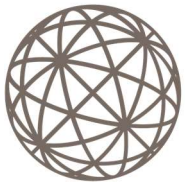




# Conservatives



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**WESTMINSTER FOUNDATION  
FOR DEMOCRACY**

## ***POLITICAL PARTY FINANCE REGULATION IN 13 AFRICAN COUNTRIES***



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## OUR COLLABORATION

This research paper is the product of a collaboration between the Conservative Party, the Westminster Foundation for Democracy and the Research Centre for the Study of Parties and Democracy (REPRESENT) at the Universities of Nottingham and Birmingham. That collaboration, which included also the Institute of Social Sciences at the University of Lisbon, aims to identify changes in party funding regulation in Africa and how it can be improved. The views expressed in this paper are those of the authors, and may not reflect the views of WFD.



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## Executive Summary

This report reviews and analyses party financing regulation in 13 African countries, drawing on an in depth scrutiny of party legislation and personal interviews<sup>1</sup> with representatives of nine different political parties<sup>2</sup> in more than half of those countries (i.e. Angola, Malawi, Morocco, Mozambique, Namibia, Tanzania, Uganda). It examines the complex dynamics between money and party politics, looking in particular at (1) how public funds are allocated, (2) how campaigns are financed, (3) the different options (and obstacles) parties face when trying to finance their ordinary activities, (4) the type and scope of financial disclosure and oversight, and (5) the extent to which financial violations are sanctioned. Overall, and despite variation in national contexts and national regulations, we find that (1) in most countries party financing regulations are shine by their absence, and (2) party competition is largely unequal. In this context, it is possible to conclude that while incumbents not only receive often the lion's share of public and private funding, but also have unsupervised access to state resources; opposition parties face the highest hurdles to be able to perform key functions such as mobilization of voter support and electoral campaigning.

## Introduction

Political parties are essential for the functioning of democracy (Schattschneider 1942). They perform a series of tasks linking the citizens to the political system (e.g. mobilization, socialization, articulation and aggregation of social interests), and structure the whole functioning of the government (e.g. selecting candidates for public office and policy-making) (Sartori 2005). But to effectively perform their functions, parties need to have strong organizations and (own) resources to financially support them.

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<sup>1</sup> All interviews were made face-to-face between the 22 and 23 of March 2019 in Marrakesh (Morocco). The only exception was with UNITA, whose representative was interviewed by phone on 18 April 2019.

<sup>2</sup> The political parties included in the analysis are: the National for the Total Independence of Angola (UNITA); the Malawi Congress Party (MCP); the Independence Party (IP) in Morocco; the Mozambican National Resistance (RENAMO) and the Democratic Movement of Mozambique (MDM); the Popular Democratic Party (PDP) in Namibia; the Party for Democracy and Progress (*Chadema*) in Tanzania; the Ugandan Democratic Party (UDP) and the Forum for Democratic Change (FDC).

As much as elsewhere state funding is quintessential for the development of African political parties. However, the prevalence of dominant parties in many countries means that most resources – beyond direct/indirect public funding – stay in the hands of the “hegemonic” or “dominant” party in power. This has important implications for how party politics actually develops and, consequently, for the role that money plays in it. Moreover, and what is more important, this raises essential questions about (1) how is party funding regulated?, (2) how do parties raise money?, and (3) which challenges they face in their quest for sustainability? These questions matter not only because a proper regulatory (funding) framework can help to promote a fairer interparty competition, but also because of the significance both transparency and accountability have in the institutionalization of electoral politics and, more importantly, the consolidation of democracy in a country.<sup>3</sup>

This report includes an overview of party finance regulations in 13 African countries, drawing on a set of documental sources – party and electoral laws –and interviews held with party representatives. The first two sections contain a brief overview of the relationship between money and politics, with a special attention to the African continent. The subsequent sections examine the particularities displayed by party funding regulations in a selected number of African countries, with a special focus on the following dimensions: public and private funding, campaign donations and election spending, vote buying, oversight and sanctions. The analysis will look both at legal regulations and real life experiences as recounted by the party representatives interviewed. The final two sections present a summary of the main findings, suggesting recommendations for improvement.

## **Money in Politics**

Money is “the mother’s milk of politics” (Stanbury 1986: 795). As posed by the British scholar Tim Houghton, the role of

money can be best understood with reference to a motor race metaphor.

Money is the fuel for the engines of party politics. Fuel does not determine which car is faster or who will win the race, but at high speeds cars need plenty of fuel, and vehicles need access to refueling stations during a long

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<sup>3</sup> In the sense of increasing the trust of citizens in the democratic system in general, and political parties in particular.

race (2012: 16-17).

Given the centrality of money in party politics, and especially the generalization of party funding legislations with the expansion of democracy at the end of the Cold War, the interest of both scholars and practitioners in studying the causes and consequences of political funding regulation has increased over time.

While the work on the determinants of party funding is still in its infancy (Casal Bértoa 2012), much more is known about the impact of political finance regulations on the development of political party organizations and party systems. Even if sometimes, scholarly findings seem contradictory. For example, in terms of the former (i.e. party organizations), Whiteley (2011) has sustained that the amount of party finance regulation acts as a deterrent for the partisan engagement of society, contributing to a decrease in party affiliation/membership in highly regulated countries. In clear contrast, Biezen and Kopecký (2017) have recently shown how, contrary to the “cartel thesis” expectations (Katz and Mair 1995), states subsidies have had a very “limited impact” (i.e. do not discourage) on party membership.

Notwithstanding what has been said, public subsidies have been proved to exert a positive impact on both the levels of party responsiveness (Costa Lobo and Razzuoli 2017) and the survival rate of political party organizations, especially of those “between the thresholds”: namely, the electoral and the payout (Casal Bértoa and Spirova 2019; Casal Bértoa and Taleski 2016).

Most studies, however, have focused on the effects party finance might have on party system institutionalization. As in the previous case, findings have been sometimes contradictory. While some early scholars did not observe a clear relationship between finance regulation and party system development (Scarrow 2006; Tavits 2006; Grzymała-Busse 2007; Biezen and Rashkova 2014); more recent studies have found an important, and positive, effect.

First of all, various scholars have shown how state subsidies are a catalyst for party system institutionalization, as they help to (1) reduce the number of parties in a system (Booth and Robbins 2010), (2) close the structure of inter-party competition, making it more predictable (Casal Bértoa, 2017), and (3) decrease electoral volatility (Birnie 2005). And this is true not only in Europe, but also in Africa (Sanches 2018) and Latin America (Bruhm, 2016). More recently, Rama and Casal Bértoa (2019) found that state subsidies can also contribute to reduce the vote for “anti-political-establishment” parties.

Adopting a more holistic approach, which combines both public and private funding regulation, Booth and Robbins (2010) also found how a restrictive regime of private funding discourages the formation of new parties, but only in those regimes where states subsidies are not available. In the same line, Sanches (2018) reveals that access to public funding and bans on private funding act together to close the structure of party competition in Africa, thus enhancing institutionalization over time. More generally, but focusing on campaign finance laws, Tavits and Potter (2015) found such reductive effect in more restrictive legislations, while conversely more permissive and liberal legislations tend to increase party systems' size.

But while high regulation of funding can have positive effects on the institutionalization / stabilization of inter-party competition, it has been also shown that citizens do not necessarily trust or identify more with political parties as result of more regulation (Whiteley 2014). Indeed, even if state subsidies can help reduce the levels of corruption (Hummel *et al.* 2018), both a high state dependency and a restrictive regime of distribution of public subsidies might have a counter-productive effect. And the same can be said of very restrictive private funding and sanctionatory regulations (Casal Bértoa *et al.* 2014).

## **Political Parties in Africa**

The African democratic wave that started in the early 1990s, opened up a new window of opportunity for political party formation and allowed citizens across the continent to vote in multiparty elections for the first time ever or in decades. Today, some 30 years on, the outcomes of the democratic experiments are mixed (Cheeseman 2015). Some failed, others succeeded but regular multiparty elections are now commonplace across the continent. Even though there are many concerns about the quality of elections, their increasing acceptance as the legitimate way to choose a government is a significant departure from the past and can contribute to democratization (Lindberg 2006).

The party systems emerging out of these elections function in quite distinctive ways (Lindberg 2007; Salih and Nordlund 2007; Riedl 2014; Sanches 2018). In countries like Botswana, Namibia and South Africa there has never been alternation in power but that did not prevent the development of a liberal form of democracy. Yet

this scenario is rather exceptional; dominant parties in Angola, Gambia, Gabon, Zimbabwe or Equatorial Guinea, for instance, often use institutions such as multiparty elections and parliaments, to prolong their authoritarian rule (Bogaards and Elischer 2016). In contrast, alternation in power has occurred in a handful of cases (e.g. Cape Verde, Mauritius, Ghana, Senegal, Benin, and more recently Seychelles, Nigeria), whereas party systems in Zambia, Comoros, Madagascar, Kenya, Mali, just to mention a few examples, remain fluid from the outset of the political liberalization.

The political parties operating in these systems are different from the parties we know from western countries. African political parties have been depicted as weak political institutions, lacking mass membership, organizational capacity, funding base and human resources (Randall 2001; Salih and Nordlund 2007). Other cited features include the incumbent's advantage and unsupervised access to state resources, the weakness of opposition parties, pervasiveness of informal networks, lack of intra-party democracy, factionalism and floor-crossing, and, lack of strong articulated ideologies (Randall 2001; Salih and Nordlund 2007).

Political parties in Africa face several difficulties to become financially self-sufficient, principally where state funding is lacking or is poorly regulated. As result, in most countries, political parties (especially those in opposition) end up relying “on a small core group of individuals, businessmen and women, and foreign donors, party-to-party networks and fraternal organizations for funding their activities” (Salih and Nordlund 2007: 91). This can have far reaching effects on the nature of linkages between parties and their constituencies, which may be furthermore framed by personalistic and clientelistic relationships – known to be pervasive in Africa (Gyimah-Boadi 2007).

It is commonly argued that political authority in the continent is essentially “based on giving and granting of favors, in an endless series of dyadic exchanges that go from the village level to the highest reaches of the central state” (van de Walle 2001: 51). In this context political parties often “perceive state capture for the control of the resources and personnel of the state as a source of elite enrichment”; and politics itself becomes a means to an end, devoid of any idea of protecting public interests vis-à-vis private gains (Salih and Nordlund 2007: 21). Indeed, through many studies we came to understand that politics in the region is very much influenced by clientelar relationships, in which “vertical accountability modeled on the basis of



‘economies of affection’ means exchanging political support for personalized favors and benefits” (Lindberg and Morrison 2008: 102). Contrary to policy performance and programmatic evaluations, in this case votes are “exchanged based on the ability of the incumbent MP or opposition candidate to ‘buy’ votes and ‘take care of his people’, providing gifts, paying for fees, finding jobs, and showing concern on a personalized basis” (Lindberg and Morrison 2008: 102).

In practice however, things are much more complex. The African voting behavior literature, presents inconclusive results about the effectiveness of vote buying as a mechanism for building support. Using round 2 Afrobarometer data on Zambia and Kenya, Young (2009) showed that personal and clientelistic interactions between citizens and members of parliaments (MPs) do not always benefit the incumbent party. Lindberg and Morrison (2008) study on Ghana, reveals that clientelism has little bearing in voters’ behavior: evaluative items such as past performance or the promised policy programs of candidates and parties have stronger effects. In a subsequent study, seeking to explain vote swing in Ghana, looking at various dimensions of MPs performance, Weghorst and Lindberg (2013) arrive to similar conclusions. In particular, they show that patron assistance (i.e. MP’s performance in terms of providing private goods and personal benefits to constituents) and clientelism supply (i.e. exposure to small gifts, cash, handouts, and similar things doled out by candidates ahead of elections) increase vote swing. However, when voters perceive politicians as providing collective, developmental goods, the efficacy of clientelism as a tool to garner voter support is reduced (Weghorst and Lindberg 2013).

All in all, these studies reveal, that money has influence in how politics is conducted in Africa, but the strength of this effect varies across countries, and interacts with other sources information citizens use to make their voting decisions. Still, the incumbent parties’ privileged access to state resources, the prevalence of clientelistic practices such as vote buying, raise concerns about the fairness and transparency of political competition, the nature of political representation, and ultimately the prospects of democratization in Africa.

## **Political Party Finance in Africa**

### *Public funding (direct and indirect)*

States can help to the funding of electoral politics in two different manners. First of all, and perhaps the most popular (and significant) way, states can grant political parties and/or electoral candidates access to public subsidies, which can be used either for covering (totally or partially) electoral expenses or for helping to finance the daily life of political organizations or, in some countries, for both. In most world regions (e.g. Europe, East and West, or Latin America) state guarantees parties and/or candidates some kind of direct financial help (Scarrows 2006; Casal Bértoa and Biezen2018). In others this is not the case: thus, only half of the countries in Asia do so (Möbrant *et al.*, forthcoming). Secondly, states can also help parties (and candidates) in an indirect manner, and this can take multiple forms, from free media access, to special taxes via free or subsidized office space for political parties' headquarters or local branches.

Out of the 13 African countries examined in this report, only four (i.e. Botswana, Zambia, Ghana and Sierra Leone) do not provide any type of direct political funding, neither for parties nor for candidates (see table 1 for a summary of the basic features of the regulations). In Botswana, one of the most exemplar democracies in Africa, political finance is completely unregulated. There are no mechanisms of direct or indirect funding nor is there any law regulating expenditures, or disclosure of funds (Somolekae 2005). This scenario favors the dominant party – Botswana Democratic Party (BDP) – which has never been replaced in power since the first post-independence elections held in 1969, and has unsupervised access to state resources. Smaller parties, have to find creative ways to be able to run a campaign and finance their activities<sup>4</sup>.

Where direct funding is regulated, we find striking differences in who is eligible and on the types of activities that are funded. In some countries (i.e. Namibia, Malawi and Morocco) parties are granted subsidies for the funding of their ordinary activities, but not for electoral campaigns. In the rest (i.e. Angola, Kenya, Uganda, Mozambique, Tanzania and South Africa), state direct financial support can be employed for the funding of both. The type of parties that are beneficiary of public subsidies and the criteria used to distribute them varies. Most states (i.e. Namibia, South Africa,

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<sup>4</sup> The increase use of social media has been one of the ways used to level the playing field, as access to conventional media is limited (Masilo and Seabo 2015).

Tanzania, Uganda, Kenya, Malawi, and Morocco) adopted party regulations that mainly favor parties in parliament, and that limit funding to extra-parliamentary and smaller parties.

In Tanzania the Political Parties Act (2002) states that only those parties that are registered, have participated in the immediate past election and elected at least one candidate, can get subvention from the state. The total grant of subventions to political parties should be no higher than 2% of the annual budget, less the amount payable in defraying the national debt. However, according to Chadema representatives the amount of money available to distribute among political parties falls below this percentage, which means that funding is insufficient for opposition parties' needs (authors' interview). In terms of allocation criteria, 50 % of the money is disbursed on the basis of the number of constituencies won and the other 50% is awarded to parties that got at least 5% of the total number of valid votes cast (see Articles 15 to 19 of the Party Law). These provisions benefit the ruling Chama Cha Mapinduzi (CCM) which has never been replaced in power and enjoys comfortable majorities in parliament (Magolowondo, Falguera, and Matsimbe 2012). In 2016 the Registrar of Political Parties in Tanzania has proposed an amendment to the Political Parties Act and the Election Expenses Act (2010) to create a level playing field for political actors in the country; and opposition groups say they will seek to offer views on the planned law review scheduled for debate in Parliament in February 2019<sup>5</sup>.

The South African regulations (Political Party Act 1997) define two modalities of funding allocation for political parties that elected representatives in the legislative houses. The first is a *proportional allocation* of the money by dividing the funds proportionally among the represented political parties in accordance with the number of seats awarded to each party in the National Assembly and the provincial legislatures jointly. The second is an *equitable allocation* in which the amounts are allocated to the national and each of the provincial legislatures in proportion to the number of members of each of those legislatures; and the allocation to a particular legislature in terms of paragraph must be divided equally among the represented political parties in each of those legislatures. All amounts are paid to the represented political party in question in four equal instalments, each within three months of the

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<sup>5</sup> Tanzania parties registrar proposes changes to election expenses law to create fairness <https://www.theeastafrican.co.ke/news/ea/Political-party-funding-in-Tanzania/4552908-3277104-7is5qs/index.html>; Tanzania: Movement Seeks to Thwart Amendment of Political Parties Act <https://allafrica.com/stories/201812070574.html> (accessed on March 15 2019).

previous payment. The first instalment is paid within four weeks of the beginning of the financial year in question.

However, there are a few cases where only some parliamentary parties will benefit. Thus, in Malawi and Morocco publicly funded parties are required to attain a minimum election threshold to gain access to funding, meaning the exclusion of some “minor” parties with parliamentary representation.<sup>6</sup> In Malawi any political party with more than one-tenth of the national vote in elections has sufficient funds to continue to represent its constituency (Constitution of the Republic of Malawi 1994, Article 40.2; Political Parties Act 2018, Article 21). The law does not specify further details on how/when the funding is allocated just that the provision of funds to political parties is done quarterly.

In Morocco there are annual funds for day-to-day party activities and additional funding for electoral campaigns (Articles 30 - 31 of the Party Law). The annual amount for day-to-day activities (Article 32), is given to political parties participating in the legislative elections, and running in at least 10% of the local constituencies in the election to the Chamber of Representatives: the amount is shared equally among the political parties (Article 32.a). Additional funding is given to parties obtaining between 3%-5% of the votes, but an annual subsidy corresponds only to parties gaining at least 5% in the legislative elections (Article 32.b.c.). The funding for electoral campaigns (Articles 34-36) takes place at the occasion of local, regional and legislative elections. The global amount is fixed by the head of government, following the proposal of governmental authorities responsible for interior affairs, justice and finance. The money is allocated on the basis of the number of votes and seats (as stipulated under article 32).

In Kenya the 2011 Political Parties Act guarantees state subsidies only to parties fulfilling the following criteria: (1) have obtained at least 3% of the votes in preceding general elections; (2) have at least one-third of candidates of candidates from the other gender; (3) display representation of special interest groups in its governing body, and (4) at least 20 members in the lower chamber, 3 in the high chamber, 3 governors and 40 local representatives. As a result, only major (nationalized) Kenyan parties benefit from the financial help of the state. The only

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<sup>6</sup> Three and six, respectively, after the last legislative elections. The case of the United Democratic Front (UDF) in Malawi is a bit more problematic, as it managed to obtain a not insignificant 9.6 per cent of the votes.

two countries to publicly fund non-parliamentary parties are Angola and Mozambique. In the latter, one third of the public subsidies are distributed among parliamentary parties and another third among all parties fielding candidates for parliament (Article 10 of Party Law 1991; Electoral Law 2014). In the former, the state budget stipulates annual subventions according to the vote share obtained in the prior elections (1000 kwanzas per vote) and an additional funding to be distributed in election years – and all parties legally registered are entitled to this share (Article 5 of Party Law 2012).

As far as the distribution of such type of subsidies is concerned, some countries opt for making it proportional to the electoral (i.e. Namibia) or parliamentary (i.e. Uganda)<sup>7</sup> support alone. Still others, like Morocco, prefer to combine both criteria (i.e. votes and seats). In Mozambique one third of public subsidies is distributed according to the proportion of parliamentary candidates, and another third according to the proportion of seats.<sup>8</sup> In South Africa part of the funds is distributed according to the latter, and the other part equally. Equality is also the formula adopted by Angola, and Uganda (even if just for the funding of elections). In Kenya, both the proportion of votes and candidates, but among “especial interest groups” are employed. Interestingly enough, none of the 13 African countries examined here has adopted a “matching-funds” type of regime, where part of the subsidies is made dependent on the capacity of parties to attract private contributions (either in the form of donations, like in Germany, or membership fees, like in the Netherlands, Thailand or Japan).

Kenya is the only of the above-studied countries where the Party Law somehow “earmarks” public subsidies, requiring political parties to employ at least 30%

for purposes compatible with democracy including promoting the representation in Parliament and in the county assemblies of women,<sup>9</sup> persons with disabilities, youth, ethnic and other minorities and marginalised communities (section 26).

Although as reported in Ohman’s studies, either alone (2018) or with Lintari

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<sup>7</sup> In Uganda this is the case for the financing of parties’ ordinary activities only.

<sup>8</sup> The final third is reserved to candidates in presidential elections.

<sup>9</sup> In Morocco, a special Fund has also been created to support projects aiming to strengthen women participation in politics.

(2015), such legal imposition has not worked as initially expected, given some Kenyan parties' try to get more women involved in politics, but without "real power".

Besides direct funding, states can also help parties (and candidates) in an indirect manner. The most popular is by guaranteeing them free access to media (television and radio in most cases). This is the case in most of the countries here examined, although while in Uganda the only beneficiaries are candidates, in Namibia only parties get access to free airtime. In all these, the distribution of the latter takes place equally. South Africa, Tanzania and Botswana are the only where both parties and candidates cannot rely on free airtime for their electoral campaigning. Conversely, in Malawi commercial advertisement for campaign purposes is forbidden for both parties and candidates.

Other types of public funding, even if less popular are: (1) tax relief, like in Sierra Leone (customs duty on election campaign materials) or Angola (stamp duty, inheritance and gift tax, property tax, etc.);<sup>10</sup> (2) free space for campaign materials like in Malawi; and (3) free of charge premises for campaign meetings like in Morocco, Mozambique or Botswana. Here, the Electoral Commission shall also provide services such printing, voter's rolls, education materials for voters and transport for polling agents.<sup>11</sup> The Moroccan party law has few mentions to indirect funding, but it states that parties can benefit from training to help them pursue their activities, and also that they have free access to the use of state owned public spaces (Article 31).

Finally, overall there are no funding mechanisms to help encourage gender balance within political parties in most of the countries covered. The only exceptions are Morocco and Kenya (see table 1). However, it is important to note that in a growing number of African countries – e.g. Mali, Niger, Burkina Faso, and Cabo Verde – there are funding incentives for parties that adopt gender equality laws (Ohman 2014).

However, one thing is the formal regulation and another the actual practice. In this context, the party representatives we interviewed reported several challenges in how public funding is regulated and implemented. These are the most relevant:

the criteria for allocation of public subsidies is not consensual: for instance,

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<sup>10</sup> Only for parliamentary parties though.

<sup>11</sup> Since 2010, the Party Law in Uganda also obliges the Government to contribute with "other public resources towards the activities of" parliamentary parties (section 14A).

the MDM in Mozambique recommends the creation of an additional funding mechanism, which is equally distributed among all parliamentary parties regardless of the number of seats it has in parliament; while the FDC in Uganda, and PDP in Namibia state that money should be allocated on the basis of percentage of votes and not of percentage of seats, has the latter criteria is more exclusionary and favors the ruling party;

- state funding is clearly insufficient and opposition parties resort voluntary and compulsory fees to be able to raise extra money: for instance, MDM and Renamo in Mozambique, and Unita in Angola, stipulate that their elected representatives should donate a share of their salary to the party (somewhere between 5%-10%);
- in election times, opposition parties often receive the funding with huge delays, sometimes after the start of the campaign period; however, the ruling party direct access to state resources creates an uneven playing field;
- members of opposition often need to use their own resources – cars, staples, gas, houses, computers – and voluntary work to compensate the lack of funding;
- there is lack of oversight of violations on public funding, or when it exists it aims mainly to control opposition and their supporters – but not the governing party.

### *Private Funding*

Trying to avoid the excessive influence of private interests and guarantee party competition on an equal basis, many countries in Europe, Latin America and Asia have prohibited certain types of private contributions to political parties/candidates and/or introduce ceilings to the amounts received, either from natural or legal persons.

Interestingly enough, and in relation to the former (i.e. donation bans), most of the African countries here examined have adopted a *laissez-faire* approach. This is especially visible among SADC members: namely, Botswana, Malawi, Namibia, South Africa and Zambia. There parties and/or candidates are allowed to receive donations from foreign sources, trade unions and (public or private) companies. Even

**Table 1. Regulations on public funding in 13 African countries**

Region	Country	Are there provisions for direct public funding to political parties?	What are the eligibility criteria?	What is the allocation calculation?	Are there provisions for how public funding should be used?	Are there provisions for free or subsidized access to media for political parties?	Are there provisions for free or subsidized access to media for candidates?	Are there provisions for any other form of indirect public funding?	Is the provision of direct public funding to political parties related to gender equality among candidates?	Are there provisions for other financial advantages to encourage gender equality in political parties?
Southern Africa	Angola	Yes	Representation in elected body, participation in election	Equal	Ongoing party activities	Yes	Yes	Tax relief	No	No
	Botswana	No	Not applicable	Not applicable	Not applicable	No	No	Premises for campaign meetings, Other	No	No
	Malawi	Yes	Share of votes in previous election	No data	No	Yes	Yes	Space for campaign materials	No	No
	Mozambique	Yes	Representation in elected body, Share of seats in previous election, Number of candidates, participation in election	Proportional to seats received; Proportional to candidates fielded	Ongoing party activities	Yes	Yes	Premises for campaign meetings	No	No
	Namibia	Yes	Representation in elected body	Proportional to votes received	No data	Yes	No	No	No	No
	South Africa	Yes	Representation in elected body	Equal; Proportional to seats received	Other	No	No	No	No	No



	Tanzania, United Republic of	Yes	Representation in elected body	No data	Ongoing party activities, Intra-party institution	No	No	No data	No	No
	Zambia	No	Not applicable	Not applicable	Not applicable	Yes	Yes	No	No	No
East Africa	Kenya	Yes	Representation in elected body, Share of votes in previous election, Share of seats in previous election, Participation in election, Registration as a political party	Proportional to votes/ seats received	Campaign spending, Ongoing party activities, Intra-party institution, Research and policy initiatives	Yes	Yes	No	Yes	Yes, funds earmarked for gender activities
	Uganda	Yes	Representation in elected body	Equal for campaign financing; Proportional to seats received for annual funding of political party activities	No	No	Yes	Other public resources, apart from public funding, should be contributed to political parties	No	No
Western Africa	Ghana	No	Not applicable	Not applicable	Not applicable	Yes	Yes	No	No	No
	Sierra Leone	No	Not applicable	Not applicable	Not applicable	Yes	Yes	Tax relief	Not applicable	No
North Africa	Morocco	Yes	Share of votes in previous election	Proportional to votes/ seats received	Campaign spending	No data	No data	Premises for campaign meetings	Yes	Yes, funding to women

Source: IDEA Political Finance Database.

anonymous donations, banned in Tanzania,<sup>12</sup> are allowed. The two Portuguese-speaking countries in the group (i.e. Angola and Mozambique) have also adopted very liberal legislation in this respect, even if foreign donations are banned in both countries. Although in Mozambique, which also prohibits corporate donations altogether, such ban does not apply to “foreign citizens, friendly political parties of international non-governmental organizations” (Article 37 Electoral Law). Angola also bans donations made by companies that have a “majority or exclusive public ownership” (Article 94 Party Law). Other private companies are allowed to make donations, even those with government contracts.

Other countries outside the SADC region are stricter. Thus, foreign donations - the first type of donations that most countries tend to ban, at least in Europe or Asia – are banned altogether in Morocco, but also in Ghana, Kenya, Sierra Leone (to parties) and Uganda (to candidates). In the latter case, foreign donations to political parties are allowed provided they do not exceed 400 million shillings (around 81,000 pounds).

Donations to political parties made by trade unions or corporations (both private and public) are prohibited in just few countries. Ghana also prohibits donations from trade unions, but allows those made by private companies, provided they are not being contracted by the government (Asante and Khunnath, 2018). In Morocco, both public companies and private corporations with a government contract are banned from donating to parties. In Kenya the prohibition only affects public companies.

Similarly, to what can be observed in the European or Asian continents (Casal Bértoa and Biezen, 2018; Moberand *et al.*, forthcoming), most of the non-SADC countries examined here, although not Morocco, also ban anonymous donations to political parties. In both Kenya and Sierra Leone, the prohibition is extended even to donations made anonymously to candidates.

Another type of bans leading also to avoid the partisan exploitation of state resources as well as the undue influence of the state in party politics, so characteristic of illiberal and authoritarian regimes, are those prohibiting the use of state resources in favor or against a party/candidate. Such prohibition is in place in all countries, but Angola, Botswana and South Africa. Finally, and in order to avoid external

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<sup>12</sup> According to section 19.2 of the Elections Expenses Act political parties are obliged “to keep records of names and postal, physical and electronic addresses of donors”.

influences in the political arena, Sierra Leone also explicitly forbids donations from terrorist organizations.

In relation to the second type of donation restrictions, that is donation limits or caps, African countries tend to be very lenient, especially when compared to other world regions (e.g. Europe or Asia), where some type of caps for private contributions are the norm (Casal Bértoa and Biezen, 2018; Mobrand *et al.*, forthcoming). In fact, and as it follows from table 2, the only SADC country to regulate a limit to the amount political parties can receive, both from natural and legal persons, is Tanzania.<sup>13</sup> There

no person or organization shall, in any one year contribute to a political party an amount, where in cash or in kind exceeding thirty percent of its annual total expenditure (section 54.2 of the 2017 Political Parties Act).

Outside the SADC region, both Uganda and Morocco also establish caps for donations made to political parties, either by individuals or corporations, for the funding of their ordinary activities. Interestingly enough, both foresee flat rate yearly caps, from as little as 400 million shillings (around 81,000 pounds) in Uganda to as high as 100,000 dirhams (approximately 7,800 pounds) in Morocco. Kenya is the only case here examined to introduce caps to donations made during and outside the electoral campaign. In relation to the former, an individual or company cannot contribute to the funding of a party’s ordinary activities in more than five percent of its yearly total expenditure.<sup>14</sup> During the elections campaign, neither parties nor candidates can receive more than twenty percent of their total contributions from any single source, except in the case of “auto-donations”.

**Table 2. Donation limits in selected African countries (approximate amounts appear in pounds)**

Region	Country	Ordinary activities	Electoral campaign	
		Political Parties		Candidates
	Angola	-	-	-
	Botswana	-	-	-

<sup>13</sup> For donations made by a candidate to his/her own campaign, the Minister will decide on the basis of (1) the difference in the size of the electoral constituency, (2) the categories on the candidates, (3) the population, and (4) the communication infrastructure.

<sup>14</sup> In relation to the audited accounts in the previous year.

<i>Southern African (Development Community)</i>	Malawi <sup>15</sup>	-	-	-
	Mozambique	-	-	-
	Namibia	-	-	-
	Tanzania	≤ 30% of the annual total expenditure of the political party for both L&N	-	n.d.
	South Africa	-	-	-
	Zambia	-	-	-
<i>Eastern Africa</i>	Kenya	≤ 5% of the annual total expenditure of the political party for both L&N	≤ 20% of the total contributions received for both	
	Uganda	400m (£ 81.1k)/year for both L&N	-	-
<i>Western Africa</i>	Ghana	-	-	-
	Sierra Leone	-	-	-
<i>Northern Africa</i>	Morocco	100k (£ 7.8k)/year for both L&N	-	-

Notes: k = thousand; L = legal persons; m = millions; N = natural persons; n.d. = no data.

This liberal approach to private funding in general, and donation limits in particular, is also visible when regulating in-kind donations. In fact, only four (Morocco for both parties and candidates as well as Tanzania, Kenya and Uganda only for the former) of the 13 African countries here studied contain some kind of limitation in this regard. In all these cases, the caps mentioned above apply.

All in all, and in clear comparison to other African countries outside the region, most SADC states have adopted a very liberal approach to the regulation of private funding. To the point that, for example, not only donors can participate in public tender and/or procurement processes, but also parties and candidates are able to take loans. The only restrictions are full disclosure in the case Botswana, registration in the country in the case of Angola as well as Ghana, and not contravening the limitation eventually imposed by the Independent Electoral and Boundaries Commission in Kenya.

The only exception, perhaps, to this type of *laissez-faire* legislation is the prohibition to parties from engaging in commercial activities. This is the case in Namibia, South Africa, Angola, Tanzania, Ghana, and in some cases also Morocco. Although in the first two countries, the prohibition only explicitly refers to money

<sup>15</sup> It is important to note though that according to Art. 27 of the Malawian (2018) Party Law, donations of a least 1 and 2 millions kwacha (£1k and £2k from natural and legal persons, respectively need to be declared to the Registrar by the party beneficiary.

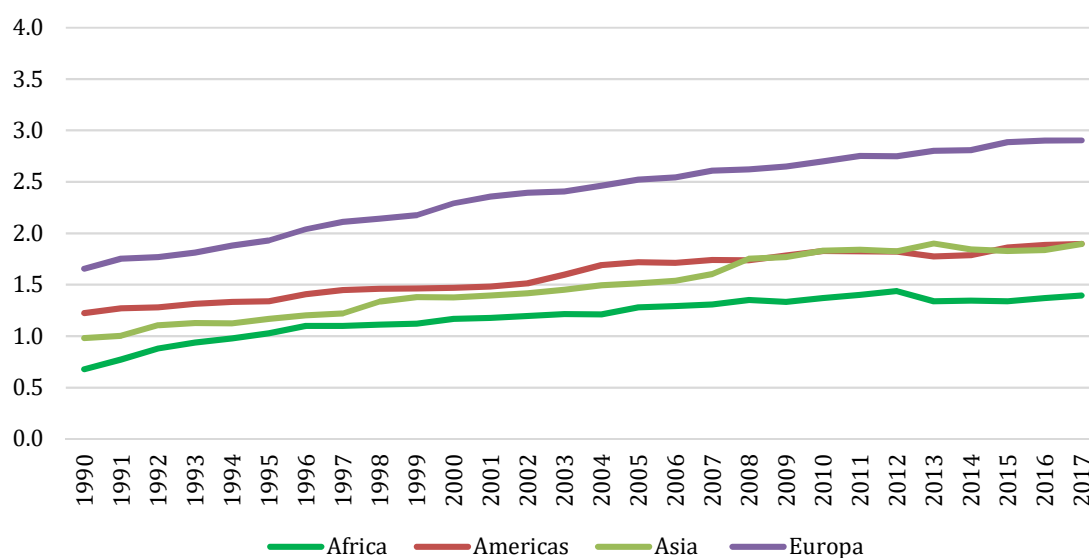
allocated to the finance of parties' ordinary activities.<sup>16</sup>

Private funding, can be an opportunity for smaller political parties to garner further resources, but in practice many problems persist. As our interviewees reported major donors tend to support the governing parties as exchange for patronage benefits, those who donate money to opposition parties fear backlash and often stay anonymous, and mechanisms of oversight are clearly absent, which means that in practice there is no control/ disclosure of how much “private” money parties raise, and how they use it.

### *Campaign donations and electoral spending*

The disclosure of finance is an essential mechanism for public accountability, it increases perceived fairness and turns the electoral politics more credible not only for the political parties but also for the public. Thus, providing public access to how much money was raised, its sources and how it was spent empowers oversight and accountability in the government decision-making process. According to the Varieties of Democracy data, Africa is the region where campaign donations are more opaque, either there are no disclosure requirements or these are not enforced most of time (see figure 1).

**Figure 1. Disclosure of campaign donations: cross-regional perspective**



Source: Coopedge *et al.* (2018)

<sup>16</sup> In the case of Namibia such money might be use for acquiring or maintaining any immovable property, provided that is used by the party solely for party-political purposes.

Notes: 0 = No, there are no disclosure requirements; 1 = Not really, there are some, possibly partial, disclosure requirements in place but they are not observed or enforced most of the time; 2 = Ambiguous, there are disclosure requirements in place, but it is unclear to what extent they are observed or enforced; 3 = Mostly, the disclosure requirements may not be fully comprehensive (some donations not covered), but most existing arrangements are observed and enforced; 4 = Yes, there are comprehensive requirements and they are observed and enforced almost all the time.

There are several examples of the opaqueness of campaign regulations and lack of oversight of illicit funding during elections. In Angola the ruling party *Movimento Popular de Libertação de Angola* (MPLA) was recently accused by the largest opposition party – *União Nacional para a Independência Total de Angola* (Unita)-, of receiving illicit funding from the Brazilian construction giant Odebrecht, which has been implicated in several corruption scandals in Brazil, Mozambique, and many Latin American countries<sup>17</sup>. The Angolan party law includes a ban on foreign funding to electoral campaign but Odebrecht might have donated 50 million dollars to the 2012 campaign of the incumbent President José Eduardo dos Santos<sup>18</sup>. A report on the 2014 elections in Mozambique, cited among many irregularities – ballot stuffing, late opening of polling states etc. –the fact that the Frelimo had a great advantage over their opponents in particular: “It seemed to have more money and was giving away not just t-shirts, but bicycles, and had the cash to hire and buy cars - which was one reason for less use of state cars”.<sup>19</sup>

These are just a few examples of illicit funding and abuse of state resources but represent a wider phenomenon where regulations are simply absent or are poorly enforced due to insufficient institutional capacity. A way to reduce the undue influence of external forces, make political finances easy to control and, if possible, increase citizens’ trust in party politics is to limit both party and candidate spending during elections. However, most African countries here studied do not contemplate any limitations, neither for party nor campaign spending.

As it follows from table 3, only four countries have stipulated spending limits either for parties or candidates. Morocco is perhaps the strictest establishing a limit of 500 dirhams (around 40,000 pounds) per candidate. In Botswana the amount is not so high: just 50,000 pulas (approximately 3,500 pounds). In both Tanzania and Kenya

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<sup>17</sup> Odebrecht case: Politicians worldwide suspected in bribery scandal <https://www.bbc.com/news/world-latin-america-41109132> (Accessed on 15 March 2019).

<sup>18</sup> Geisel, Lula, and Temer support the dictatorship in Angola <https://litci.org/en/geisel-lula-and-temer-support-the-dictatorship-in-angola/> (Accessed on 15 March 2019).

<sup>19</sup> Mozambique political process bulletin Issue 56 - 28 November 2014. [http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Mozambique\\_Bulletin\\_56\\_Election\\_results\\_2014%281%29.pdf](http://www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/files/Mozambique_Bulletin_56_Election_results_2014%281%29.pdf) (Accessed on 15 March 2019).

parties are capped in their spending. However, and contrary to the former two countries, the Tanzanian and Kenyan legislations leave, respectively, to the Minister responsible for political parties (Mpp) and the Electoral and Boundaries Commission (EBC) the decision on the maximum amount to be spent for a particular election, either by parties or candidates. The common criteria to be considered by both of the abovementioned authorities are: (1) the type of election; (2) the size of the electoral circumscription; (3) its population; and (4) the communication infrastructure present there. The Kenyan Election Campaign Financing Act of 2013 adds a fifth element: namely, the number of party members in that area. In Kenya, it is also up to the EBC, after consultations with political parties, officers responsible for the state-owned media enterprises and authorities responsible for the regulation of media in Kenya, [to] set out the limit of media coverage of a candidate, political party or a referendum committee, which shall include paid up advertisement and free broadcasting spots or coverage in the print media (section 20).<sup>20</sup>

**Table 3. Spending limits in selected African countries**

Region	Country	Parties	Candidates
<i>Southern African Development Community</i>	Angola	-	-
	Botswana	-	50k (£3.5k)
	Malawi	-	-
	Mozambique	-	-
	Namibia	-	-
	Tanzania	Decided by Mpp	
	South Africa	-	-
	Zambia	-	-
<i>East Africa</i>	Kenya	Decided by EBC prior to elections	
	Uganda	-	-
<i>South Asia</i>	Ghana	-	-
	Sierra Leone	-	-
<i>North Africa</i>	Morocco	-	500k (£39.3k)

Notes: EBC = Electoral and Boundaries Commission; Mpp = Minister responsible for political parties.

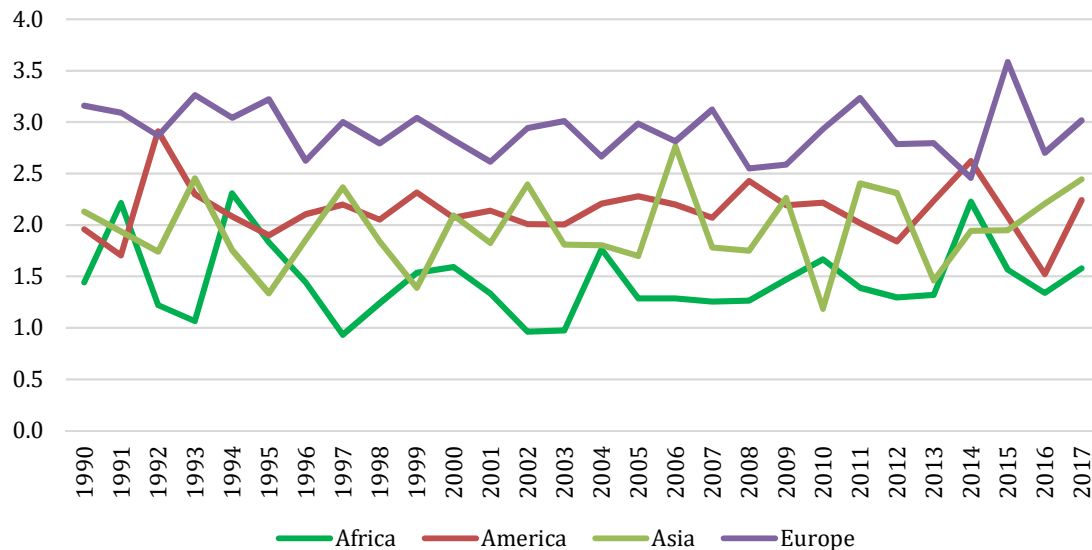
### *Vote buying*

Vote buying is particularly pervasive in third wave democracies; and Africa is the

<sup>20</sup> At the last 2015 presidential elections in Tanzania, the total limit of campaign expenses for each political party was 17 billion shillings (around £5.7 million). At the 2017 general elections in Kenya, parties could not spend more than 15 billion shillings (KES) - around 114 million pounds, while the EBC established different thresholds for presidential contenders (KES5.2 billion – £39.5 million); MPs (33 million - £251k); governors, senators and female representatives (KES432 million - £3.3 million), or members of county assemblies (10.3 million - £78k). Sources: EUOM (2015) and *Daily Nation*, respectively.

region scoring higher in terms of vote buying in elections and the situation has not improved since the 1990s, when democratic experiments started (Figure 2). Many of the party representative interviewed report episodes where incumbent parties resorted to small gifts and other forms of inducement to buy voter support. This is in clear contrast with the existing legal framework, as most countries ban vote buying.

**Figure 2. Election vote buying: cross-regional perspective**



Source: Coopedge *et al.* (2018)

Notes: 0 = Yes, there was systematic, widespread, and almost nationwide vote/turnout buying by almost all parties and candidates; 1 = Yes, some, there were non-systematic but rather common vote-buying efforts, even if only in some parts of the country or by one or a few parties; 2: Restricted, money and/or personal gifts were distributed by parties or candidates but these offerings were more about meeting an ‘entry-ticket’ expectation and less about actual vote choice or turnout, even if a smaller number of individuals may also be persuaded; 3 = Almost none, there was limited use of money and personal gifts, or these attempts were limited to a few small areas of the country. In all, they probably affected less than a few percent of voters; 4 = None, there was no evidence of vote/turnout buying.

In Angola vote buying is known as “*banho*”, a Portuguese expression that means “bath” in English and that encompasses all sorts of inducements - money, food, employment and scholarships – politicians use to “bathe” citizens in exchange for votes at the polls. The Angolan electoral law comprises mechanisms to punish electoral corruption:

to persuade someone to vote or not for party or candidate, to offer or promise public or private employment, or any patrimonial advantage to one or more voters, even if by interposing, even if the things offered or promised are disbursed as pecuniary aid to defray expenses of any nature, prison sentence of two to eight years and a fine of Kz 250,000.00 to Kz 1,500,000.00 (Article 205).



Despite the existing provisions opposition parties often accuse the ruling MPLA of vote buying<sup>21</sup>. Tanzania and Malawi are also instructive of vote buying practices in Africa. In 2000 the Tanzania legalized the “distribution of small gifts (known as *takrima*” in Kiswahili) at campaign meetings or rallies”; with the justification that *takrima* “represented a traditional form of African hospitality to attendees at campaign rallies” (Croke 2017). The legal institutionalization of this informal practice, led to its widespread use in the general elections of 2000 and 2005 particularly by the ruling CCM; before it was banned in 2006 (Tsubura 2015). In Malawi where reports of vote buying have also been recurrent in elections<sup>22</sup>, a landmark law has been recently approved to forbid politicians of using cash payments and other incentives to buy support. The Political Parties Act, which came into force on 1 December 2018, will see candidates convicted of improperly swaying the electorate face fines of up to 10-million kwacha (\$13,600) or five years in prison.<sup>23</sup>

The members of opposition parties interviewed in this study, reported several episodes where the incumbent parties resorted to small gifts (e.g. t-shirts, *capulanas* or *chitenge*, bicycles) to persuade voters, which suggests that despite the existing regulations, vote buying remains pervasive in elections.

### *Oversight*

But all the abovementioned regulations might not be worth the paper where they are written without a proper oversight regime, in terms of both reporting and control. In this context, and at least formally, most of the 13 African countries here examined require political parties to report regularly on their finance, even if Angola parties only have to do so regarding state subsidies only. The only exceptions to such annual<sup>24</sup> reporting obligation are located in the SADC region: namely, Botswana, Malawi and Zambia, although in the latter country parties might be requested to

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<sup>21</sup> João Lourenço acusado de corrupção eleitoral em Angola <https://www.dw.com/pt-002/Jo%C3%A3o-louren%C3%A7o-acusado-de-corrup%C3%A7%C3%A3o-eleitoral-em-angola/a-39258200> (19 March 2019).

<sup>22</sup> Why Malawi took so long to declare an election winner <https://www.theguardian.com/global-development/2014/may/30/malawi-failed-declared-election-winner> (Accessed on 15 March 2019)

<sup>23</sup> Malawi aims to put an end to vote buying <https://www.businesslive.co.za/bd/world/africa/2018-12-02-malawi-aims-to-put-an-end-to-vote-buying/>.

<sup>24</sup> Usually three (e.g. Sierra Leone, Morocco) or six (e.g. Ghana, Namibia) months after the end of the calendar or financial year. The South African (2 months) and Tanzanian (9 months) legislations are, respectively, the most and less time pressing.

provide financial information.<sup>25</sup> A recent statement from Zambia Elections Information Centre prior to the 2016 elections, stated that “Due to the closed nature of the campaign framework, Zambia has not been able to adequately track monies expended by political parties during elections. It is therefore not possible to benchmark the current party financing against any past expenditure<sup>26</sup>.”

Legislations in the four regions here studied are equally compelling in relation to electoral campaign reporting. Thus, and with the exception of South Africa and again Malawi and Zambia, all other legislations include an obligation to submit campaign financial reports some time after the elections have taken place.<sup>27</sup> Although in Ghana only parties – but not candidates - are obliged to do so. In Namibia, both political parties and third parties, but again not candidates, must report on donations (only foreign ones in the case of parties) made over a certain amount.

In terms of the content and the transparency of the reports, we must say that, with the only exceptions of South Africa and Tanzania, in all those countries where parties have a formal reporting obligation (see above) reports need to be made public. The way in which party and/or campaigning reports are made public varies though: from publication in newspapers (e.g. Angola) or by the National Electoral Commission (e.g. Mozambique; Sierra Leone) to public access upon request (e.g. Morocco; Kenya, Uganda), usually after the payment of a reasonable fee. In Ghana, both public access and publication by parties is possible.

In terms of the content, the Angolan, Tanzanian, Kenyan and Sierra Leone’s legislations require parties and/or candidates to include itemized information on both spending and income, including also an obligation to report on the identity of donors. The same is the case for both Namibian and Ghanaian parties (but not candidates). South African parties are also obliged to itemized their income – but not their spending - in their financial reports, but without a need to report on the identity of donors. The latter however is an obligation in Mozambique and Uganda, although there party reports might not be itemized at all. Finally, in Morocco reporting has just a purely formal character.

In terms of oversight, however, it is perhaps even more important that a

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<sup>25</sup> No obligation to do it on a regular basis though.

<sup>26</sup> 2016 election campaigns gobble over US\$11Million, PF spent US\$6 Million <https://www.lusakatimes.com/2016/08/10/2016-election-campaigns-gobble-us11million-pf-spent-us6-million/> (Accessed on 15 March 2019)

<sup>27</sup> Kenyan legislation even extends such requirement to lobbying entities.

suitable and independent authority, with sufficient competence and resources, is given the enough powers to exercise an adequate control of the finances of political parties and/or candidates. The types of oversight institutions in the African continent go from parliamentary (e.g. in Angola) to judicial (e.g. in Botswana) through administrative (e.g. in most countries). Interestingly enough, and in clear contrast to what can be observed in some European democracies (Biezen and Casal Bértoa, 2014 and Casal Bértoa and Biezen, 2018), neither governmental institutions nor parties play a role in terms of political finance oversight.<sup>28</sup>

In most countries the reception of annual financial reports is left to the National Electoral Commission, although not in Kenya, Tanzania, Morocco and Sierra Leone. In the latter, it is the Register of Political Parties that takes care of that. In the first two countries, it is this institution, together with the Auditing Agency. In Morocco, both the reception and the examination of political finance reports are under the competence of the Auditors Office. Although in most countries the same institution (usually the Electoral Commission) is in charge of receiving and examining party and/or candidate reports, in others the competences are split. Auditing of financial reports is left to the Auditing authorities in Angola, Namibia and South Africa. In Mozambique and Botswana such function corresponds to the courts, while Kenya is the only country that distinguishes between the auditing of electoral campaigns (done by the Electoral Commission) and ordinary party finances (undertaken by the Party Register). In Tanzania, Kenya and Morocco, oversight authorities are even allowed to impose sanctions. It is to the study of the latter that we dedicate the next section.

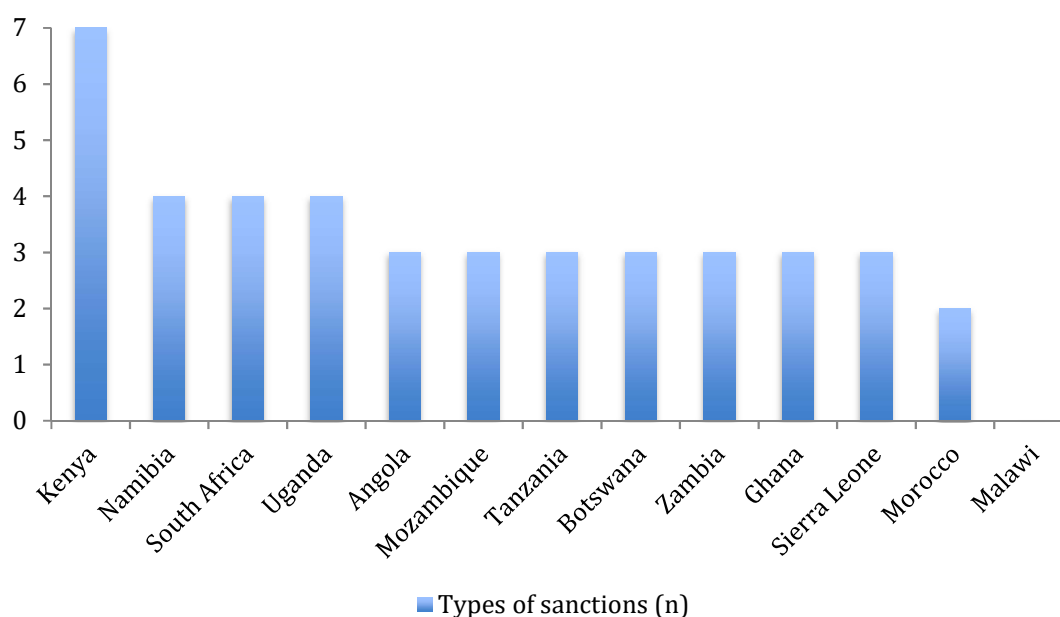
### *Sanctions*

Without “clear, realistic, effective, dissuasive and proportional” sanctions even the best political finance legislation becomes inefficient (OSCE/ODIHR Guidelines on Political Party Regulation, Council of Europe-2003/4 and 1516-2001).

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<sup>28</sup> The same is the case for political parties in Asia (Mobrand *et al.*, forthcoming).

**Figure 3. Number of types of sanctions in selected African countries**



As is other world regions (Casal Bértoa and Biezen, 2018; Mobrاند *et al.*, forthcoming), pecuniary fines are the most popular type of sanctions. Thus, all SADC countries, except Tanzania, foresee one type of monetary fine or another. The other only country where fines are absent is Morocco. Prison is the second most popular type of sanction, although neither of the two abovementioned countries, nor Angola regulate such possibility in case of financial violations. Loss (Namibia, South Africa, Tanzania and Morocco) or suspension (Angola, and Kenya) of public funding as well as party de-registration (Tanzania, Zambia and Uganda) or suspension (Morocco) or both (Kenya) are less popular, not to talk about loss of political rights (Kenya, Tanzania, Botswana, Ghana and Sierra Leone) or forfeiture (Kenya, Namibia, South Africa and Uganda). Angolan and Mozambican legislations also sanction certain financial violations with the loss of tax exemptions and a candidate’s nomination, respectively. The Malawian legislation provides no sanctions at all, being the most liberal country among those studied in this report (figure 3). Conversely, the most punitive law is found in Kenya where parties committing finance infractions face multiple types of legal actions (Articles 28 to 30, Political Parties Act 2011). Namibia, South Africa and Uganda, all with four different types of sanctions each, are also to be considered among the strictest in this study, although not necessarily the most effective.

## Key findings

1. *Out of 13 countries, only four do not provide any type of direct political funding* neither for parties nor for candidates: Botswana, Zambia, Ghana and Sierra Leone (see table 1);
2. *Most parties are allowed to use public subsidies to fund both their electoral campaigns and ordinary activities.* The only exceptions are Namibia, Malawi and Morocco, where funding can only be employed for the latter;
3. *Most public funding regulations tend to favor parliamentary, and in particular ruling parties.* Only in some countries (Namibia, South Africa, Tanzania, Uganda, Kenya, Malawi and Morocco) public funding reaches smaller (and extra-parliamentary) parties. For this reason, most representatives of the (opposition) parties interviewed consider public funding inadequate and/or insufficient;<sup>29</sup>
4. *In terms of private funding,* whereas anonymous donations are generally banned, foreign donations are allowed in most countries, together with donations from trade unions and/or private companies (some partial exceptions include Ghana, Kenya and Morocco). In this context, most opposition parties' members stress the importance of private funding for their activities, while recognizing at the same time that individual donors often do not support their parties because of fears of backlash.<sup>30</sup>
5. *Party agents/activists often resort to their own personal resources* (e.g. cars, gas, staples, computers) to finance campaign initiatives. Moreover, in some cases, party statutes stipulate that a share of an elected representative's (at national and local level) salary be donated to his/her own party;
6. With very few exceptions (i.e. Tanzania, Kenya, Uganda and Morocco), *African countries tend to be very lenient on donation limits or caps,* especially when compared to other world regions;
7. With even more exceptions (i.e. Tanzania, Kenya and Morocco), *electoral or party spending is not at all limited;*

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<sup>29</sup> Specific changes in party funding regulations were therefore suggested with the aim of leveling the playing field.

<sup>30</sup> It should be borne in mind that, given the absence or very low levels of democracy in some of the countries here examined, funding is often offered in exchange for public contracts/projects, jobs, and patronage in general.

8. In terms of disclosure and implementation, Africa has the “honour” of having the *most opaque campaign donations and the higher levels of vote buying* (see Figures 1 and 2);
9. *Although vote buying is prohibited in all countries, in practice many forms of inducements and clientelism are used to buy voter support;*<sup>31</sup>
10. With few exceptions (i.e. Botswana, Malawi and Zambia), *political parties are required to report regularly on their finance*. In practice, however, there is lack of transparency and will, together with insufficient means, to oversight parties’ finance; and
11. *Pecuniary fines are the most popular type of sanctions followed by prison*, while party de-registration and loss (or suspension) of funding are much less common.<sup>32</sup>

## Recommendations

How can parties in Africa address the challenges of funding? There are; for sure, several contextual differences as the nature of electoral politics and the strength of political parties also vary. However, the combined information gathered in this report allows us to advance some recommendations:

1. Countries should introduce a generous regime of public subsidies, a more proportional formula (e.g. “percentage of votes”) than the usually employed “percentage of seats”. This would allow not only for a less discriminatory distribution of state funds, but also for the extension of state help to non-parliamentary parties with a certain level of support (e.g. 3 percent of the vote). With the benefits this might have for the survival of political parties, the institutionalization of the party system, the reduction of support for anti-establishment parties and, more importantly, the consolidation of democracy;
2. Earmark a proportion of public subsidies to promote the participation of women (e.g. 20%) and youth (e.g. 10%) in politics as well as the capacity

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<sup>31</sup> Persistent episodes of vote buying, illicit funding, abuse of state resources, and authoritarian behavior, mainly by the incumbent party, were reported by many of the opposition representatives interviewed.

<sup>32</sup> Kenya, Namibia, South Africa and Uganda display the strictest sanctionary frameworks, although not necessarily the most effective.

- building and civic education of members, followers and/or sympathizers;
3. Ban of foreign donations and those made by (public or private) companies which, tending to favor parties in power, might exercise an illegitimate influence in the outcome of the decision-making process and the adoption of specific policies;
  4. Introduction of adequate and proportionate limits both for donations and spending, with the aim of reducing (1) the undue influence of wealthy individuals and (2) over-spending temptations, as well as (3) equalizing the playing field and compensating the “advantage of origin” characteristic of hegemonic and/or predominant parties;
  5. Reinforcement of oversight, with the creation of independent control bodies with the effective power and resources (both human and financial) to make political parties (both in government and opposition) accountable;
  6. Use of new technologies to increase the publicity, transparency and topicality of party finance reporting;
  7. Introduction and implementation of credible, proportionate and discouraging sanctions, including criminal liability and total loss of public subsidies,<sup>33</sup> for the gravest types of political finance violations;
  8. Organization of workshops leading to a better training of party delegates in areas of political communication, campaign activities and, especially, fund raising.

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<sup>33</sup> Excluding, of course, those subsidies earmarked for the promotion of women, youth or civic education.

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## Appendix 1. Documentation consulted per country

Region	Country	Description and sources
<i>Southern Africa (Development Community)</i>	Angola	Party Finance Law No. 10/12, 22 March 2012 Available at: <a href="http://www.tribunalconstitucional.ao/uploads/%7Bde0141b8-591a-4f3c-800a-4907d0711dbb%7D.pdf">http://www.tribunalconstitucional.ao/uploads/%7Bde0141b8-591a-4f3c-800a-4907d0711dbb%7D.pdf</a>
	Botswana	Electoral Act, Act No. 38 of 1968 Available at: <a href="http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&amp;p_isn=81612&amp;p_country=BWA&amp;p_count=182">http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&amp;p_isn=81612&amp;p_country=BWA&amp;p_count=182</a>
	Malawi	Political Parties Act, 2018, 2 February 2018 Available at: <a href="https://malawilii.org/mw/legislation/act/2018/1">https://malawilii.org/mw/legislation/act/2018/1</a>
	Mozambique	Law on Political Parties No. 7/91, 23 January 1991 <a href="https://www.mcnet.co.mz/Files/Legislacao/Leis/Lei_7_1991.aspx">https://www.mcnet.co.mz/Files/Legislacao/Leis/Lei_7_1991.aspx</a>
		Law on Campaign Finance No. 12/2014 of 23 April 2014 Available at: <a href="http://www.cconstitucional.org.mz/Legislacao/Lei-Eleitonal">http://www.cconstitucional.org.mz/Legislacao/Lei-Eleitonal</a>
	Namibia	Electoral Act 2014 Available at: <a href="http://www.ecn.na/documents/27857/193258/Electoral+Act+5+of+2014.pdf/1bd1c3e3-bdd1-4183-a2fa-2ae6e397180e">http://www.ecn.na/documents/27857/193258/Electoral+Act+5+of+2014.pdf/1bd1c3e3-bdd1-4183-a2fa-2ae6e397180e</a>
	South Africa	Political Party Act 1997, Act No. 103 of 1997 Available at: <a href="https://www.gov.za/sites/default/files/gcis_document/201409/a103-97.pdf">https://www.gov.za/sites/default/files/gcis_document/201409/a103-97.pdf</a>
	Tanzania	The Political Parties Act [CAP 258 R.E. 2002] Available at: <a href="http://aceproject.org/ero-en/regions/africa/TZ/tanzania-the-political-parties-act-1992/at_download/file">http://aceproject.org/ero-en/regions/africa/TZ/tanzania-the-political-parties-act-1992/at_download/file</a> European Union Election Observation Mission, United Republic of Tanzania Final Report General Elections 2015 Available at: <a href="http://ceas.europa.eu/archives/eucom/documents/eu-com-tz-2015-fr_en.pdf">http://ceas.europa.eu/archives/eucom/documents/eu-com-tz-2015-fr_en.pdf</a>
Zambia	The Electoral (Code of Conduct) Regulations, 2011 Available at: <a href="http://crm.misa.org/upload/web/electoral_code_of_conduct_2011.pdf">http://crm.misa.org/upload/web/electoral_code_of_conduct_2011.pdf</a>	
<i>Eastern Africa</i>	Kenya	Political Parties Act No. 11 of 2011 Available at: <a href="http://www.kenyalaw.org/lex//index.xql#P">http://www.kenyalaw.org/lex//index.xql#P</a> Election Campaign Financing, Act No. 42 of 2013 Available at: <a href="http://www.kenyalaw.org/lex//index.xql#P">http://www.kenyalaw.org/lex//index.xql#P</a> IEBC caps political aspirants, party expenditure in 2017 polls Available at: <a href="https://www.nation.co.ke/news/IEBC-caps-political-aspirants-party-expenditure-in-2017-polls/1056-3340778-sxtD31z/index.html">https://www.nation.co.ke/news/IEBC-caps-political-aspirants-party-expenditure-in-2017-polls/1056-3340778-sxtD31z/index.html</a>
		Uganda

		Available at: <a href="https://ulii.org/ug/legislation/act/2015/13-3">https://ulii.org/ug/legislation/act/2015/13-3</a>
<i>Western Africa</i>	Ghana	Political Parties Act, 2000 Available at: <a href="http://ilo.org/dyn/natlex/docs/ELECTRONIC/56820/101270/F697713047/GHA56820.pdf">http://ilo.org/dyn/natlex/docs/ELECTRONIC/56820/101270/F697713047/GHA56820.pdf</a>
	Sierra Leone	The Political Parties Act, 2002 Available at: <a href="http://www.parliament.gov.sl/dnn5/LinkClick.aspx?fileticket=x0uhWM-1OMU%3D&amp;tabid=79&amp;mid=635">http://www.parliament.gov.sl/dnn5/LinkClick.aspx?fileticket=x0uhWM-1OMU%3D&amp;tabid=79&amp;mid=635</a>
<i>Northern Africa</i>	Morocco	Organic Law of Political Parties No. 29.11, 22 October 2011 Available at: <a href="http://www.chambrederesrepresentants.ma/sites/default/files/bo_5992_fr_loi2911.pdf">http://www.chambrederesrepresentants.ma/sites/default/files/bo_5992_fr_loi2911.pdf</a>

Note: Documents assessed until 1 January 2019.