

Governing Party: Parti Démocratique Sénégalais

Electoral System: Mixed, a national proportional list is used to elect about half the deputies, and a first-past-the-post system for the remaining seats

Legislative System: Unicameral legislature, 120 seats

Most Recent Legislative Election: 2001

Public Campaign Funding: In-kind, access to media for competing parties only during campaigns

Largest Campaign Expenditure: Travel

CURRENT POLITICAL AND LEGAL OVERVIEW

POLITICAL PARTIES

Senegal has more than 70 political parties, with about three to five new ones cropping up each year. Of the 69 parties that existed prior to the legislative elections in 2001, only 25 participated, with 12 parties successfully returning members to the National Assembly. Most view the formal creation of political parties as administratively simple; this unfortunate reality means that the number of parties is expected to grow even further in the run up to the next election.

The main political parties in Senegal include the Parti Démocratique Sénégalais (PDS), the Parti Socialiste (PS), and the Alliance des Forces Populaires (AFP). The PDS has been Senegal's principal opposition party throughout the past three decades, now controlling both the executive and legislative branches. The party was founded in 1974 by President Wade, and has a history of functioning as a liberal party. The PS was Senegal's first ruling party, created in 1958, and held power for more than 40 years until the democratic transition in 2000. Ideologically socialist for many years, the party could now be characterized as social democratic in its orientation. The AFP is led by Moustapha Niassé, cabinet minister and prime minister under President Wade. The AFP is considered perhaps the third party in both rank and importance in the country. A number of other major and smaller parties also have representation in parliament.

The president and other parties have all agreed in the past to implement a strict parliamentary model in Senegal.

SURVEY AT A GLANCE

| | | |
|--|-----------------------------------|-----|
| Largest Campaign Expenditure | Travel | 39% |
| Largest Candidate Campaign Expenditure | Travel, Money and Direct Benefits | 36% |
| Largest Sources of Party Funds | Funds Raised by Party | 30% |
| Largest Source of Candidate Funds | Candidate's Personal Funds | 53% |
| Greatest Political Party Challenge | Ineffective Legal Frameworks | 34% |

Along these lines, President Wade has expressed his support for conferring formal status to the opposition. Opposition parties have generally rejected the idea, however, perceiving it as a form of co-optation.

ELECTORAL SYSTEM

Prior to the dissolution of its Senate in 2001, Senegal operated on a bicameral legislative system. It now has a single legislative house, referred to as the Parliament or National Assembly, consisting of 120 seats. Members of the National Assembly are directly elected. Twenty-three of the 120 parliamentary members are women. During the April 2001 legislative elections the Sopi coalition, composed mainly of PDS, LD/MPT, MSU and the CDP of Garab Gui, held 89 seats. Other seats are distributed among the AFP (1), the PS (10), the URD (3), the AJ/PADS (2), the PLS (1), the PPC (1), the Alliance Jef Jef (1), the RND (1) and the PIT (1). The next elections are scheduled for 2006. The head of government is the prime minister, who is appointed.

The executive branch is headed by the president, who is elected by direct, popular vote for up to two five-year terms. The last presidential election was held in 2000, and the next election will be held in 2005.

PARTY FINANCING LAWS

There is no specific political party law, only scattered sets of provisions set forth in the constitution, election code, and a number of other various laws. There are no spending limits, and very few limitations on fundraising (parties cannot

own businesses, for instance). State funding is limited to re-funding candidacy fees and some basic election-related costs, such as campaign posters. Foreign contributions are banned, although the ban is neither respected nor have sanctions ever been applied. Consequently, foreign funding and the use of state resources are widespread.

Despite a 1999 study on political party finance reform commissioned by then-President Diouf, and the publicly stated commitment of the current administration to fight corruption, the specific debate over addressing party financing issues has been stalled. President Wade's recent announcement of plans to introduce public financing of political parties in Senegal has created a more conducive political climate within which to promote debate on party financing.

POLITICAL PARTY FINANCING PRACTICES

The information below is taken from 13 interviews conducted from November 22 to 29, 2003. The respondents included several political party leaders from the opposition, civil society representatives, and election officials. Many of the interviews were conducted in groups.

TYPICAL CAMPAIGN PRACTICES

The most common forms of campaigning in the country appear to be rallies or meetings where hundreds of party supporters gather together. Typically, there are music and speeches, preceded by long vehicle processions. The more supporters one can get into a rally, the better it looks for his party. The cost of transporting supporters to and from such rallies is quite high, especially from Dakar to the regions.

TYPICAL SOURCES OF FUNDING

The principal source of funds is the party leader him/herself, and if one can get access, state resources (particularly through the placement of party members who then are expected to donate regularly and formally to the party). First and foremost, individual candidates receive money for their campaigns from their party, from the leader. But they also use their own resources, usually drawn from personal funds and savings, and contributions from family, friends and supporters. Although there is no general state financing of parties, there is reimbursement of registration fees for all legislative candidates if their party elects at least one deputy, and for presidential candidates who receive five percent of the national vote. Simple posters and the parties' respective voting ballots (each party does its own) are paid for by the state.

There is little to no fundraising as usually defined. Undoubtedly, party leaders and others so inclined make the rounds to major businesses to request donations, often with the implicit threat of sanctions if a contribution is not made. While foreign contributions are officially banned, most parties accept if such contributions are obtainable. The Saudis were noted as particularly generous contributors to the governing party, both before and after the transition. Parties also accept money from Senegalese living abroad, which is an extremely common source.

TYPICAL SOURCES OF EXPENDITURES

Travel is always cited as the most costly campaign element. After that comes "other voter contacts," understood euphemistically as vote-buying, whether with cash, gifts or handouts. Parties also spend on the widespread use of posters and banners.

With regard to individual campaign expenditures, there are no limits. Many interviewees had no idea what they spent: it was simply in proportion to their belief in their ability to win, their financial means, and their will.

CORRUPTION

There is a branch of Transparency International, *Forum Civil*, in Senegal, whose chief focus is the issue of corruption. According to one study it conducted, almost 90 percent of those surveyed stated that corruption was widespread, particularly in the public sector and among politicians, and a majority believed that vote-buying was common. Of company executives surveyed, 40 percent considered bribery necessary to secure a public contract. The survey elicited a strong response from President Wade, who questioned its credibility, rejected its conclusions, and accused Forum Civil of being "closet politicians who do not have the courage to accept their responsibilities."

ASSISTANCE OPPORTUNITIES

POLITICAL PARTY STRENGTHENING

The principal strength of political parties in Senegal is their growing numbers, which can also be seen as their greatest weakness. Parties are created easily and party registration is, in principle and practice, a formality. They are considered autonomous associations under law, and most interviewees cite the freedom of association article in the constitution to justify their boom (even while recognizing that the bar for creation and registration should perhaps be higher). Parties could be stronger if more meaning attached to creating and supporting them.

LEGAL AND REGULATORY

All parties called for a rationalization of the election process, and for the state to cover the costs of elections. The election process is both cumbersome and complex, and parties participate formally at different stages. Finance reform can only be advanced in the context of a larger program aimed at improving the electoral system as a whole and government administration in general. Many interviewees noted that any progress on this issue was unlikely until the ruling party and its leader either accept the idea, either voluntarily or pushed to do so.

SENEGAL BACKGROUND INFORMATION

Electoral System

| | | |
|---|------------|--|
| What is the electoral system? | Mixed | There is a national proportional list for electing about half the deputies, and a first-past-the-post system for the remaining majority. |
| What is the legislative system? | Unicameral | |
| How many seats does the legislature have? | 120 | |
| What is the ruling party/coalition percentage in legislature? | 74% | <i>Parti Démocratique Sénégalais (PDS).</i> |
| Date of the last legislative election? | 2001 | |
| Date of next scheduled legislative election? | 2006 | |

Political Party Finance Laws

| | | |
|---|-----|--|
| Is there a political party law (registration etc.)? | No | There is no specific "political party" law, but the constitution, the election code, and a number of other laws include various articles about parties. Registration procedures are laid out therein. There are at least seven different laws implicated. One academic who studied the topic said there is a political party law, but it is more accurate perhaps to say a series of laws apply, and not one particular law (<i>Loi No 81-17 du 6 mai 1981.</i>) |
| Do parties or their officials have to declare assets and liabilities? | Yes | Once a year parties are required to submit a report to the DAGAT (<i>Direction des affaires générales et de administration territoriale</i>) within the Ministry of the Interior; the majority of parties do not respect the law. The constitution requires a written declaration of assets by the president, ministers, and some others when they assume office; it is made public. |
| Are there laws regulating party finance? | No | Law 97-15, 18 September 1997. |
| Do those laws apply to campaigns? | Yes | It applies, but again, is not respected. |
| Do those laws apply to non-election periods? | Yes | |

State Funding

| | | |
|--|---------|--|
| Does the state provide public funding for political parties? | Yes | Law 97-15, 18 September 1997, article L167. |
| What type of public funding is provided? | In-kind | Law 92-15, 7 Feb 1997, article 178 provides for access to media for competing parties and coalitions during the election campaign. |
| Do those funds cover election cycles? | Yes | Law 92-15, 7 February 1997, article L178. |
| Do those funds cover non-election cycles? | No | |

| Restrictions on Donations | | | | | |
|---|-----------------------------|--|------------------|-----|--|
| Are there laws limiting contributions to political parties or candidates? | | No | | | |
| For parties, do those laws apply to campaign periods? | | No | | | |
| For parties, do those laws apply to non-election periods? | | No | | | |
| Can political parties accept contributions from: | Businesses? | Yes | Unions? | Yes | Parties appear to be allowed to accept contributions, but few are made. A Transparency International report suggested a minimum of 50,000 fCFA, and a maximum of 500,000 fCFA. |
| | Can parties own businesses? | Yes | Foreign sources? | No | |
| Specify any other restrictions by source and/or by amount etc. | | Again, the only formal restriction by source is foreign contributions. | | | |

| Spending Limits | | |
|--|-----|---|
| Are there laws limiting political party or candidate spending? | No | There are no restrictions whatsoever on party or campaign spending (unless one includes direct buying of votes, and while banned by law, it occurs widely). |
| For parties, do those laws apply to campaign periods? | No | |
| For parties, do those laws apply to non-election periods? | No | |
| Are there limits on paid televised advertising? | Yes | There is however a ban on campaign advertising in both print and electronic media. Article 58, Loi 97-15. |

| Disclosure Regulations | | |
|--|-----|--|
| Are political parties or candidates required to file reports disclosing funding sources? | No | The constitution in article 37 requires the President upon election to make a written declaration of his assets, but makes no mention of the source of these assets. No other candidates or positions in the government are similarly required by the constitution to declare assets. |
| Are political parties or candidates required to disclose spending? | No | |
| For parties, do disclosure laws apply to election funding? | Yes | |
| For parties, do disclosure laws apply to non-election funding? | Yes | |
| Are the reports made public? | Yes | They are published in official state media. |
| Are annual financial audits of party accounts required? | No | |
| Are audit results made public? | n/a | |
| What agencies are responsible for monitoring these laws? | | <i>Direction des affaires générales et de administration territoriale (DAGAT)</i> within the Ministry of the Interior. |
| What sanctions exist if political party or campaign finance laws are violated? | | In principle if parties do not submit their annual reports, they are subject to the sanction of being banned. With respect to campaign finance, the only restriction is the illegality of foreign sources and direct vote buying. Vote buying sanctions are found in Loi 92-16, article 100. The sanction is three months to ten years in prison, and a fine of 20,000 to 200000 fCFA. |

Other Anti-Corruption/Ethics Laws and Regulations

| | | |
|--|-----|---|
| Do laws prohibit use of government resources for political campaigns? | Yes | Article 2, Loi 2000-22. The penalties are double if the violator is a state employee. |
| Are officials at the national level required to declare their assets? | Yes | Officials such as ministers make a declaration of assets when they are sworn in. Article 37 of the constitution requires the President to disclose his assets upon election, the written declaration is deposited with the constitutional council, who makes it public. |
| Are these declarations made public? | Yes | |
| Is there conflict of interest legislation for elected officials at the national level? | No | |
| Is there Freedom of Information legislation? | No | |

SOUTH AFRICA

REPUBLIC OF SOUTH AFRICA

Governing Party: African National Congress

Electoral System: Proportional representation

Legislative System: Bicameral legislature; National Assembly 400 seats, and National Council of Provinces, 90 seats

Most Recent Legislative Election: 2004

Public Campaign Funding: Direct cash, in-kind

Largest Campaign Expenditure: Rallies and events

SURVEY AT A GLANCE

| | | |
|--|----------------------|-----|
| Largest Campaign Expenditure | Rallies and Events | 37% |
| Largest Candidate Campaign Expenditure | No Data | |
| Largest Sources of Party Funds | Direct Public Funds | 37% |
| Largest Source of Candidate Funds | No Data | |
| Greatest Political Party Challenge | Abuse of State Power | 30% |

CURRENT POLITICAL AND LEGAL OVERVIEW

POLITICAL PARTIES

With the transition to fully participatory politics in the early 1990s, the Africa National Congress (ANC) and other liberation movements transformed themselves into political parties. The ANC's overwhelming success in 1994 established a pattern that has continued in the last two national elections. As the ANC's margin of victory has increased—69.7 percent of the votes or 279 seats in the last election—the former ruling New National Party has declined, and in August 2004, the party announced a merger with the ANC. While there are over 100 registered political parties, only 12 hold seats in the National Assembly. The largest opposition party represented in parliament after the April 2004 elections is the Democratic Alliance (DA,) with 12.4 percent—the only opposition party to secure double-digit percentage shares of the vote. Other parties represented in the National Assembly include the Inkatha Freedom Party (7 percent), the Independent Democrats (1.7 percent), and the United Democratic Movement (2.3 percent).

ELECTORAL SYSTEM

The South African legislature is a bicameral institution. Members are elected to the 400 seat National Assembly through a proportional representation system based on national lists. Political parties securing a minimum of 0.025 percent of the vote are allocated seats in the Assembly in proportion to their share of the votes. The president is a member of the National Assembly and is elected by his/her

fellow MPs. Since 1994, there has been a tradition of giving cabinet appointments to representatives from other political parties as well. The second house, the National Council of Provinces, represents the interests of the country's nine provinces. Each of the country's 9 provincial legislatures elects 10 members to sit in this house. Representatives to both houses serve five-year terms.

PARTY FINANCING LAWS

Section 236 of the 1996 constitution mandates that “To enhance multiparty democracy, national legislation must provide for the funding of political parties participating in national and provincial legislations on an equitable and proportional basis.” Further details are outlined in the Public Funding of Represented Political Parties Act of 1997. Under this law and in line with the constitution, political parties represented in the National Assembly and in provincial legislatures qualify for public funding, the budget for which is set annually. Ninety percent of the funds are distributed in proportion to each party's share of seats in the National Assembly and the provincial legislatures jointly. The remaining 10 percent is shared equally among the nine provinces and then is subsequently divided among the parties in each provincial legislature.

The fund is managed by the Independent Election Commission (IEC) which disburses the allocated amounts to the political parties quarterly. Parties are prohibited from using public funds for electoral campaigns: 21 days prior to an election, they are required to close their books and return any unspent funds to the IEC. Political parties are also

prohibited from using state funds for business ventures, to purchase property, or to supplement the salaries of public officials. They are required to submit audited accounts and to provide the name of an accounting officer who is personally liable for the validity of the reports submitted. There have only been a few cases of problematic financial reporting. In response, the IEC withheld the next tranche of funds until all outstanding issues had been resolved. Political parties represented in the National Assembly also receive funds to facilitate their parliamentary work, which are administered by parliament.

South Africa has limited regulation of non-state party financing, and over the past year or two a number of scandals have drawn media attention to party financing practices. A network of civil society groups including the Institute for Democracy and South Africa (IDASA) and the Institute for Security Studies (ISS) are working to keep these issues in the public eye. Their advocacy efforts center on the need for greater transparency in private funding. A small number of parties voluntarily disclosed certain funding information to IDASA. In addition, under South African access to information laws, IDASA has filed a petition against the country's main political parties and is requesting access to their funding records. IDASA and ISS have also reached out to South African corporations, engaging them on the need for transparency in party funding. Perhaps partly as a result of IDASA and ISS efforts, a number of South African corporations voluntarily made public their donations to political parties in the lead up to the 2004 elections. These developments have all helped to raise public awareness of party financing issues and promoted debate on whether private funding to political parties should be regulated.

POLITICAL PARTY FINANCING PRACTICES

The information below is taken from interviews conducted in South Africa in 2003, and supplemented with another round of interviews in September 2004. Particularly with the interviews conducted in September, it was clear that many interviewee responses were shaped by the pending IDASA lawsuit and the recent debate on party finance reform.

TYPICAL CAMPAIGN PRACTICES

Campaigns for national elections in South Africa feature a combination of door-to-door canvassing, rallies, and purchased advertising on radio, in newspapers, and on billboards. (Parties are prohibited from purchasing television time.) Posters are also an important aspect of campaigns; to illustrate, one interviewee complained that when his campaign posters were destroyed by bad weather, he was not able to replace all of them, while rivals quickly re-plastered

lampposts and other strategic locations. In addition to the usual speeches by politicians, rallies may feature barbecues or other refreshments as well as entertainment.

Parties that can afford to hire professionals to conduct polls and to assist in message development. Faced with the overwhelming majority and comparative wealth of the ANC, some opposition parties have developed creative ways of getting their message out for less. This includes using electronic billboards at gyms and airports. Volunteers are used with varying results and to varying degrees by different political parties. Although allegations of vote-buying do not appear widespread, a few informants cited instances where social services (such as food) were strategically withheld and distributed in the immediate lead up to the April elections. One informant also reported cases of cash for votes in particular areas where the electoral battle was hard fought.

Given South Africa's electoral system, most campaign expenses appear to be incurred at the central level. However, in certain cases, provincial or local branches may be required to pick up certain costs. Interviewees explained that branches may receive a particular number of posters or leaflets from the central office but could be required to pay for additional copies. It is also common for provincial or other local offices to fund supplementary campaign activities that focus on local issues or target local communities. For instance, one interviewee described how the central party organization funded radio advertisements on national radio stations. In addition, at the branch level, the party funded broadcast of advertisements on radio stations local to the province targeting particular communities in the area. Others described how local branches funded publication of leaflets and other materials addressing issues of particular relevance in their specific area.

TYPICAL SOURCES OF FUNDING

For national elections, given the proportional representation system, fundraising is handled centrally at the party headquarters level. Most parties have a fundraising committee that is in charge of overseeing these efforts. Some have turned to professional fundraisers who use phone banks to solicit donors. In addition to activities (such as dinners, auctions, concerts, and bingo nights) organized by this central committee, fundraising activities are also carried out at the branch level. However, across the board, a list of larger donors is typically reserved for contact by the senior leadership of the party to ensure a coordinated strategy and that the maximum results are achieved. While most parties collect membership dues, almost all agree that the amounts are largely insignificant compared to the resources required. Although campaigns are largely funded from party headquarters, party officials, especially elected representatives frequently incur costs—for travel, for example—which may not be reimbursed. There is a widespread perception that

only a very small number of parties succeed in raising money from large corporations, either because they are the party in power or because of historical or other links. As indicated above, in the lead up to the 2004 elections, a number of large corporations voluntarily made public their donations to political parties. Most of them donated to a range of political parties and used a formula for allocating the funds between ruling and opposition parties. Some interviewees strongly felt that this new transparency had obliged the businesses to give to opposition parties; they therefore received funds from sources they had not approached.

Political parties across the board are heavily reliant on medium- to small-scale businesses. Although there is widespread speculation that foreign donations played a significant role in the 1994 elections, there is a common perception that financial support from other countries has declined over the past ten years. Almost all the parties interviewed require their public officials to donate a portion of their salaries to the party. The amounts vary by party and those funds are used for a combination of routine expenses as well as campaign expenditures. In some cases, parties or individuals incur debts in order to finance their campaigns. These debts are sometimes paid with a combination of public funding and levies on public official salaries.

TYPICAL EXPENDITURES

The largest categories of expenditure for most political parties are for media purchases. Most interviewees expressed concerns over campaign costs in South Africa. Some went as far as saying that the expenditures were “obscene” in light of the broad range of economic and social problems faced by so many South Africans. Others added that parties should be “ashamed” for spending so much because of these problems.

CORRUPTION

As indicated above, a series of political scandals have brought party financing under public scrutiny. One of the largest political corruption scandals revolved around a 1999 arms deal worth US\$ 4.8 billion. Questions remain over the tender process and one of the bidders is seeking compensation for having lost the award. Allegations were also made that Vice President Jacob Zuma tried to solicit a bribe in exchange for protecting Thomson (the defense company awarded the government defense contract) from investigation. The Director of Public Prosecution (DPP)’s decision not to charge Zuma raised concerns about the ANC’s possible influence over the DPP’s office. Another scandal arose over suspicions that leading NNP members received funding from a golf estate developer, presumably in exchange for assistance in obtaining the necessary permits.

One interviewee was adamant that given party discipline, and that most government contracts are awarded through tender processes managed by civil servants, there was very little point to attempting to buy MPs. The most one could hope for would be that the MP would try to persuade other members of his/her caucus to change their views. The interviewee therefore argued that there were many more opportunities for graft at local levels where decisions are made on issues such as development permits and zoning. Another interviewee argued that providing access to large donors was not problematic since access does not necessarily guarantee a particular outcome on issues of interest to the donor.

Aside from concerns over funding for party operations and campaigns, MPs interviewed expressed concerns over the limited funds provided to support their parliamentary work. These concerns ranged from insufficient funds for setting up constituency offices, inadequate travel allowances, and limited communications budgets. In August 2004, a scandal dubbed “Travelgate” broke, centering on abuse of vouchers for air travel provided by parliament to MPs for constituency outreach. Allegations were made that several MPs used the vouchers for vacations, vehicle rental and other expenditures.

ASSISTANCE OPPORTUNITIES

POLITICAL PARTY FINANCING

Despite broad-based concerns about the cost of elections, across political parties, concerns were expressed over the difficulty of securing sufficient funds. A broad range of reforms were suggested. These included disclosing private donations above a certain amount. Concern was repeatedly expressed over funding from external sources, especially foreign governments due to the fear that such donations could shape South African foreign policy. As indicated above, while most interviewees believed that foreign funding has declined, there was widespread interest in disclosing or banning foreign funding. Others raised concerns about the allocation of public funds, recommending different percentages for the equitable and proportional shares – the most common proposal was that the fund be divided equally between proportionally and equitably distributed funds. Some proposals also argued for an increase in the amount of the allocation to help relieve political parties of the need to rely on private donations. A few tied the cost of elections to the electoral system and suggested that either a mixed system or a return to a first past the post system would make elections less costly and improve links between elected officials and voters.

SOUTH AFRICA BACKGROUND INFORMATION

Electoral System

| | | |
|---|---|---------------------------------|
| What is the electoral system? | Proportional Representation | |
| What is the legislative system? | Bicameral | |
| How many seats does the legislature have? | 400 - National Assembly; 90 - National Council of Provinces | |
| What is the ruling party/coalition percentage in legislature? | 69.7% | African National Congress (ANC) |
| Date of the last legislative election? | 2004 | |
| Date of next scheduled legislative election? | 2009 | |

Political Party Finance Laws

| | | |
|---|-----|---|
| Is there a political party law (registration etc.)? | Yes | |
| Do parties or their officials have to declare assets and liabilities? | Yes | The Public Funding of Represented Political Parties Act requires every political party that receives money from the Fund must keep a record of money received and used from the fund. There are no laws on private funding of political parties, so Parties and officials in general do not have to declare their assets and liabilities outside of the fund. Only political parties that are represented in the National Assembly receive money from the Fund and therefore are required to account for the money used and received from the fund. |
| Are there laws regulating party finance? | Yes | Section 236 of the 1996 Constitution mandates that "To enhance multi-party democracy, national legislation must provide for the funding of political parties participating in national and provincial legislations on an equitable and proportional basis". Further details are outlined in the Public Funding of Represented Political Parties Act of 1997. |
| Do those laws apply to campaigns? | Yes | |
| Do those laws apply to non-election periods? | Yes | They apply throughout the fiscal year. |

| State Funding | | |
|--|----------------|---|
| Does the state provide public funding for political parties? | Yes | The Represented Political Parties Act, 103 (1997). |
| What type of public funding is provided? | Cash & In-Kind | Political parties that are represented in the National Assembly or provincial legislature or both are to receive funding based on the principle of proportionality. In terms of in-kind funding, parties can receive voluntary work, free office space, advertising and equipment or printing facilities. |
| Do those funds cover election cycles? | No | Non-election cycles only. Parties are prohibited from using public funds for electoral campaigns – 21 days prior to an election, they are required to close their books and return any unspent funds to the IEC. |
| Do those funds cover non-election cycles? | Yes | |

| Restrictions on Donations | | | | | |
|---|-----------------------------|-----|------------------|-----|--|
| Are there laws limiting contributions to political parties or candidates? | | No | | | |
| For parties, do those laws apply to campaign periods? | | No | | | |
| For parties, do those laws apply to non-election periods? | | No | | | |
| Can political parties accept contributions from: | Businesses? | Yes | Unions? | Yes | Private funding has been completely unregulated and has of late been a source of controversy. Parties can own businesses, as there are no laws against it. Laws only pertain to public funding. The law on public funding states that the money from the fund may not be used "directly or indirectly for the purpose of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business, or in any immovable property, except where the right or interest in the immovable property is to be used by the party solely for ordinary party-political purposes." (Article 5, (3) c) |
| | Can parties own businesses? | Yes | Foreign sources? | Yes | |
| Specify any other restrictions by source and/or by amount etc. | | | | | |

| Spending Limits | | |
|--|-----|---|
| Are there laws limiting political party or candidate spending? | No | |
| For parties, do those laws apply to campaign periods? | No | |
| For parties, do those laws apply to non-election periods? | No | |
| Are there limits on paid televised advertising? | Yes | Parties are prohibited from purchasing airtime on television. |

| Disclosure Regulations | | |
|--|-----|--|
| Are political parties or candidates required to file reports disclosing funding sources? | No | |
| Are political parties or candidates required to disclose spending? | Yes | Parties are required to disclose how they spend the money from the public fund, but nothing outside of that requires them to disclose spending. See Public Funding of Represented Political Parties Act, 1997 Article 6. |
| For parties, do disclosure laws apply to election funding? | No | |
| For parties, do disclosure laws apply to non-election funding? | Yes | |
| Are the reports made public? | Yes | Reported to parliament see 6 |
| Are annual financial audits of party accounts required? | Yes | Only in respect to public funds |
| Are audit results made public? | Yes | These IEC submits an annual report to parliament which includes the amount spent by each political party of the public funds received. |
| What agencies are responsible for monitoring these laws? | | Independent Election Commission (IEC). |
| What sanctions exist if political party or campaign finance laws are violated? | | For EC public funding, each party is required to provide the name of a financial officer who is personally liable for the validity of reports to the Commission. The Commission may carry out civil suits against the financial officer and/or ask the party to recover any misused funds or deduct the amount of misused funds from future disbursements. Since public funds are released quarterly, in some instances, the Commission has withheld the next tranche of funds till outstanding issues are resolved. The public funding regulations allow for the suspension of public funding to parties whose audits are unsatisfactory. |

| Other Anti-Corruption/Ethics Laws and Regulations | | |
|--|-----|--|
| Do laws prohibit use of government resources for political campaigns? | Yes | There is a specific law on the use of state resources for campaigns however under the <i>Electoral Act section 73 of 1998</i> , Schedule 2, 2e prevents "the abuse of a position of power, privilege or influence including...employment authority...to influence the conduct or outcome of an election" <i>Public Service Code of Conduct</i> prohibits public officials "from promoting the interest of any party during official duty" Constitution also mandates an impartial public service. |
| Are officials at the national level required to declare their assets? | Yes | Under the <i>Executive Members' Ethics Act of 1998</i> and the <i>Parliamentary Code of Conduct</i> , MPs and members of the executive are required to disclose their assets. In recent months, concerns have been raised that many public servants and elected representatives have not complied with requirements to declare their assets. Conflict of interest issues are also addressed. In theory, partial records are available to the public (parts of the disclosure forms are confidential) but in a 2003 report on ethics in government, IDASA cited problems accessing the records under access to information laws due to e.g. failure to respond to requests, lack of awareness about provisions for public access. |
| Are these declarations made public? | No | |
| Is there conflict of interest legislation for elected officials at the national level? | Yes | For example the <i>Executive Members' Ethics Act of 1998</i> prohibits cabinet members, deputy ministers, and MECs from exposing themselves to any situation involving the conflicts between their official responsibilities and their private interests. <i>Parliamentary Code of Conduct</i> . |
| Is there Freedom of Information legislation? | Yes | Section 32 of Constitution explicitly guarantees the right of access to information held by the state or held by another person if it is required for the exercise or protection of any rights. The Promotion of Access to Information Act of 2000 guarantees the constitutional right to access information. |

TANZANIA

UNITED REPUBLIC OF TANZANIA

Governing Party: Chama cha Mapinduzi

Electoral System: First-past-the-post

Legislative System: Unicameral legislature, 274 seats

Most Recent Legislative Election: 2000

Public Campaign Funding: Direct, cash by government subvention

Largest Campaign Expenditure: Rallies and events

SURVEY AT A GLANCE

| | | |
|--|--------------------------------------|-----|
| Largest Campaign Expenditure | Rallies and Events (only 4 cases) | 44% |
| Largest Candidate Campaign Expenditure | Rallies and Events | 38% |
| Largest Sources of Party Funds | Direct Public Funding | 32% |
| Largest Source of Candidate Funds | Candidate's Personal Funds | 58% |
| Greatest Political Party Challenge | Lack of Political Party Organization | 43% |

CURRENT POLITICAL AND LEGAL OVERVIEW

POLITICAL PARTIES

Tanzania has only experienced two multiparty elections, the first of which occurred in 1995. Multiple political parties were only legalized in 1992; previously, Tanzania had one party, the Chama Cha Mapinduzi (CCM), which practiced African socialism, or *Ujamaa*. Today, parliament remains heavily skewed in favor of the CCM, which won a landslide victory in the 2000 general elections. CCM polled over 85 percent of the total votes cast in the presidential elections and won over 90 percent (202 out of 232) of the parliamentary seats. Other parties that won parliamentary seats were Civic United Front (CUF), Chama Cha Democracia na Maendeleo (CHADEMA), and the Tanzanian Labour Party (TLP). None of the opposition parties garnered the mandatory 32 seats that entitles a party to become the official opposition; a shadow cabinet was drawn from all the opposition parties with parliamentary representation.

Several other smaller parties exist, including Union for Multiparty Democracy (UMD), National Conversion for Construction and Reform (NCCR), National League for Democracy (NLD), Tanzania People's Party (TPP), United People's Democratic Party (UPDP), National Reconstruction Alliance (NRA), Popular National Party (PONA), Tanzania Democratic Alliance Party (TADEA), The United Democratic Party (UDP), The Forum for Restoration of Democracy (FORD), and Democrasia Makini Haki Na Ustawi (CHAUSTA).

ELECTORAL SYSTEM

Tanzania's president and unicameral National Assembly members are elected concurrently by direct popular vote (first-past-the-post) for five-year terms. The party with the most seats is entitled to form the government.

Apart from the elected parliamentary seats, there are also special seats for women, which are allocated to the political parties on the basis of the proportion of seats they obtain in direct elections, and for which the parties normally submit a list to the National Electoral Commission (NEC). The constitution provides for 232 constituency members (182 from the mainland and 50 from Zanzibar). Between 20 and 30 percent of these are reserved for women, five to be appointed by the Zanzibar House of Representatives and 10 appointed by the president.

Zanzibar's House of Representatives has jurisdiction over all non-union matters and can make laws for Zanzibar without the approval of the union government as long as it does not involve union-designated matters.

PARTY FINANCING LAWS

The Political Parties Act provides the legal basis for the registration, operations, functions, rights, and obligations of political parties in Tanzania. One of the salient features of the Political Parties Act is the provision of government subsidies. To qualify, a party must win at least five percent of the total votes cast in the presidential elections and must in addition win a seat in parliament. Following its landslide victory

in the 2000 elections, the CCM draws a monthly subvention of US \$547,000, while a combined parliamentary opposition parties draw less than US \$50,000 a month.

The Electoral Act is the legal framework governing elections in Tanzania. Together with the electoral rules and regulations, the Act details the procedure and method for elections to the office of the president, national assembly, and local authorities. The body mandated by the Act to oversee the electoral process is the National Electoral Commission, which has a membership of nine commissioners including the chairman and his deputy.

There is no specified legal expenditure limit at all for parties. Reforming the current state of party financing is a large concern for opposition parties, but it does not seem to be an issue of public concern.

POLITICAL PARTY FINANCING PRACTICES

The information below is distilled from 20 interviews conducted in Tanzania from July 16 to 19, 2003. Of the 20 interviewees, or respondents, 6 were elected representatives, 5 were political party officials, 6 represented civil society, one was a journalist, and two were elections officials. Eighteen were men, and two were women. Three were from the ruling party, and eight from opposition parties.

TYPICAL CAMPAIGN PRACTICES

Most respondents said that what makes campaigns so expensive in Tanzania is the fact that it has become almost impossible to be elected if a candidate is not willing to spend money either on buying votes or influencing his party to field him in its list. Elections have become more about how much a person is worth and not whether they have policy-relevant ambitions. The high cost of elections has turned the political process into something that can only be accessed by rich and predominantly male candidates. This has led to political parties being seen as private businesses rather than vehicles to address certain outstanding policy issues.

Parties have formed the habit of nominating only rich candidates who have the capacity to fund their own elections. “Only those who have the financial muscle go to office. This is not good for democracies in Africa, in particular in Tanzania, where multiparty democracy is still in its infancy.”

TYPICAL SOURCES OF FUNDING

The major source of funding for those parties that have seats in parliament is government subsidies. CCM also receives substantial amounts of funding from the private sector, businesses, wealthy individuals, and the party’s own

investments. Two respondents within the CCM stated that the party’s investments constitute the majority of funding.

Smaller parties rely heavily on membership fees and fundraising activities. They have also recently begun to solicit funds from foreign donors such as the Netherlands Institute for Multiparty Democracy.

The management of party funds is generally highly centralized and secretive, although some of the smaller parties with significantly less funds have more transparent methods. Campaigns are funded primarily by personal savings, although some candidates have relied more on donations and contributions from friends and well-wishers.

TYPICAL EXPENDITURES

The highest cost of campaigning was most frequently identified as transportation: more than 80 percent of Tanzania’s population live in rural areas, and the large area of the country and low level of infrastructure make many places difficult to reach. Other major areas of spending were campaign materials (T-shirts, posters, flyers) and personnel.

CORRUPTION

Many view the government-sponsored tradition of giving money to the electorate during campaigns, known as *takrima*, as entrenched corruption. As one respondent stated, “Election time in Tanzania is known as ‘harvesting time’ where political parties give money and food to the electorate as a way of thanking them for having voted them into office. *Takrima* is not illegal, and it is encouraged as members of parliament receive money from the government for this purpose. This has disadvantaged the opposition parties because of their financial situation and the fact that as not all of them have parliamentary representation, they are unable to match the gifts that the ruling party hands out.

The ruling CCM party has allegedly bought voter registration cards from many voters. Also, candidates have reportedly been given money to step down so that candidates of the ruling party can run unopposed. Rent-seeking by business-leaders who provide contributions to campaigns in exchange for political favors is an increasing problem.

ASSISTANCE OPPORTUNITIES

POLITICAL PARTY FINANCING AND STRENGTHENING

The legislation for political parties and elections is already in existence, and it seems that the government is aware of its inadequacies as it has recently passed amendments to the

Electoral Act in preparation for 2005 Elections. Tanzania also has a history of peaceful transition from president to president and upholding term limits. Opposition parties are also learning from the Kenyan example, and have agreed in principle at least to submit one candidate for 2005 presidential elections.

But most political parties in Tanzania owe their existence to individuals and they have not been able to make a distinction between party policies and personality issues. This has weakened opposition parties in Tanzania, as they have not been able to present viable policy alternatives due to the fact that they are run as personal income properties. Parties that draw their memberships from the poorest of the electorate lack the financial muscle to advance the very issue of poverty alleviation. These parties happen to be the ones that do not have seats in parliament.

LEGAL AND REGULATORY REFORM

To further the democratization process that began more than 10 years ago, the reform of party financing must be part of a broader process of overhauling unfair practices that have characterized Tanzanian democracy since its inception in 1992, such as the marginalization of women. There is a need to reform the Political Parties Act to ensure that the stated objectives are not only met, but also to ensure that enforcement mechanisms are implemented and parties adhere to agreed principles. Respondents felt that government subsidies to political parties should continue, although the system should be reformed to allow smaller parties to better compete with the CCM. Respondents thought that other legal reforms should include the introduction of spending limits and procedures for enhancing transparency and accountability of how parties spend their funds.

CIVIC/VOTER EDUCATION

The movement for multiparty democracy in the early 1990s was not accompanied by commensurate efforts to educate the public on its meaning and practice, which is the source of the parties' current problems. Most Tanzanians still identify CCM as 'the government,' and with the current state of party financing, opposition parties have little chance of changing the public mindset. The government should provide civic education in order to enlighten people about the importance of voting for competent and serious candidates.

TANZANIA BACKGROUND INFORMATION

Electoral System

| | | |
|---|---------------------|---|
| What is the electoral system? | First-Past-the-Post | |
| What is the legislative system? | Unicameral | |
| How many seats does the legislature have? | 274 | There are a total of 274 seats in parliament, with only 232 seats elected by popular vote. There is a quota system in place to give women more seats in parliament: 37 seats are allocated to women nominated by the president, five to members of the Zanzibar House of Representatives. |
| What is the ruling party/coalition percentage in legislature? | 90% | Chama cha Mapinduzi (CCM) |
| Date of the last legislative election? | 2000 | |
| Date of next scheduled legislative election? | 2005 | |

Political Party Finance Laws

| | | |
|---|-----|---|
| Is there a political party law (registration etc.)? | Yes | There are laws regarding political party registration, both temporary and permanent, 1992 Political Parties Act, articles 8-10. |
| Do parties or their officials have to declare assets and liabilities? | Yes | |
| Are there laws regulating party finance? | Yes | Article 13 of the 1992 Political parties Act. |
| Do those laws apply to campaigns? | No | Not specified in article 13. |
| Do those laws apply to non-election periods? | No | |

State Funding

| | | |
|--|------|--|
| Does the state provide public funding for political parties? | Yes | |
| What type of public funding is provided? | Cash | According to article 13 of the 1992 Political Parties Act the government provides party subsidies, but there are no specifics. |
| Do those funds cover election cycles? | Yes | |
| Do those funds cover non-election cycles? | No | |

| Restrictions on Donations | | | | | |
|---|-----------------------------|-----|------------------|-----|--|
| Are there laws limiting contributions to political parties or candidates? | | No | | | |
| For parties, do those laws apply to campaign periods? | | No | | | |
| For parties, do those laws apply to non-election periods? | | No | | | |
| Can political parties accept contributions from: | Businesses? | Yes | Unions? | Yes | Article 13 of the 1992 Political Parties Act says political parties can receive funding from “the proceeds of any investment, project or undertaking in which the party has an interest” but it is not clear whether the intention of the act was to allow for political parties to own businesses. Article 17 of the same act it mentions the party owning a business as it relates to the appointment of “a board of trustees to manage the properties and any business or investment of the party.” |
| | Can parties own businesses? | Yes | Foreign sources? | Yes | |
| Specify any other restrictions by source and/or by amount etc. | | | | | |

| Spending Limits | |
|--|----|
| Are there laws limiting political party or candidate spending? | No |
| For parties, do those laws apply to campaign periods? | No |
| For parties, do those laws apply to non-election periods? | No |
| Are there limits on paid televised advertising? | No |

| Disclosure Regulations | |
|--|--|
| Are political parties or candidates required to file reports disclosing funding sources? | No |
| Are political parties or candidates required to disclose spending? | No |
| For parties, do disclosure laws apply to election funding? | No |
| For parties, do disclosure laws apply to non-election funding? | No |
| Are the reports made public? | No |
| Are annual financial audits of party accounts required? | Yes According to article 14 of the 1992 Political Parties Act, “an annual statement of the accounts of the party audited by an auditor registered as an authorized auditor under the Auditors and Accounts Act, 1972... an annual declaration of all the property owned by the party” |
| Are audit results made public? | Yes According to article 14 of the 1992 Political Parties Act, “the registrar shall publish in the official <i>Gazette</i> an annual report on the audited accounts of every party” and the registrar will publish “any matter relating to the funds, resources or property of any party or use of such funds, resources or property” |
| What agencies are responsible for monitoring these laws? | Registrar of Political Parties as created by article 4 of the 1992 Political Parties Act |
| What sanctions exist if political party or campaign finance laws are violated? | Article 15 of the 1992 Political Parties Act says, “The Registrar can cancel the registration of any political party which has contravened any of the provisions of this act” |

| Other Anti-Corruption/Ethics Laws and Regulations | | |
|--|-----|--|
| Do laws prohibit use of government resources for political campaigns? | No | There is no mention of such a prohibition in the 1992 Political Parties Act. |
| Are officials at the national level required to declare their assets? | No | No explicit provision to suggest that assets must be declared. |
| Are these declarations made public? | No | |
| Is there conflict of interest legislation for elected officials at the national level? | No | |
| Is there Freedom of Information legislation? | Yes | Freedom of Expression Act, No.15 of 1984 |

UGANDA

REPUBLIC OF UGANDA

Governing Party: National Resistance Movement

Electoral System: Proportional representation

Legislative System: Unicameral legislature, 300 seats

Most Recent Legislative Election: 2001

Public Campaign Funding: None

Largest Campaign Expenditure: Travel

SURVEY AT A GLANCE

| | |
|--|----------------------------------|
| Largest Campaign Expenditure | No Data |
| Largest Candidate Campaign Expenditure | Travel 38% |
| Largest Sources of Party Funds | Funds Raised by Party 50% |
| Largest Source of Candidate Funds | Candidate's Personal Funds 63% |
| Greatest Political Party Challenge | Ineffective Legal Frameworks 30% |

CURRENT POLITICAL AND LEGAL OVERVIEW

POLITICAL PARTIES

When President Museveni came to power in 1986, one of his first acts was to ban political parties, which he held largely responsible for Uganda's past problems. He adopted a "no-party system" under which every Ugandan became a member at birth of the National Resistance Movement (NRM), also known as "the Movement," that he established. Under the Movement, political candidates ran for elected office as individuals, rather than as representatives of political parties. At its most ideological core, the Movement system was designed to prevent future ethnic conflicts and divisions. However, rather than a no-party state, Uganda became a de facto one-party state.

After 18 years of one-party NRM rule, two significant events occurred in 2003 that will likely change the future of political participation in Uganda: a Constitutional Court ruling that held portions of the Political Parties Act, which bans parties from operating outside Kampala, were unconstitutional; and several statements made by President Museveni that political parties will be allowed to operate and compete for elections throughout the country. The Political Parties and Organizations Act was passed by the parliament in 2002. The Act created provisions for regulating the financing and functioning (registration, membership) of political parties and organizations. Political parties have opposed several sections of the Act that they see as placing them at the mercy of the government.

Two of Uganda's oldest parties, the United People's Congress (UPC), and the Democratic Party (DP), are undergoing

revitalization due to the new legislation and the opportunity to compete in elections in 2006. Other opposition parties have recently begun to come to the forefront in Ugandan politics. In February 2004, the UPC, DP, Reform Agenda, Conservative Party, Justice Forum, National Democratic Forum, and Free Movement decided to form a coalition known as the "G7."

ELECTORAL SYSTEM

The Parliament of Uganda is a unicameral legislative body. The parliament is elected through a system of proportional representation, and contains a total of 303 seats. Of the 303 seats, 214 seats are directly elected by popular vote; 56 seats reserved for women; the army is allotted 10 seats; the disabled, youth, and labor receive 5 seats each; and there are 8 ex officio members, who serve five-year terms. All citizens 18 years or older are eligible to vote. MPs serve five-year terms and there are no term limits. The seven-member election commission is charged with supervision of elections and is appointed by the president with the approval of parliament. Commission members hold office for seven years. The most recent legislative election was in 2001 and the next legislative election is scheduled to take place in 2006.

PARTY FINANCING LAWS

The Political Parties and Organization Act (PPOA) 2002 is Uganda's primary and most detailed legislation relating to party finance. It has yet to be enacted, however, and many of its provisions have been ruled unconstitutional by the Constitutional Court. The Act refers to Article 269 of the constitution which requires that parliament regulate the

financing and functioning of political parties and organizations. The PPOA allows parties to operate as corporate entities, which can own property and engage in business to raise funds for its operations. While it opens new avenues for parties to raise funds, the Act also restricts the scope of their fundraising. Section 14 of the Act prohibits parties from receiving contributions, donations, or loans from non-Ugandan citizens, foreign governments, diplomatic missions, or non-Ugandan nongovernmental organizations registered in Uganda.

The Leadership Code Bill 2001 requires elected officials to disclose their income, assets, and liabilities once every two years. However, the PPOA does not require parties to disclose their sources of funding nor their expenditures.

The debate surrounding party financing issues at the moment focuses solely on the ability of parties to solicit funding locally and abroad. Also due to the increasingly charged atmosphere of Ugandan politics, there is a call for new political party legislation to tighten finance regulation.

POLITICAL PARTY FINANCING PRACTICES

The information below is distilled from 22 interviews conducted from November 26 to December 2, 2002. The 22 interviewees, or respondents, included political party leaders and elected officials, former legislators, political commentators, electoral officials, and journalists. A majority of the respondents were current members of parliament, both from the Movement and the opposition, as well as middle-grounders.

TYPICAL CAMPAIGN PRACTICES

The practice of vote-buying is typical in many constituencies, where security issues are not primary. However in northern Uganda, where the issues of security and peace are extremely important, vote-buying is not common and has little influence on voting patterns. It is also typical during campaign periods to see posters, T-shirts, and radio spots advertising a particular candidate.

TYPICAL SOURCES OF FUNDING

Due to the restrictions placed on party financing, the largest source of funding for political parties is wealthier senior members of the party. As Ugandan parties have been prohibited from soliciting funds from foreign sources as well as recruiting members, it is extremely difficult for the parties to conduct effective legislative campaigns. Candidates seek funds from businesses, which in effect makes the candidates subject to the will and agenda of a particular business or

industry. Most candidates in legislative elections must rely on their own private sources to fund their campaigns, making wealthy candidates more able to wage successful campaigns.

TYPICAL EXPENDITURES

For most campaigns the biggest spending is on travel and publicity. This is particularly true for legislative campaigns, when candidates must travel extensively throughout their constituencies. The hiring and maintenance of campaign staff also contributes to the rising cost of campaigns. Other contributing factors are vote-buying and gift giving to secure voter support. Voters tend to view elections as a time to when they can receive goods like sugar, salt, and other everyday necessities, which have become particularly crucial as poverty has worsened.

CORRUPTION

Many of the respondents stated that since candidates must compete on their individual merits, many of them spend large amounts of money to get elected and then have little obligation to their constituents. This results in a situation where parliamentarians are using office as a means of enriching themselves, leaving the country with a large number of politicians who are not focused on improving the country. As the costs of campaigning in Uganda have been rising, more candidates have sought the sponsorship of businesses and interest groups. The expectation of the business or interest group is that the candidate will then act according to its needs. Such practices encourage corruption and a lack of accountability.

ASSISTANCE OPPORTUNITIES

POLITICAL PARTY FINANCING

Opposition parties recognize the importance of providing accountability and transparency in the realm of party financing, and have created structures and policies in the absence of legislation requiring them to do so. All respondents generally noted that opposition parties had good structures in place in regards to the management of party funds. It is clear that the UPC and DP have officers in charge of finance and all party expenditures and receipt of funds must pass through this office first, ensuring transparency and accountability. Their commitment to such sound financial practices partially grows out of the government's restrictions on party activity and funding. The model should be adopted by all parties.

The ban on recruiting members and collecting membership dues works against the future of political parties: voters

will not donate to parties if they remain unaccustomed to personal and individual support. Political parties are now at the mercy of several wealthy individuals, meaning that parties may be limited in their operations and agendas. Effectively parties serve the interest of a few individuals, rather than focusing on the interests of the country as a whole.

LEGAL AND REGULATORY REFORM

It is clear that for multiparty democracy to become a reality in Uganda, the laws must be changed to allow for political parties to freely develop and solicit funds locally and internationally. Also laws need to be developed that explicitly regulate the funding of political parties and add transparency and accountability to the system. As elections are slated for 2006, major reforms need to occur soon to ensure a smooth return to multiparty democracy.

UGANDA BACKGROUND INFORMATION

Electoral System

| | | |
|---|-----------------------------|---|
| What is the electoral system? | Proportional Representation | |
| What is the legislative system? | Unicameral | In September 2003 President Museveni declared that Uganda would become a multi-party democracy, with a referendum expected to be passed in 2005. There was a law on Political Parties and Organizations passed in 2002, but almost half of it was ruled unconstitutional and it has yet to be implemented on any level. |
| How many seats does the legislature have? | 300 | |
| What is the ruling party/coalition percentage in legislature? | | It is a no-party system, elections are on individual merit. |
| Date of the last legislative election? | 2001 | |
| Date of next scheduled legislative election? | 2006 | |

Political Party Finance Laws

| | | |
|---|-----|--|
| Is there a political party law (registration etc.)? | Yes | Recently enacted, but being challenged in court. |
| Do parties or their officials have to declare assets and liabilities? | Yes | |
| Are there laws regulating party finance? | Yes | The constitution of 1995 states that "Parliament shall by law regulate the financing and functioning of Political organizations." When Parliament went to enact such a law, Political Parties and Organization Act 2002, parts of it were ruled unconstitutional. This has rendered the law unconstitutional and has hampered it from entering into force. |
| Do those laws apply to campaigns? | Yes | |
| Do those laws apply to non-election periods? | Yes | The law is new and untested. |

State Funding

| | | |
|--|------|---|
| Does the state provide public funding for political parties? | No | The Movement has been supporting its candidates in legislative elections both in cash and kind—although this is not a matter of policy and is done irregularly, with the candidates receiving various forms of support depending on their closeness to the powers that be. The source of the funds is not documented. |
| What type of public funding is provided? | None | |
| Do those funds cover election cycles? | No | |
| Do those funds cover non-election cycles? | No | |

| Restrictions on Donations | | | | | |
|---|-----------------------------|---|------------------|-----|--|
| Are there laws limiting contributions to political parties or candidates? | | No | | | |
| For parties, do those laws apply to campaign periods? | | No | | | |
| For parties, do those laws apply to non-election periods? | | Yes | | | |
| Can political parties accept contributions from: | Businesses? | Yes | Unions? | Yes | The government defines which foreign source is hostile to Uganda and therefore unacceptable. |
| | Can parties own businesses? | Yes | Foreign sources? | No | |
| Specify any other restrictions by source and/or by amount etc. | | The recently enacted Political Parties and Organizations Act 2002 restricts contributions from foreign sources. | | | |

| Spending Limits | |
|--|----|
| Are there laws limiting political party or candidate spending? | No |
| For parties, do those laws apply to campaign periods? | No |
| For parties, do those laws apply to non-election periods? | No |
| Are there limits on paid televised advertising? | No |

| Disclosure Regulations | |
|--|--|
| Are political parties or candidates required to file reports disclosing funding sources? | No Only once a candidate has been elected to office is he or she required every two years during the month of December to "submit a written declaration of the leader's income, assets and liabilities, the names, income, assets and liabilities of his or her spouse, child and dependent." This comes from the Leadership Code Bill, 2001. |
| Are political parties or candidates required to disclose spending? | No |
| For parties, do disclosure laws apply to election funding? | No |
| For parties, do disclosure laws apply to non-election funding? | Yes |
| Are the reports made public? | Yes |
| Are annual financial audits of party accounts required? | Yes |
| Are audit results made public? | Yes |
| What agencies are responsible for monitoring these laws? | The law requires the party to make available the accounts to any member of the public at reasonable cost of reproduction. The office of the registrar of political organizations in the ministry of justice. |
| What sanctions exist if political party or campaign finance laws are violated? | Various |

| Other Anti-Corruption/Ethics Laws and Regulations | | |
|--|-----|--|
| Do laws prohibit use of government resources for political campaigns? | Yes | |
| Are officials at the national level required to declare their assets? | Yes | Only those in public office must declare. The Leadership Code Bill 2001 states that the "contents of a declaration under this Code shall be treated as public information and shall be accessible to members of the public upon application to the Inspector General in the form prescribed under this Code." |
| Are these declarations made public? | Yes | |
| Is there conflict of interest legislation for elected officials at the national level? | Yes | The Armed Forces Act says that the president is not to be active in the military. Also the Leadership Code Bill 2001, Part III- Conflict of Interest, clearly outlines what is considered a conflict of interest for a leader (a person holding or acting in any of the offices specified in the Second Schedule). |
| Is there Freedom of Information legislation? | No | The constitution provides for it, but there is no enabling legislation. |

Governing Party: Movement for Multiparty Democracy

Electoral System: First-past-the-post

Legislative System: Unicameral legislature, 150 seats

Most Recent Legislative Election: 2001

Public Campaign Funding: None

Largest Campaign Expenditure: Money & direct benefits, rallies and events

SURVEY AT A GLANCE

| | |
|--|---|
| Largest Campaign Expenditure | Money and Direct Benefits & Rallies and Events 29% |
| Largest Candidate Campaign Expenditure | Travel 30% |
| Largest Sources of Party Funds | Business Contributions 29% |
| Largest Source of Candidate Funds | Candidate's Personal Funds 52% |
| Greatest Political Party Challenge | Abuse of State Power 35% |

CURRENT POLITICAL AND LEGAL OVERVIEW

POLITICAL PARTIES

Although Zambia has been held up as a model democracy in Southern Africa for the number of multiparty elections held since independence, political parties remain relatively weak. The ruling party, the Movement for Multiparty Democracy (MMD), came into power after elections in 1991. Current President Levy Mwanawasa emerged in 2001 following an election largely deemed unfair by electoral monitors and the international press. The major opposition parties have faced challenges in their ability to define coherent agendas, to articulate achievable goals, and to maximize their ability to build a coalition. As a result, political party identity remains fluid; several opposition parties have defected to the MMD, while MMD leaders have also joined and formed various opposition parties. The major opposition parties are United Party for National Development (UPND), United National Independence Party (UNIP), Forum for Democracy and Development (FDD), Heritage Party (HP), Patriotic Front (PF), and Zambian Republican Party (ZRP). All of these parties have representation in the parliament.

Overall, political parties are dominated by personalities, poorly articulate their agendas, centralize decision-making processes, lack clear channels of responsibility and communication, offer few opportunities for advancement, and make little outreach to the public. Weak political parties have contributed to increasing voter disillusionment: they do little to encourage people to become involved in political life, while

failing to offer voters real policy alternatives and adequate representation of their interests.

ELECTORAL SYSTEM

Zambia's electoral system is first-past-the-post. Its unicameral legislature, the National Assembly, has 150 seats. The most recent legislative elections were held in 2001, and the next are scheduled for 2006.

Technically, the state-funded Electoral Commission of Zambia (ECZ) is independent and autonomous. It is not accountable to any other executive body of parliament, and does not fall under any of the government ministries or department. The ECZ is required to submit audited accounts to the office of the president, which in turn submits them to parliament. Parliament scrutinizes the ECZ accounts, and may call upon the Commission at any time to appear before the Public Accounts Committee.

Election monitoring is problematic. Election petitions are the most common mechanism used to protest violations of electoral laws, but are usually unnecessarily lengthy and rarely successful.

PARTY FINANCING LAWS

Currently there is no legislation focusing on the issue of party financing: there are no laws regulating disclosure, spending limits, restrictions on donations to candidates or parties, and currently there is no legally defined campaign period. It is

legal for the president and vice president to make use of state resources, but other politicians may not.

The only legislation that applies to political parties is the Electoral Act. However, the Act has various statutory instruments that govern proper behavior, which only apply during the campaign period and on election day. The Electoral Code of Conduct was drawn up by the Electoral Commission of Zambia in consultation with various stakeholders including political parties, NGOs, and law enforcement agencies. The Electoral Law deems any ‘persuasive’ act illegal. Such acts might include exchanging votes for cash or giving voters goods such as a meal in exchange for their votes. Parties sometimes overtly violate these stipulations, and despite reports from other parties and election monitors, the police take little or no action.

The debate surrounding the public funding of political parties began in earnest during the 2001 elections. In 2001 the ECZ held a workshop with political parties to discuss the issue of funding and spending during elections. A subcommittee was set up, including representatives from political parties and members of the commission, to create funding and expenditure regulations that parties would be willing to adhere to. The subcommittee failed to provide the ECZ with any concrete recommendations regarding regulation of party funding, although it was clear that political parties were not in favor of limits on campaign expenditures. A committee was recently set up by the government to gauge public attitudes on this issue.

It seems that there is popular support for public funding of political parties. However, Zambians harbor a concern that public funding of parties could lead to an increase in political opportunism.

POLITICAL PARTY FINANCING PRACTICES

The information below is taken from 24 interviews conducted in Zambia between July 24 and 30, 2003. Of the 24 interviewees, or respondents, 19 were actively involved in politics. The majority of individuals in this group had at some time campaigned for office, or occupied positions in their political parties or in government that give them special insight into political party financing. Other respondents represented Zambian NGOs.

TYPICAL CAMPAIGN PRACTICES

The president announces the official campaign period along with the date on which elections are to take place. No campaigning is to take place outside of this official campaign period, which usually lasts about a month. The majority of

respondents stated that voters may be offered money for their votes. Votes can be sold for between K5,000 and K50,000. Candidates also pay their polling agents, with each agent usually receiving about K20,000. Voters are subject to intimidation, even though the Electoral Act outlaws such behavior. In rural communities, where the majority of Zambians live, there is a perception that it is wrong to belong to the opposition. Government officials go into these areas and tell the people that they will not develop their area if they associate with the opposition.

Candidates need to establish staff constituency offices so as to ensure their continued ‘presence’ in an area throughout a campaign. Offices are set up at the district and provincial levels and party functionaries are posted at every polling station. It is also customary to give alms to chiefs.

The opposition parties have little or no access to the government controlled media during the campaigns.

TYPICAL SOURCES OF FUNDING

Zambian political parties are not entitled to any state funding, and must seek money from alternate sources. One source is the sale of membership cards, and both opposition parties and the ruling MMD party engage in such practice. Parties also tend to receive funds from local and foreign interest groups and foreign governments, although these donations tend to be very small. The MMD has more resources and secures more funding, partly illicitly, by siphoning state resources for party use. Parties generally make the biggest contributions to their candidates’ campaign funds during by-elections. Given the strong presence of the opposition parties in parliament, the MMD is currently spending particularly large amounts of money in by-elections in the hope that this might swing the balance of parliamentary power in their favor.

MMD members claim that their party funding comes from member donations, which can be quite substantial; wealthy members may contribute as much as K five million. Parties also host various fund-raisers, such as golf-tournaments and banquets, in order to raise money. Businesses and well-wishers donate to the MMD, and generally expect some degree of reciprocity from the government. Other underhand fundraising tactics include threats not to pay civil servants’ or contractors’ salaries, unless these individuals donate a portion of their salary to the ruling party fund.

Opposition parties organize events, such as *braais*, to raise funds. Leaders of opposition parties often bankroll their own political parties, and are expected to do so. The conflation of person and party stifles democracy, and creates a “money-ocracy.” For this reason, opposition political parties usually last only as long as the party leader can finance his/her party.

Other sources of funding include donations from well-wishers and businesses. The poor state of the economy also limits candidates' ability to fund their own campaigns.

TYPICAL EXPENDITURES

The most common expenses incurred by candidates as described by respondents include food, transport, posters, T-shirts and *chitenge* materials. The relative amounts spent on each depends on where the candidate campaigns and how big the constituency is. If the candidate contests an urban seat, then the most expensive item tends to be feeding/paying campaign volunteers and potential voters. Two respondents cited expenses associated with radio and television, but in general this cost does not appear to be significant. Overall, most candidates believe that campaigns in rural areas are more expensive than urban areas, because of the logistical difficulties encountered. The only form of communication that exists is radio, as there is limited telephone access. Thus candidates have to travel extensively to canvass all potential voters. Logistics are cheaper in urban areas, making campaigning there less expensive.

The amount of money candidates spend depends on which type of election they are campaigning for: by-elections are more expensive than general elections.

CORRUPTION

The overwhelming perception is that all politicians are subject to immense financial pressure, and are vulnerable to corruption. Vote-buying is a major problem. Corrupt politicians are frequently re-elected. Elections in Zambia are 'highly commercialized' and votes are often bought openly, either in exchange for money or goods. The MMD has been known to provide food relief during times of hunger in areas where by-elections are scheduled. The situation has deteriorated to such an extent that voters sometimes demand to be paid for their loyalty. However, some respondents suggested that better-informed urban voters tend to be less forgiving of corruption than rural voters.

The MMD has easy access to non-monetary state resources, such as the intelligence service, cars, and telephones, which it uses to distort electoral outcomes. Government agencies issue illegitimate voting cards and initiate development projects in areas where elections are scheduled to take place. It is common practice for government money to be redirected from development and socioeconomic spending to fund MMD campaigns. Some MPs claim that they will finance development in their area as part of their campaign.

Many respondents also believe that the Zambian voter registration system is open to abuse. Even though all stake-

holders are aware of the Code of Conduct, not everyone adheres to the Code. The introduction of the Nikuv registration system in 1996 increased the potential for corrupting the electoral process. When the system was introduced, voters had to interact with officials on four separate occasions before they received their voter registration cards. This cumbersome process prevented a number of registered voters from collecting their cards, which were then used in election fraud.

ASSISTANCE OPPORTUNITIES

POLITICAL PARTY STRENGTHENING

The level of voter apathy and cynicism regarding campaign promises attest to the weakness of political parties in Zambia. The prevailing view that candidates are in politics to enrich themselves can only change with some effort by the parties to strengthen their policy platforms and outreach to the voters. They also need strengthening with regard to keeping accurate and open accountings, especially if public funding is to be introduced. They should be trained in the code of conduct that applies to their campaign activities, and monitor their performance.

LEGAL AND REGULATORY REFORM

Respondents feel that some legislation is needed to regulate party funding. A more transparent process should be encouraged where all parties, and especially the ruling party, make available their financial statements, identities of donors, and accounting records. Some respondents recommended that public funding of political parties be introduced, along with a prohibition of cash contributions to political parties.

Voter registration using the Nikuv system, and distribution of National Registration Cards (NRC) should take place on a continuous basis, and not only during the period of time before the elections. NRCs should not be issued during the month preceding elections. National Registration Cards should also be upgraded. The cards should be issued with a photograph of the card-holder, similar to SADC driver's license cards. There is also a strong feeling that there is no need for a voter to present both their voter's card and NRC on election day; one document should suffice.

The Government should also extend the ECZ's monitoring powers and enforce the independence of the ECZ. Respondents pointed out that it would be wise to maintain a separation of these powers and therefore the ECZ should not be given authority to enforce electoral legislation. Instead, electoral tribunals have been recommended as a possible enforcement mechanism, in addition to encouraging police to enforce the electoral laws.

ZAMBIA BACKGROUND INFORMATION

Electoral System

| | | |
|---|---------------------|---|
| What is the electoral system? | First-Past-the-Post | |
| What is the legislative system? | Unicameral | |
| How many seats does the legislature have? | 150 | |
| What is the ruling party/coalition percentage in legislature? | 29.2% | Movement for Multiparty Democracy (MMD) |
| Date of the last legislative election? | 2001 | |
| Date of next scheduled legislative election? | 2006 | |

Political Party Finance Laws

| | | |
|---|----|--|
| Is there a political party law (registration etc.)? | No | |
| Do parties or their officials have to declare assets and liabilities? | No | |
| Are there laws regulating party finance? | No | |
| Do those laws apply to campaigns? | No | |
| Do those laws apply to non-election periods? | No | |

State Funding

| | | |
|--|----|--|
| Does the state provide public funding for political parties? | No | |
| What type of public funding is provided? | No | |
| Do those funds cover election cycles? | No | |
| Do those funds cover non-election cycles? | No | |

Restrictions on Donations

| | | | | |
|---|-----------------------------|-----|------------------|-----|
| Are there laws limiting contributions to political parties or candidates? | No | | | |
| For parties, do those laws apply to campaign periods? | No | | | |
| For parties, do those laws apply to non-election periods? | No | | | |
| Can political parties accept contributions from: | Businesses? | Yes | Unions? | Yes |
| | Can parties own businesses? | Yes | Foreign sources? | Yes |
| Specify any other restrictions by source and/or by amount etc. | | | | |

| Spending Limits | | |
|--|----|--|
| Are there laws limiting political party or candidate spending? | No | |
| For parties, do those laws apply to campaign periods? | No | |
| For parties, do those laws apply to non-election periods? | No | |
| Are there limits on paid televised advertising? | No | |

| Disclosure Regulations | | |
|--|----|---|
| Are political parties or candidates required to file reports disclosing funding sources? | No | |
| Are political parties or candidates required to disclose spending? | No | |
| For parties, do disclosure laws apply to election funding? | No | |
| For parties, do disclosure laws apply to non-election funding? | No | |
| Are the reports made public? | No | |
| Are annual financial audits of party accounts required? | No | |
| Are audit results made public? | No | |
| What agencies are responsible for monitoring these laws? | | Parties register with the Zambia Election Commission (ZEC). |
| What sanctions exist if political party or campaign finance laws are violated? | | There seem to be no sanctions. |

| Other Anti-Corruption/Ethics Laws and Regulations | | |
|--|-----|--|
| Do laws prohibit use of government resources for political campaigns? | Yes | Officials from the ruling party are currently on trial for using public funds to purchase vehicles for party use (during the last election). |
| Are officials at the national level required to declare their assets? | No | |
| Are these declarations made public? | No | |
| Is there conflict of interest legislation for elected officials at the national level? | No | |
| Is there Freedom of Information legislation? | Yes | Article 20 of the constitution includes the freedom to receive, impart and communicate ideas and information without interference as part of the right to freedom of expression. |