued that there is a need to limit public funding of political parties, which cannot be available to all political parties without limitation, or there would be a proliferation of briefcase and family political parties queuing up for public funding. With regard to private funding as a problem, Kagoro pointed out that the motives behind providing private financing were critical. The ethics of conflicts of interest mean that problems arise when private funders anticipate a return on their funding. This would equally apply to private financing from within the political party itself. On liberation movements, Kagoro maintained that there have been many unfulfilled promises as the vision for which people sacrificed their lives has been squandered by a few elites who have hijacked the movements. Matsimbe responded to the plenary comments by stressing that the problem with liberation movements is, as indicated by Dr Matlou, the means they employ to maintain themselves in power, which include the distortion of processes and the use of intimidation and violence.

Contributing to the discussion in the plenary, Professor Olukoshi focused on liberation movements. He observed that although the whole history of liberation cannot be wished away, it should also not hold future generations hostage. There are differences with regard to the capacity of liberation movements to become instruments of government. The question lies in whether a liberation movement has reformed enough to be able to govern in a modern context. He cited India and Sweden as examples of where liberation movements have constantly reformed themselves to fit the changing contexts of governance. When they failed to do so, opposition parties defeated them. It is therefore the ability to reinvent themselves that is critical for liberation movements.

3.2 Money in politics and emerging perspectives for democracy building and consolidation

The second session of the dialogue focused on the role of money in politics and the emerging perspectives for democracy building and consolidation in Southern Africa. The session was moderated by Professor Olukoshi.

Dr Matlosa made the first panel presentation. He acknowledged that all the presentations during the first session mentioned corruption as one of the problems in the democracy-building and consolidation process and recalled the saying ‘corruption is not government policy but government practice’. By its very nature, politics tends to be about who gets what, when and why. At the centre of this are power, authority and resources, which raises the issue of money in politics. Several problems are posed by money in politics. First, an excessive injection of unregulated money in politics undermines democracy. Therefore, approaches to addressing this phenomenon must focus on regulation and accountability. Second, there is the question of whether political parties are public or private entities. He claimed that political parties are *de jure* public but *de facto* private institutions in terms of their practices and behaviour. Third, Matlosa stated that there is weak regulation of the flow of money into politics as well as weak sanctions. Fourth, he observed that governing parties generally have more resources than opposition parties, due to the abuse of state resources. With this advantage, ruling parties are able to employ the politics of exclusion and marginalization as part of their political practice in order to remain in power. On regulation, Dr Matlosa noted that there is a normative framework for combating corruption that includes the United Nations Convention Against Corruption and the African Union Convention on Preventing and Combating Corruption. These instruments have provisions on the funding of political activities.

He concluded that both private and public sources of funding for political parties should be scrutinized because they each have their respective negative impacts. Private funding comes with the problems of business interests and illicit financial flows. Regulation of political financing must take account of the different configurations of both public and private funding, and their influence on politics in general and democracy in particular.

The second panellist in the second session was Professor Sarah Bracking from the Centre for Investigative Political Economy at the University of KwaZulu-Natal. Professor Bracking shed more light on the financialization of power, which makes political office nothing more than a commodity. She placed money in politics in a broader global economic context in which everything revolves around finance. She argued that offshore economies incentivize political leaders to financialize political power. As a result, they continuously and deliberately make decisions that generate an income stream for offshore cliques, of which political leaders are a part. In this regard, politicians, political parties and cliques have become tools for offshore accumulation. They are able to evade traditional accountability measures, such as asset disclosures and caps on financing political activity, by conducting their affairs through complex and difficult-to-identify offshore transactions. Some of the methods used by politicians to accumulate wealth for offshore storage include what Bracking termed 'gigantism' in infrastructure development projects. Politicians make decisions to embark on huge and costly infrastructure development projects that have few long-term benefits but are pursued at the expense of needs that are more urgent. To generate public support, these projects are popularized on opportune fiscal and political occasions as providing short-term benefits such as temporary jobs and by downplaying the long-terms costs in loan repayments and the loss of jobs after completion. Through tenders for such projects, politicians and political parties are able to raise critical financing for their political activities and for offshore accumulation for themselves and their cronies.

The upshot of these transactions is that problems of poverty, inequality and graft are exacerbated by the financialization of power. Greed channels resources into the hands of a few at the expense of the majority who remain poor or become ever poorer. Bracking observed that in all these political systems, the majority of the people are choiceless and powerless.

Professor Chijere Chirwa made the third panel presentation. He commenced by remarking that his focus is on the 'invisibles', which are the largely informal processes that feed into the otherwise formal process of elections. He maintained that in examining money in politics, it is essential to pay attention to what parties spend their finances on. He stated that political parties use finances from both public and private sources for activities such as funding vigilantes to attack opponents and buying votes. He argued that such factors eventually influence electoral results.

Furthermore, he stated that informal processes affect the pre-electoral period, especially at the intra-party level. Processes at this stage determine who is accepted into or rejected/ excluded from political participation in an election, which eventually determines the results of the election. When considering money in politics, it is important to monitor how much is spent on these informal pre-election processes. It is therefore also important to find out what proportion of the electoral budget is consumed by these 'invisibles', and the extent to which the formal framework can be adapted to regulate these informal processes.

Next, Professor Chirwa spoke of the relationship between the private sector and the political sector. He raised the question of whether private sector contributions to politics are motivated by philanthropy or seen as part of an investment strategy. Finally, Chirwa referred to the advent of terrorism and its interface with politics. He noted that terrorist organizations tend to emphasize religion and ethnicity, and that it is important to examine the risk posed by such political discourses.

During plenary contributions on the topic, one participant observed that such dialogues tend to miss how sexism and the politics of intimacy intersect with all the issues tackled by the panellists. She noted that the lack of any quantification of gender issues in such dialogues is a common problem. Another participant criticized the possible manipulation of public funding for political parties. He cited Namibia as an example where public funding for political parties is controlled by the government, which essentially means by the ruling party. The trend has been to delay the disbursement of funding to political parties for elections in order to limit and frustrate their campaigns. Political parties are then forced to find other sources of funding at a critical moment in the electoral cycle. In this way they run the risk of breaching regulations on political financing. Another participant wondered whether Africa is prepared to afford democracy given the amount of money that goes into its processes even at the political party level. A fourth participant observed that most regulatory frameworks on political financing lag behind developments in the financial markets and this makes it difficult to track and sanction illicit funding. The plenary discussion raised two questions: first, whether the liberal model of democracy imported from Europe and being implemented in Africa without much adaptation is appropriate for our circumstances, or whether it is time to adapt to a developmental democracy as a more suitable model; and, second, whether anyone can control elected leaders with regard to the sources and flows of money in politics.

3.3 Electoral management financing in Southern Africa

The third session of the dialogue considered the financing of electoral management in Southern Africa. It was moderated by Mary Chibibi Longway, a Commissioner with the National Electoral Commission of Tanzania. The panel was made up of T.G.G.G. Seeletso, Chief Executive Officer of the Electoral Commission of Botswana; Harris Potani, Deputy Chief Electoral Officer, Malawi Electoral Commission, and Felisberto Naife, Chief Electoral Officer, Technical Secretariat for Electoral Administration (STAE), Mozambique.

Seeletso began by recommending that International IDEA consider conducting country dialogues. He observed that the common thread is that legal frameworks to avert corruption and similar vices that delegitimize elections must guide electoral financing. Once it is accepted that public resources must finance political parties, the questions that arise are related to who should administer and distribute the funding and hold the beneficiaries to account. He recommended that an independent entity should be given such a mandate.

After providing a brief history of the IECB's establishment, mandate and history, Seeletso explained that election financing is the provision of money for electoral processes. The IECB is fully (100 %) funded by the state under an Appropriations Act. This ensures that the usual strings attached to donor funding or other external sources of funding do not encumber the IECB. Public funding of electoral management covers all the cycles of the electoral process. It does not fund political parties and civil society. The funding is subject to a highly regulated budgetary and expenditure procedure, as well as other checks and balances through the Public Accounts Committee of the National Assembly. He acknowledged that for some secondary tasks related to electoral processes, such as youth empowerment workshops, development partners have previously financed educational materials and performance audits. Even then, however, the funds were not directly handed to the IECB. Over time, such funding has become irrelevant due to the country's sound economic standing.

Seeletso then questioned whether private funding of an EMB is a viable alternative to public funding He observed that this is difficult to answer because it depends on the political and economic environment in which the EMB is discharging its mandate. He highlighted the contrast between public funding, which comes with indirect accountability to citizens through parliament, and private funding, which is difficult to account for and parties are likely to negotiate clandestinely in order to frustrate any audit efforts. It is important to acknowledge that 'there is no such thing as a free lunch' and 'he who pays the piper calls the tune'. Private funding of elections and campaigns would be characterized by a culture of kickbacks and corruption. Furthermore, there is an imbalance in the degree of influence on government representatives and political parties. Through private funding, the rich gain influence to the extent that government decisions and policies can be tailored to meet their interests.

Seeletso also asked whether it is possible for an EMB to take a cost recovery approach to electoral management, in which nomination fees and voters' roll charges are levied. He concluded that this would also preserve the position of the rich while the marginalized, who are often in the majority, would be excluded.

Harris Potani gave a presentation on Malawi. He noted that funding for the EMB in Malawi usually falls in the category of Other Recurrent Transactions (ORT) and Project Funding. ORT activities are goods and services planned for the fiscal year. Funding for ORT costs is administered by the Government of Malawi through the Treasury and has to be approved by parliament. Project funding is mainly for activities, goods and services planned for the electoral cycle. According to Potani, project funding comes from both the government and development partners. Development partners finance election materials and provide technical assistance. Government contributions are disbursed by the Treasury, while development partners pay the suppliers of goods and services directly.

According to Harris, one of the challenges confronting the electoral administration in Malawi is the failure to match the electoral cycle approach with national funding priorities. The funds are not enough to carry out electoral activities and this ultimately compromises the quality and standard of services, such as the quality of materials to be procured and of equipment. Harris noted that inadequate resources pose a challenge to the delivery of credible elections. The Commission develops budgets but the Treasury decides arbitrary budget ceilings without taking into consideration the impact on the delivery of the service. The reduced funding is disbursed in tranches convenient to the Treasury with no regard for the Commission's plan. Harris recommended that countries in the region ensure that funding for EMBs is regulated, and that governments fund elections without any donor resources in order to ensure sustainability and ownership of the process. He also recommended that political party financing regulations should be reviewed to ensure their adaptability to context and that they address the challenges posed by the influence of illicit financing on electoral processes.

The final presentation was by Felisberto Naife. He started with an overview of the structure of the EMB and the legal framework for elections in Mozambique. According to Naife, Mozambique used to be heavily dependent on international donor funding to cover the expenses related to the elections. More than 60 per cent of the budget was funded by donor contributions until 2004. Since 2004, the cost of elections has been wholly covered by the state budget. This includes the joint activities of the CNE and the STAE, which are organized in two separate budgets. The first covers the operating costs to support the permanent bureaucracy of the two institutions; the second covers the costs of electoral operations. Between 1994 and 2004, donors, chief among them the United Nations Development Programme, invested at least US $150 million in funding multiparty elections in Mozambique and in technical electoral assistance. The Government used only to fund administrative costs, mainly related to the salaries of the EMB's permanent and non-permanent staff.

Naife noted that according to the procedures for the disbursement of state funds to both the CNE and the STAE, both institutions must submit annual plans and budgets to the Ministry of Finance for approval. The Ministry of Finance in turn incorporates the electoral budget into the annual state budget for approval by parliament. The disbursement of funds from the Ministry of Finance is done on a quarterly basis. Both the CNE and the STAE must submit annual activity and financial reports to the Ministry of Finance and the Administrative Court. Naife noted that it is imperative for EMBs and electoral processes to achieve sustainability. The most significant challenge to the sustainability of electoral management in Mozambique is the enormous cost of the election administration structure. He claimed that the expansion of the election management structures was brought about by changes to the electoral legislation in April 2014, six months before the elections. These were the result of an agreement between the government and the main opposition party, RENAMO, to allow its participation in the 2014 general elections. Another challenge is population growth, which increases the number of registered voters, the number of polling stations required and ultimately the cost of materials and personnel.

In conclusion, Naife noted the need to find ways to reduce the cost of elections, because escalating costs, economic crises and budgetary challenges could mean that adequate funding is not available in future elections. One option for reducing costs in Mozambique would be to harmonize the electoral administration structure.

During the plenary session, participants recommended that governments in the region should demonstrate ownership of and commitment to the sustainability of electoral democracy by funding their elections 100 per cent. Participants noted that donor funding of elections is not sustainable and could potentially put countries in a precarious situation in which they are unable to hold elections because of budgetary constraints.

3.4 Public and private sector political party financing and the impact on electoral competition

The session focused on public and private sector political party financing and its impact on electoral competition. It was moderated by Professor Wiseman Chirwa, Chairperson of the Malawi Media Council. The panel was composed of Daisy Bathusy, Chairperson of the Botswana Congress Party Women's League; Jessie Majome, Member of Parliament for MDC-T, Zimbabwe; and Graham Hopwood, Director of the Institute for Public Policy and Research, Namibia.

Daisy Bathusy noted that political parties, as organizations, require money for their day-to-day activities and to be able to compete effectively in electoral contests. She shared the historical background of Botswana's multiparty democracy and the challenges encountered since 1966. Botswana does not provide public funding to political parties. Parties rely solely on private funding, which is inadequate for ensuring fair and inclusive political contests. She argued that in the absence of public funding and other mechanisms for ensuring a level playing field, elections are always tilted in favour of the ruling party, which enjoys access to government resources and the advantage of incumbency. Such advantages include dominant access to state media, the use of army assets for mobilization, social security payments and the manipulation of national development projects. Bathusy noted that making public funding available for political parties and regulating private funding would help to curb corruption, control illicit financing of political parties and candidates, ensure a more inclusive political process and ultimately enhance Botswana's electoral democracy.

In conclusion, Bathusy noted that political party financing requires effective regulation in order to ensure accountability. She made a compelling argument that access by all political contestants to adequate resources is a necessary precondition for effective competition. Bathusy recommended initiatives such as democracy funds, to which corporations contribute in order to enhance the electoral capacity of political parties.

Jessie Majome started her presentation with an overview of the development of political party financing regulations in Zimbabwe. She noted that regulations were first enacted in 1992 and amended in 1997. The regulations allow political parties access to public funding according to their representation in parliament. The funds are not only for running elections, but also to finance political party activities beyond the electoral period. By law any political party that garnered at least 5 per cent of the vote in the previous election is eligible to receive public funds. Majome noted that political parties in Zimbabwe are not required to disclose the source of their donations from within the country. Nor does the law impose limits on contributions, let alone a requirement to account for the use of public funds.

Moreover, while public funding is available to political parties, the fund is not large enough to ensure effective support for political parties or level the playing field during elections. Effective planning is affected by the fact that funds are usually disbursed late. Majome concluded that the advantages of incumbency always tip the funding scales in favour of ruling parties, which puts them at an advantage in the electoral competition. She noted that legislation should require disclosure of the names of donors to registered political parties and candidates.

Graham Hopwood provided an overview of public funding regulations for political parties in Namibia. He noted that public funding began in 1997 and is generated from 0.2 per cent of government revenue. He showed the trend for public funding of political parties in Namibia from 1997 to 2016 (see Figure 3.1).

Hopwood noted that prior to the enactment of laws in 2014, there was no regulation of private funding to political parties. Parties were only required to disclose foreign funding. He stated that the ruling party, SWAPO, receives the largest amount of private funding compared to all other political parties, which stems from strong local fundraising and donations from abroad. According to Hopwood, the disproportionate distribution of public funds to political parties in parliament in Namibia inhibits the growth of opposition parties and helps to maintain the status quo. He recommended a fixed grant system as a potential mechanism for leveling the playing field. He also called for an improvement in regulations to enhance transparency and accountability.

During the plenary, a representative from Malawi noted that there is political party funding in Malawi, but it is restricted to parties that gain one-tenth of the national vote in an election. He also informed participants that there is no legal limit on campaign spending. However, there are legal obligations on political parties to report on the finances used for campaign purposes. Participants recommended that countries in the region institute legislation on political party funding, and that the formula for public funding should be geared towards discouraging the sprouting of briefcase and phantom parties. Participants further demanded that disclosure of the names of donors to registered parties and candidates should be made mandatory in order to curb the influence of illegal money on electoral democracy in the region.

3.5 Electoral finance and its impact on women's participation in Southern Africa

The session focused on the impact of electoral finance on women's participation in Southern Africa. It was moderated by Advocate Notemba Tjipueja, Chairperson of the Electoral Commission of Namibia. The panel was made up of Rumbidzai K. Nhundu, Senior Programme Manager, Democracy and Gender, International IDEA; Dr Hesphina Rukato, an expert on democracy and governance; and Dr Jessie Kabwila, Chairperson of the Malawi Women's Parliamentary Caucus.

Rumbidzai K. Nhundu focused on how gender differences relate to financial issues and political campaigns across the world, including in Southern Africa. She emphasized the need to address key questions: Are women and men equally capable of raising money for their campaigns? What are the main factors that prevent women from accessing economic resources? To what extent do socio-cultural, political and economic contexts influence both men's and women's access to resources? In addition, what measures have countries put in place to address the gender dimension of access to resources to fund political campaigns? Patriarchy works as a non-monetary resource that advantages men and perpetuates gender inequalities in all spheres of life. International IDEA's studies on political financing for women in Colombia, Kenya and Tunisia provide insights into the impact of economic resources on women's political participation and representation.

Nhundu stressed that access to financial resources for campaigns is one of the many aspects that hinder the equal participation and representation of women and men in positions of power and decision-making at all levels. In order to address this effectively, targeted gender-sensitive interventions are needed at all stages of the electoral cycle. To illustrate the need for improvement, she cited International IDEA's publication, *Political Finance Regulations Around the World*: 'Globally, 16 countries have provisions tying the level of direct public funding to gender equality among candidates: Bosnia and Herzegovina, Colombia, Croatia, Ethiopia, France, Georgia, Haiti, Italy, Kenya, South Korea, Mali, Niger, Papua New Guinea, Portugal, Romania and Serbia'.

In her concluding remarks, Nhundu noted that financial incentives are used by political parties to work towards gender parity or for activities related to gender equality in Brazil, Colombia, Italy, South Korea, Mexico, Morocco and Panama. In Finland, funding is given directly to the parties' women's wings, whereas in Honduras parties have to submit gender discrimination policies to the EMB as a prerequisite for receiving public funding. In Costa Rica, parties must certify that they spend equal amounts on training for each gender.

Dr Kabwila noted an emerging trend for violence against women in politics. Kabwila shared her own experiences in Malawi, where she has been subjected to incidents of extreme violence. According to Kabwila, if not tackled at the level of political parties, such problems will continue to impede women's political participation and representation. She criticized the fact that many societies in the region still use 'culture' as an excuse not to embark on policies to promote gender equity in political processes and other decision-making platforms. Despite having been led by Southern Africa's first woman president, Malawi has made little progress towards the equal political participation of women.

Kabwila further noted that limited access to finance is one of the key obstacles to women's success in party primaries. Thus, political parties need to enhance their internal democracy and ensure sound gender policies. Gender policies should also provide for equal access to party funding for women candidates. In her concluding remarks, Kabwila advocated that women in the region enhance their networking efforts and establish platforms to strengthen the capacities of women in politics.

Dr Hesphina Rukato asked participants to think about the question of what happens to women in politics beyond the question of political party financing. She argued that a focus or discourse on regulation and access to finance does not address the challenge of women in electoral participation in a holistic way. Other factors that prevent participation include a lack of education, early marriage and the many human insecurities that predominantly affect women. Rukato drew attention to social and political environments and attitudes, and called for a focus on the problems that hinder women's participation beyond those related to money, such as outright discrimination.

For example, in Zimbabwe a young woman with a child was recently not allowed to join the army school, which is only open to males. The question is also often raised about whether a woman has to be married to be a good leader. Rukato argued that society has become tired of the 'gender question', and with regard to the role of women in electoral processes, there is an attitude of 'let us move on'. There are also different measurements of success for men and women, which has to some extent resulted in women competing against each other in order to prove to men how good they are.

Dr Rukato emphasized the need for women in politics to strengthen their networking and mutual learning. Historical male dominance means that women have difficulties with networking and sharing ideas and strategies with like-minded people. Women need to create national and regional platforms for networking, and develop strategies for successful political careers. Finally, Rukato highlighted some of the impediments to women's participation in electoral processes, such as the high registration fees; education or qualification requirements that often disqualify women, who drop out of school early because of the challenges highlighted above; and the violent nature of elections processes, which can intimidate women. Ultimately, this perpetuates the 'politics of the elite' in which marginalized groups such as women are unable to participate.

During the plenary discussion, participants noted that political parties in the region need to learn from successful gender policies on electoral processes used elsewhere to integrate gender policies into electoral processes in order to enhance women's political participation and representation. They also agreed that regulations on political party financing must include gender equity considerations.

3.6 Political party financing regulatory frameworks

The session focused on political party financing regulatory frameworks in different countries in Southern Africa. Gram Matenga, Senior Programme Officer, International IDEA Africa and West Asia Programme, moderated the session. The panel was comprised of Guy Tapoko, Acting Head, Democracy and Electoral Assistance Unit, AUC; Ambassador Yacoob Omar, Operations Director, Mapungungwe Institute for Strategic Reflection (MISTRA); Heidi Jacobs, Legal Adviser, Electoral Commission of Namibia (ECN); and Dr Roukaya Kasenally, Director for Programmes and Knowledge Management, Africa Media Initiative (AMI).

The presentation by Guy Tapoko focused on existing regional normative frameworks and guidelines for political party financing in Africa. He started by noting that since the introduction of multiparty democracy in Africa, many nations have struggled to reconcile the role of money in politics. Much of the public debate has focused on the potentially corrupting effects of political donations to candidates and how to curtail the influence of wealthy donors. According to Tapoko, the consequences of campaign finance regulations for political mobilization and campaigns are frequently ignored. These regulations matter not only as a way to prevent peddling — the classic *quid pro quo* — but also because they determine power in electoral politics. He added that campaign finance laws help some political organizations and candidates raise and spend political funds more easily than others. In this way, such laws can influence who should be elected to public office.

Moreover, Tapoko stated that the debate on the role of money in electoral politics has always focused on the corrupting influence of interest groups, whether legal or illegal, on democratic representation. He argued that this leaves out important parts of the picture. Democracy requires large amounts of resources to function — not just for electoral campaigns. According to Tapoko, regulatory frameworks for political party funding vary from one African country to another. In some countries, where private financing is allowed, provisions are put in place to regulate its access and use by political parties. Limits on donations are meant to prevent political parties and candidates in possession of large amounts of resources from overshadowing those who do not have enough. In some countries, a threshold is set to put a ceiling on the maximum amount of contributions. Limitations can also be established on the amount that each political party or candidate can spend on electoral campaigns. Further legislation may require disclosure of donations and expenditure, including clear indications of the names of donors and the amount of donations. However, a majority of African countries does not impose such limits.

Tapoko further noted that the AU and RECs, as continental and regional guarantors of democracy, have various normative frameworks that promote the principles and values of democratic governance. Member states commit themselves to these frameworks, and a number have implemented them in their national legislation, including standards on credible electoral processes. However, while the continent has made progress with the development of normative frameworks, little attention has been paid to specific principles on the regulation of money in electoral politics. The African Charter on Democracy, Elections and Governance does not have a specific article that provides for the regulation of money in elections. The OAU/AU Declaration on the Principles Governing Democratic Elections in Africa stipulates that member states should make adequate provision for funding for all registered political parties in order to enable them to organize their activities, including their participation in the electoral process. However, the Declaration does not specify regulations on political party financing.

At the subregional level, SADC and the EAC have specific regulations on funding parties and campaigns, but the ECOWAS protocol on good governance and the ECCAS Charter have no such provisions. The SADC Principles and Guidelines Governing Democratic Elections, including annexes I & II, subject to national laws, apply to all elections held in SADC member states. Article 13.2.4 requires the SADC Electoral Observation Mission to monitor for the following factors: '(e) the incidence of international interference in the electoral process, through proscribed financial contributions to electoral contestants, or other activities; (f) [that] funding to political parties for campaigns, and campaign spending are transparent and oversight of both is in accordance with the laws of the land; (g) the use of public assets and funds for electoral campaigns, including impartial application and their improper use for the electoral advantage of particular political parties, candidates or supporters; [and] (h) the application of anti-corruption laws and other safeguards in the electoral context, including protections for those who expose election-related corruption'.

In his concluding remarks, Tapoko pointed out that one of the main challenges for the AU and the RECs monitoring compliance is the absence of legal frameworks for regulating the funding of parties and candidates in most countries. While the AU and the RECs deploy election observation missions to assess the conduct of elections, the methodologies of observer missions have paid little attention to monitoring campaign finance activities. According to Tapoko, such a methodological approach can only be pursued through long-term observation, which enables a more comprehensive election assessment. It is also important that the influence of money in politics has considerable effects on the economic development of countries. Finally, he stated that corruption not only pervades the political governance sphere but also a society's economy.

Dr Roukaya Kasenally began her presentation with a record of progress on democracy and governance in Mauritius. The achievements include free and fair elections, the separation of powers (executive, judicial and legislative), a vibrant independent media, a comprehensive and inclusive welfare state, a capable public sector, a competitive private sector and a diversified economy. She also shared some of the challenges Mauritius faced on the way to improving its democracy: a highly ethnicized society, a political landscape skewed against women and youth, dynastic politics and a winner takes all electoral system that privileges the 'first past the post'.

On the political party financing regulatory framework, Dr Kasenally explained that the country does not have an electoral law. Instead, three pieces of legislation define, guide and ultimately regulate election-related activities: the constitution, the Representation of the People's Act of 1958 and the National Assembly Elections Regulations of 2014. The constitution provides for the establishment of the Election Commission while the Representation of the People's Act, among other things, provides procedures on elections and election expenses. The National Assembly Elections Regulations set out regulations on the registration of political parties, the voting process and other questions. Kasenally pointed out that the Electoral Commission lacks the power of an enforcement body, which would be crucial for tracking and monitoring political parties' expenses.

On private funding, Kasenally noted that the private sector is the biggest 'well-wisher' of political parties. All the top 100 companies in Mauritius donate to the mainstream political parties. Over the years, the veil of opacity has been lifted because private companies have started to declare the amounts of their donations in their books. Regulation of private funding is part of the current electoral reform agenda in Mauritius. However, there have been no efforts at electoral reform since 2002. Kasenally argued that the Mauritian public would not support public funding for political parties. To illustrate this point, she cited the findings from the Round 6 of the Afrobarometer survey, which noted that nine out of ten Mauritians believe that political parties are private entities that should raise their own funds. In conclusion, Kasenally spoke of the need for concerted political commitment — 'to walk the talk'. Moreover, countries should empower EMBs to monitor the implementation of regulations on political party financing and impose penalties. Finally, Mauritius should register political parties and require them to submit audited financial reports.

Heidi Jacobs described the existing political party public and private regulatory frameworks in Namibia. Namibia provides public funding to all the registered political parties represented in parliament using a predetermined formula. According to Jacobs, the regulation stipulates disallowable costs for the fund, such as remuneration, fees, rewards and expenses. The regulations also prescribe requirements for the parties' management mechanisms of the fund, including reporting and auditing. Political parties are required to submit audited accounts to the ECN within three months of the end of the party's financial year. An abridged version of the audited accounts must be published in at least two daily newspapers in Namibia. Furthermore, the ECN can order that the allocation of monies be suspended if the political party fails to comply with any requirement of the Act. If allocated funds have been spent in contravention of the requirements of the Act, the party must repay the National Assembly or the National Council the amount that was irregularly spent.

The Electoral Act of Namibia also regulates private funding. According to Jacobs, registered political parties and candidates can receive private funds in Namibia or bring into Namibia any money, or anything that can be cashed or converted into cash, from a foreign person or institutions, inside or outside of Namibia. This private donation can be used at the discretion of the party or candidate to further the interests of the party or candidate. According to Jacobs, the regulation requires that such donations are disclosed in a prescribed manner, and the total donation cannot exceed a prescribed amount per financial year. The Electoral Act further states that donations exceeding the prescribed amount in a financial year must be disclosed to the public within a prescribed period. In addition, a Namibian person or institution is not allowed to donate more than a prescribed amount in any financial year. Jacobs further noted that the law requires that all political parties and candidates must submit to the commission in a prescribed manner the details of all donations received.

Ambassador Yacoob Abba Omar explained that the Political Parties Act, 103 of 1997, guides the administration of public funding in South Africa. This governs the eligibility of parties and the allocations they receive from the Represented Political Parties' Fund. The Act allows the use of public funds for the maintenance of political parties between elections. Public money is allocated to political parties on a 90:10 split: 90 per cent is allocated proportionately, that is, according to the percentage of votes received in elections; and 10 per cent is distributed equally between the parties represented in parliament. The Act does not contain regulations on private donations to political parties. Any political party can also obtain funds from its members and from other sources, such as businesses (both local and foreign) and civil society groups.

However, Ambassador Omar stated that the R100 million in public money each year that the major political parties currently receive is not enough to finance their myriad activities. Like most African countries, South Africa poses particular challenges for electoral contests — a sprawling land mass, large rural areas, 11 languages and a low literacy rate.

Omar also mentioned that all four major political parties opposed the 2005 legal appeal by the Institute for a Democratic South Africa, which called for greater disclosure of party funding in what the judge called 'an uncharacteristic display of solidarity across party-political divisions'. The court ruled that the 'disclosure of donor funding is not a prerequisite for free and fair elections'. However, it also noted that a 'compelling case' had been made that 'private donations to political parties ought to be regulated by way of specific legislation in the interest of greater openness and transparency'. Omar also referred to the example of the NGO My Vote Counts, which applied to the Cape Town High Court on 28 July 2016 for an order to declare the Promotion of Access to Information Act 'invalid and unconstitutional insofar as and to the extent that it fails to make provision for the continuous and systematic recording and disclosure of information regarding the private funding of political parties and independent ward candidates'.

Undoubtedly, most South African political parties have been culpable of some form of shady practice, taking advantage of the absence of private funding regulations. Thus, there have been discussions on instituting private funding regulations for political parties in South Africa. One notable suggestion has been made by the ANC treasurer-general, Zweli Mkhize, who has recommended establishing an intermediate body through which donations can be channelled. This could take the form of a 'trust fund' into which companies or individuals make donations that will then be allocated to political parties according to a set formula. However, the Ambassador noted that this democracy fund would require legislation to regulate private funding to political parties. Among the advantages of such a fund are that it would allow businesses to make a contribution to multiparty democracy, increase transparency and be managed by an independent body. This body could be the Independent Electoral Commission or the National Assembly. Unfortunately, however, initiatives to develop private funding regulations for political parties in South Africa have not gained much momentum thus far.

During the plenary session, a number of the countries represented highlighted the fact that they do not have any political party financing regulations. Hence, there is a need for country level policy dialogue to promote the development of such policies. Participants agreed that a lack of regulatory frameworks can provide the conditions for illicit money flows that could, in turn, influence electoral competition in the region. Furthermore, regulatory frameworks should seek to address not only the administration of public funding for political parties but also private donations.

4. Recommendations

- Explore the links between party funding and the problems of clientelism and state capture;
- Adopt policies that enhance women's political representation, such as the 'zebra rule', and make them mandatory for party registration;
- Regional countries should facilitate a review mechanism for political finance regulations to catch up with those for financial markets, particularly as they relate to money laundering;
- While many countries in the region have made remarkable efforts to institute regulations on public funding for political parties, regulations on private funding are often lacking. A provision on the disclosure of private donations to political parties and candidates would effectively constrain the influence of illegal money on electoral democracy in the region;
- Governments in the region should strive to fund 100 per cent of the required budget of EMBs to ensure the sustainability and ownership of electoral democracy;
- The AU and RECs should review and potentially modify their relevant normative instruments in order to curtail the negative influence of money in politics;
- Collaborative synergies between the AU and RECs should be developed within the framework of the Africa Governance Architecture to enhance the implementation mechanisms of the normative instruments in general and with regard to regulating the influence of money in electoral politics more specifically;
- The AU and RECs should enhance their electoral assessment methodology in order to incorporate robust monitoring of the financing of electoral politics;
- Given that political parties and candidates in elections are the main conduits for corruption of political finances, strategies that entail promoting regulations on money in politics should involve their concerted efforts. Consideration should therefore be given to the establishment of rules on the disclosure of all sources of funding for political parties.

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