


Willing to be transparent? Assessing political parties' commitment towards regulating party aid in South Africa

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ABSTRACT

According to Malena, Brinkerhoff, Post, Raile and Raile the success of a policy is tied to the concept of “political will”. However, as this article argues, this concept is insufficiently understood and this imprecision makes political will the ideal rhetorical tool to explain policy failures, mostly because it is generally defined by its absence. This article, therefore, seeks to understand what constitutes political will within South Africa’s party finance policy system and determine the effect this commitment has on successfully implementing these measures. The article establishes that there is an effort within the country’s national policy framework to manage this flow of money in order to afford greater transparency and restore trust within the political system. However, the willingness of parties to comply with the legislation and the Independent Electoral Commission’s capacity to commit to enforcing its provisions, especially ahead of the 2024 National and Provincial elections, are in question. The article concludes by identifying what can be used to sustain the will needed to enforce such regulatory policy while creating transparency and increasing trust in South Africa’s political system.

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Introduction

Growing economic pressures, claims of corruption and an inability to deliver essential services have fuelled support for populist sentiments within South Africa. The Economic Freedom Fighters (EFF) and the newly formed Umkhonto we Sizwe (MK) party, for example, have exploited this context to fan a left leaning populist agenda that physically and verbally attacks South Africa’s political system. Their actions and rhetoric have drawn support for their “us v them” messaging, reinforced the public’s distrust of the broader political system and affected how political parties operate.

In response, there have been moves to encourage greater transparency within the political system. For instance, the new electoral and party finance legislation was enacted to help political parties and the broader public hold elected leaders to account. Scholars

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have traditionally been sceptical of the role money, particularly when it involves political parties, has played in shaping a country's politics (Butler 2010; Pienaar 2014; Venter 2017). Given the corruptive influence money has played in South Africa, regulating its flows has become the focus of both legislative agendas and academic studies.

This article critically engages the main scholarly debates about financing political parties in South Africa. It also highlights the junction between finance, politics and the law and how they intersect to effect transparency, electoral fairness and public trust in political institutions. It briefly traces the legislative development of party finance reform in South Africa, the sources of funding that exist within the system and the measures this legislation enacts to promote greater transparency. In principle these efforts confirm Casal Bértoa et al. findings, that are also explained in this special issue, but also explain how this law and its implementation are key. There is a risk that political actors lack the political will to follow the policy's provisions and thereby compromise efforts to make the system more transparent. To conceptualize what is meant by political will, this article identifies several indicators and uses these indicators to assess the degree of political will that exists within the system. This analysis then extends to uncover the broader implications this legislation has for South Africa's democracy ahead of the 2024 National and Provincial elections.

Conceptualizing political will as a framework for analysis

The fact that political will is an overly used but insufficiently understood concept makes it an ideal rhetorical tool to explain policy failures, which is why Post, Raile, and Raile (2010) sought to make political will an empirically useful and actionable concept. They attempted to identify approaches that would produce practical strategies to build commitment towards implementing policies more generally. As they and other authors point out, there are several questions that researchers need to assess, for instance (Malena 2009, 17; Post, Raile, and Raile 2010): whether political will is a universal concept; whether it is understood to be a binary or continuous concept; how scholars practically conceive and measure commitment; to what degree political will relies on institutional or individual capacity; and, importantly, what factors influence commitment.

Most studies have defined political will in terms of a specific public policy issue. In assessing efforts to build constituencies and public support in rule of law programmes in Latin America for USAID, Hammergren (1998) suggested that implementing viable reform programmes relied on the political will of stakeholders. While Malena (2009, 17) describes it as a "demonstrated credible intent of political actors" that includes a wide range of stakeholders from leaders who are elected or appointed to civil society representatives to lobbyists. Woocher's (2001, 169) work tried to broaden the conceptual framework used to study political will by identifying specific factors that either strengthened or diluted commitment to a policy. His analysis of policies aimed at preventing conflict and war atrocities found that there are three preconditions for what he calls "adequate action": intelligence predicting a probable conflict; an institutional capacity to act; and the will to implement necessary policy measures (Woocher 2001, 182). Given these preconditions, Woocher believed that forging political will centred on the information and strategies used by government actors to make their decisions.

Derick Brinkerhoff's (2000, 1) analysis of anti-corruption efforts, conversely, produced this more operational definition of political will: "the commitment of political leaders and bureaucrats to undertake actions to achieve a set of objectives and to sustain the costs of those actions over time". Another of Brinkerhoff's (2010, 2) studies proposed an analytical framework for measuring political will that included seven components: a cohort of local decision makers; a genuine choice of technically sound policies (exercising a choice is an indication that there is a willingness to act); the presence of government actors to consult and communicate with civil society and private sector stakeholders; public support for the policy and the fact that resources have been allocated towards the initiative's goals; enforceable sanctions are written into the policy to ensure compliance; the policy is implemented consistently over a long period and with adequate capacity; and, there is a monitoring and evaluation system in place that is capable of adapting to emerging circumstances.

Brinkerhoff's assessment, like that of Woocher, seems to imply that political will is built from the top down because it is tied to the action (or inaction) of government actors. But in a democracy, policies cannot survive unless there is also commitment from actors operating on the ground – such as civil society organizations, community representatives and the broader voting public – who implement policies and monitor and report on its wider affect. These reports should ideally reflect the true social, political and economic environment and inform any decisions policy makers choose (Brinkerhoff 2010, 3). The link between government action and civil society's input, says Brinkerhoff, indicates the level of responsiveness and transparency of a particular administration (Brinkerhoff 2007, 116).

Malena (2009) also acknowledges that political will is dynamic because it is influenced by a range of individual, organizational, relational and social factors. Regardless, she finds that it is indeed possible to identify the concept even if these elements are absent (Malena 2009, 19). Ultimately, Malena argues that political will depends on individual political actors since they are present throughout the policy making process. Individuals play an important role from preparing and implementing policy to detecting where it falls short and how it affects various stakeholders to suggesting mitigating actions. Influencing their will or motivation is key and any tactics that do so must tap into their personal beliefs and values, experience, education and relationships. However, if one is to influence political will at the organizational level, then Malena reiterates the characteristics Woocher outlined years earlier. The pre-established patterns of behaviour that embody an organization's culture, mandates and procedures supersede rational considerations. Factors that Malena (2009, 24) says shape the relational level of political will seem to again mirror those Woocher described in his governmental politics model – to corral a range of actors with different positions and persuade them to agree on a common course depends on transparency and the level of trust between actors – for this article's purpose, between the parties. Furthermore, creating an environment of social trust and social capital requires a steady flow of information from policy makers to enforcement agencies to individual citizens who are affected by these decisions.

Each of these authors define political will as the degree to which key decision makers commit valuable resources to a policy solution (Post, Raile, and Raile 2010, 659) and each identifies overlapping factors that shape such commitment. According to Post, Raile, and Raile (2010, 658–659) political will is determined by the outcomes and expectations of

influential political actors, the authority, capacity and legitimacy of key decision makers and the complex environment in which decision makers find themselves. These factors lay the foundation for a more detailed description of political will that can be divided into three sub-conceptual areas each linked to a set of factors that influence the will to act: a set of decision makers who hold a common understanding of a social, often intractable, problem; who are committed to supporting a solution; and, who agree on a potentially effective policy to solve the problem.

Clearly, political will is more than simple rhetoric. It reflects a multifaceted system that adapts to the action or inaction of policy makers who are motivated by their personal attitudes, organizational constraints and a specific socio-political environment. In fact, the concept offers an interesting analytical perspective through which to interpret the dynamics of political decision making, and for the purposes of this article, the rigour of embedding transparent political party financing.

Ultimately, this analysis concentrates on two areas, namely: the party finance-related policy measures and their relationship; and, the level of political will present to successfully implement these measures. To do so, relevant policies were identified and used to develop an appropriate context and to establish their specific purpose. Indicators of political will were collected by selecting information that was “necessary and sufficient, but not exhaustive” (Brinkerhoff 2015, 5). The collection process was purposive since there is limited specific research on the concept of political will and its link to policies looking to control financial flows within South Africa’s political system. Data gathered included the legislation itself as well as secondary sources such as journal articles, newspaper articles, institutional strategies, websites and other reports which offered different perspectives on the willingness of stakeholders to implement the policy (Prior 2008; Rapley 2007).

This article uses the findings from Malena, Brinkerhoff, Post, Raile and Raile to develop a broader conceptual framework to assess political will. These indicators assess: the importance and prominence of decision makers involved in policy discussions; whether a policy enforcement mechanism with incentives and disincentives for implementing the policy was established; if human and financial resources were committed to the policy’s implementation; if milestones were integrated into the policy implementation initiative; the presence of a monitoring and evaluation mechanism; if this monitoring mechanism was suitably funded; whether regular reports were received from the monitoring team; if new policy recommendations were debated based on these reports; and, whether new policy recommendations were enacted.

Perceptions of impunity and growing political distrust

In South Africa, there is a long history of questioning the transparency of party financing. During the apartheid era, many of the regime’s financiers, such as Barlow Rand (now trading as the large conglomerate Barloworld), “preferred to keep their support confidential” (Open Secrets 2017; van Vuuren 2017). The inability to conclusively finger the bank-rollers certainly helped to prolong the regime’s tenure. It can also be argued that those supporting the struggle against apartheid were also well concealed to protect them from the local and international retribution (van Vuuren 2017).

In the 30 years since the end of apartheid, South Africa evolved into a single party dominant system with largely free and fair elections that repeatedly returned the

former liberation movement, the African National Congress (ANC) to power. The ANC, however, abused this dominance, according to Pienaar (2014, 3), which frustrated opposition parties' efforts to keep the government in check (Venter 2017). There are three reasons for this. First, prior to 2018, political parties were not required to disclose the donations or the amounts they received which entrenched the perception that there was limited democratic accountability both within and between these parties and the South African citizens. Second, the dramatic increase in campaign spending raised red flags across the political spectrum. For the ANC, the campaign for senior leadership positions within the National Executive Committee has been an expensive and hotly contested affair. Since the 2009 national elective conference that saw Jacob Zuma elected as party president, these campaigns have generated allegations of vote buying (Makhanya 2022; Njilo 2022; Payne 2022) which were again raised by Cyril Ramaphosa's roughly ZAR300 million (this amount is disputed) ANC presidential bid in 2017 nicknamed "CR17" (Du Plessis 2021). The questionable origin of money used to fund the ANC's internal party campaigns, which was then unregulated, reinforced the lingering impression that corruption exists and that it was crippling the noble intentions of the former liberation movement. There were also concerns that "[w]hen political parties come to rely on the financial support of a few – not just the votes of a majority – to win and maintain power, public accountability and internal party democracy are undermined" (Pienaar 2014, 3). Finally, there is the trend of decreased public trust and participation in electoral politics (HSRC 2023, 1). As a consequence, a lack of transparency has become deeply embedded in the political culture and it, in part, explains why a culture of secrecy and mistrust amongst political actors persists in post-apartheid South Africa.

There have been attempts to redefine the political landscape and make funding of political parties more transparent and accountable. But as Booyesen (2012) pointed out, these initial proposals were timid. They provided minimum disclosure requirements and did little to dislodge embedded financing tactics or enhance trust amongst a largely cynical citizenry (Booyesen 2012). While the objective was to fulfil the spirit of section 236 of the Constitution which looks to "enhance multi-party democracy", opposition parties complained, the effect was to further entrench incumbent parties and their party coffers rather than promote new voices that could respond to changes in voter preferences.

The Public Funding of Represented Political Parties Act 103 of 1997 (also known as the Public Funding Act), the first foray into party finance regulation, established that political parties represented in Parliament and provincial legislatures would share monies from a Public Fund (also referred to as the Multiparty Democracy Fund) that the Independent Electoral Commission (IEC) would manage. In the 2012/2013 financial year, this amounted to ZAR110 million and was divided proportionally among the represented parties. Parties who received funds were obliged to report on how these monies were spent but a distinct lack of internal financial management capacity, because no records managers had been appointed, meant that many parties commingled the funds along with their other funding (such as membership fees) and were unable to provide the required reports (Netshakhuma 2021, 297). They also did not feel compelled to do so because the penalty for non-compliance was not rigorously enforced (Lodge 2001, 58; Matlosa and Mbaya 2004, 35). In addition, the Party Allowances Policy approved by Parliament in 2005, firmly entrenched the fact that the Public Funding Act was also meant to promote greater transparency in how political parties operate their constituency offices

(Party Allowances Policy 2005). However, reporting was again inconsistent, and some parties had their funding suspended until they could demonstrate compliance (Pienaar 2014, 266). Moreover, the Public Funding Act was also primarily concerned with regulating state funding and did not require that private donations be disclosed. In effect, the Act created conditions where financial influence could go unchecked thereby eroding public trust in political processes.

Despite these legislative measures, calls for greater transparency within the political system have persisted and come from very different corners of the political spectrum. Perhaps the least partisan of these was from Raymond Zondo, Chief Justice of the Constitutional Court and Chairman of the Commission of Inquiry into State Capture of State Owned Enterprises. The Chief Justice, in his reports from the recently completed inquiry blamed the level of corruption, and the broader systemic failures it has produced, on politicians who are either unable or unwilling to hold officials accountable because their livelihoods depend on their loyalty to the party and its narrow interests (Ferreira 2022; Zondo 2022). However, almost two years after the Commission's conclusion and despite the evidence gathered during this inquiry, the country's National Prosecuting Authority is still to successfully prosecute anyone named during the hearings. As a result, and because there is seemingly no legal recourse on the cards, voters feel that senior ruling party officials can act with impunity and this affects how, and indeed if, they will choose to engage in the political system (HSRC 2023; Patel et al. 2021).

Furthermore, successive ANC administrations have had to address the wealth, housing, education and health care imbalances that they inherited from the apartheid regime. After three decades, a lack of essential infrastructure and the inability to enforce accountability on those in office have stoked national frustrations and pose perhaps the most significant threat to the country's democracy (Thuynsma 2017).

Building transparency by disclosing party financing

The next attempt at embedding a degree of transparency and accountability, and the focus of this article/s analysis, was the enactment of the Political Party Funding Act 6 of 2018 (PPFA). [Figure 1](#) illustrates how the PPFA was supposed to change the political culture of both leaders and individual voters.

There was real hope for substantive change when the PPFA was passed. The law required, for the first time, that political parties disclose those who contributed above a certain threshold and limited the amount of money individuals and corporate bodies could give. And, to reduce the possibility of external influence on national politics, the Act also excluded foreign funding in certain contexts. By forcing parties to disclose their funders and to quantify the sum of their support, the policy was supposed to open up what was traditionally a closed financing system. Indeed, studies such as that published by Crepez and Arikan (2023), suggest that an open system increases public trust because it publicizes potential conflicts of interest and reduces perceptions of corruption.

In turn, publicizing these disclosure reports was supposed to stimulate an environment of greater accountability where fair competition between political parties could exist. The policy also encouraged a political culture where voters could make better informed decisions about political parties, a shift that should contribute to a more robust and democratic political system.

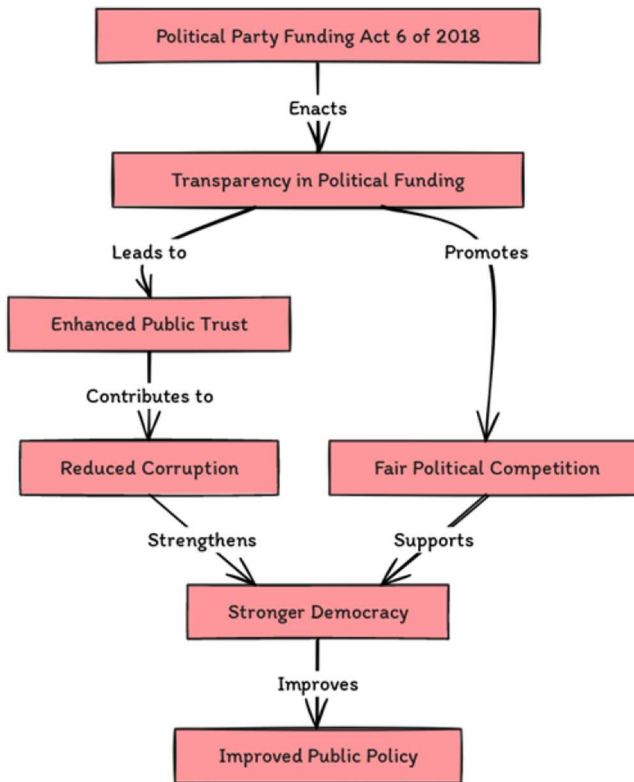


Figure 1. Flowchart illustrating the intended effect of the Political Party Funding Act 6 of 2018.

The key question is whether there is the political will, to maintain such standards.

Assessing political will within the PPFA

To assess the degree of political will within the PPFA, this article uses the indicators identified earlier by Malena, Brinkerhoff, Raile and Raile to estimate the degree of political will within the reform process.

Indicators that demonstrate political will

- i The importance and prominence of decision makers involved in policy discussions

During the policy research phase, a full round of parliamentary subcommittee discussions was held along with the mandatory period in which all stakeholders including the public were invited to comment on the policy provisions. This means that all political parties represented in the national and various provincial legislatures were allowed to provide their input as well as other key stakeholders such as the Select Committee on Security and Justice and the IEC who enforce the Electoral Act No 73 of 1998, business, the broader civil society, and individual voters.

- ii The presence of a policy enforcement mechanism with incentives and disincentives for implementing the policy

The PPFA and its provisions are seen as both an incentive for those stakeholders (i.e. business, investors, civil society and voters) pushing for greater accountability and transparency because it requires political parties to disclose donors that give money and in-kind gifts of ZAR100,000 or more (Stoltz 2021). The Act also retains the Represented Political Parties Fund (RPPF), that was originally established under the Public Funding Act, which enables the IEC to disburse an annual amount of public money to political parties. Also retained is the Multiparty Democracy Fund (MDF), that was established to encourage corporates, individuals and foundations support the country's nascent democracy by funding non-partisan activity such as issue advocacy and civic education training sessions. In line with the Code of Ethics, both funds prohibit money to be used to remunerate individuals employed by the state including members of national, provincial and local legislatures, to defray legal expenses or to establish a business.

Political parties, on the other hand, while voicing their support for the legislation, also consider it a disincentive for a couple of reasons. First, the disclosure requirements meant that parties needed to be more open about from whom they received their money, information they were not accustomed nor equipped to provide. Second, the law restricts them from accepting donations of more than ZAR15 million from a single source and prohibits foreign governments, their agencies and citizens as well as state departments and state owned enterprises from making donations. Essentially the Act imposes controls on the amount and sources of party funding in the hope of restricting the potential influence external actors may exert. The DA also argued that the amount of state funding was inadequate and that its distribution was not equitable given a party's size or electoral performance (Stoltz 2021). In effect the largest party in parliament, the ANC, was also the largest benefactor of state funding.

Parties, including the ANC, also complained that the new regulations make it difficult for them to raise money. Donors, the party argued, were reluctant to have their names linked to a specific political party. This may well be an issue for other political parties, but it is difficult to compare since the reporting requirement has only been implemented since 2021. However, opposition parties such as Abantu Integrity Movement (AIM), the ACDP, the Patriotic Alliance (PA) and the GOOD party all declared donations of more than R100,000 between 2021 and 2023. Curiously, Martin Moshal and three members of the Oppenheimer family made multi-million rand donations to the newly formed opposition party ActionSA led by former DA member and businessman Herman Mashaba. ActionSA also declared funding from the investment company AEEI Group, which is a subsidiary of Sekunjalo Investment Holdings which was founded by the controversial "struggle doctor" Dr Iqbal Surve.¹

Reports further reveal that the EFF received donations from South African billionaire Patrice Motsepe's African Rainbow Minerals (Motsepe's sister is married to President Ramaphosa), Harmony Gold Mining, 3Sixty Health, South African Breweries and SN Maseko (IEC 2022a, 2022b; Masungwini 2022). Interestingly, according to IEC reports (IEC 2022a) African Rainbow Minerals has supported other opposition parties to around ZAR3.5 million, with the DA receiving ZAR2.115 million. In 2023, Motsepe also donated to the conservative predominantly Afrikaans party, the Freedom Front Plus.

The result has been a more transparent system. Since 2021, for instance, the ANC has declared multimillion rand donations from donors such as Sandton-based business management holding company Chancellor House, investment house Botho Botho Commercial Enterprise PTY LTD, mining company African Rainbow Minerals, residential construction consulting business NEP Consulting, Nonkwelo Investment Holdings, Mahestic Silver Trading 40 (PTY) Ltd and United Manganese of Kalahari. Individual donors to the party include President Cyril Ramaphosa and businessman Cedric Muzi-wakhile Ntombela (IEC 2022a, 2022b; Subramoney 2021).

Foreign governments and agencies were also not permitted to donate directly to a political party except if the funding is to support training and policy development initiatives – and this funding must be declared. As a result, the DA declared donations from political foundations such as the Friedrich Naumann Foundation, who supports it with both cash and in-kind donations, and the Danish Liberal Democracy Programme and the Dutch-based Volkspartij Voor Vrijheid En Democratie who both provide in-kind support (IEC 2022a, 2022b). In addition, donations from corporates such as the environmentally responsible plastic packaging firm, Polyoak Packaging (PTY) Ltd (IEC 2022a) and media conglomerate Naspers were declared. The party also received international funding from the former chief executive and treasurer of the British Conservative Party, Sir Michael Lawrence Davis – donations from foreign individuals to political parties are allowed under law but cannot exceed ZAR 5 million a year (IEC 2022a).

But there was a loophole in the legislation. While parties must record all donations received from all sources, amounts below ZAR100,000 must be regularly audited but do not have to be publicly disclosed (PPFA 2018). Therefore, parties can canvass for small scale or “low-dollar” donors that can similarly recruit members and collect small membership fees to support their operations without needing to file a report. This strategy exploits a loophole in the PPFA which parties can use to help donors not keen to have their support publicly recognized and also to obscure the true extent of their party infrastructure. Such a strategy is particularly useful for established parties and is a generally sound strategy to raise money as well as voter support. But for newly registered parties such operations are not possible given their limited financial and institutional capacity.

In terms of enforcing the PPFA’s provisions, the IEC may apply to the Electoral Court for an order to compel a party to comply. Should the party fail to comply, then a directive can be issued that imposes either: a suspension of payment for any monies to be allocated; force the party to pay monies that were irregularly accepted or spent by instituting a civil claim or offsetting the liability against the monies due to the party from the MPF; or imposing a fine. The fines are disaggregated based on the offence – by receiving donations from sources that are disallowed or not disclosing donations received above the ZAR100,000 threshold, parties can be fined ZAR500,000 or 10% of income whichever is higher. Depending on the number of offences committed within a three year period, that amount can increase to ZAR1 million or 30% of income whichever is higher (PPFA 2018, 22). Should the party not account for other income received from say membership fees, fines range from ZAR40,000 to a maximum of ZAR15,000 depending on the number of offences committed during a three year period (PPFA 2018, 22).

Clearly, the legislation does include a policy enforcement mechanism with incentives and disincentives for its implementation. There are, however, some loopholes that future policies should attempt to close.

iii To assess the capacity for the policy's effectiveness the following indicators were developed:

- Whether human and financial resources were committed to implement the policy

According to the Act's provisions, the Independent Electoral Commission (IEC) is charged with publicizing the disclosures on a quarterly basis to ensure greater transparency within the political system. That said, there have been some challenges to ensure that all parties follow the new regulations, especially in providing full and timely disclosures of their funders and expenditure.

For instance, receiving money through the MDF is in itself not controversial, but reporting on how the funds are spent can be a challenge. As mentioned earlier, this is because most parties are unable to afford the cost appointing a permanent records manager and auditing structure to comply with the mandatory reporting requirements (Netshakhuma 2021). As a result, most parties accept such grants into their central bank account effectively comingling these funds with other party resources and making it difficult to report on the grant's specific expenditure.

In addition, the marked rise in campaign spending (already mentioned) and the questionable nature of private donor funding, forced legislative amendments to the Executive Members' Ethics Act 82 of 1998 in an attempt to monitor the ethical conduct of Cabinet members, Deputy Ministers and members of provincial Executive Councils. Under this Code, an executive member must disclose all gifts, sponsorships and other benefits received in his/her private capacity. This was thought to exclude donations to an internal party campaign that is established as an independent legal entity and separate from the individual member seeking election (Milo and Pillay 2021). The AmaBhungane Centre for Investigative Journalism, however, successfully challenged this latter point in the high court stating that Section 96 of the South African Constitution protects against a potential conflict between the official responsibilities and private interests of a member. Accordingly, members of the executive must now disclose all donations to their political campaigns (Milo and Pillay 2021; Payne 2022).

The policy has been slow to be implemented. Calland and Graham (2018), for instance, recognized the Act's stuttered application and pointedly determined that the usefulness of the policy relies on political parties and their sincere intention to maintain the new standards. The other central actor in implementing this legislation is the IEC, a constitutionally enshrined body tasked with managing the integrity and veracity of all elections. As Piper and Schrire (2019) outline, the IEC plays a fundamental role in upholding the transparency of political financing by ensuring that political parties conform to the Act's provisions and, therefore, plays a leading role in regaining the public's trust.

But technical and bureaucratic delays do impede the PPFA's implementation. In 2023, the IEC's budget was slated for a cut of ZAR800 million over a three period (2023–2025) which included ZAR281 million cut in 2024. As a result, the IEC noted that its ability to recruit the staff necessary to implement the PPFA will be adversely affected (Dentlinger 2024).

Political parties, especially the newer and smaller entities, do not necessarily have the money to employ staff capable of tracking and filing the required paperwork.

Furthermore, the fine for non-compliance is so lenient it is conceivable that parties will run the risk of incurring the modest fine or temporary censure – a sanction that has only been instituted on a few occasions. The most recent being handed down on 10 May 2024 in the judgement delivered in the *Electoral Commission of South Africa v African Independent Congress and others* (0011/23EC) (Electoral Court of South Africa 2024) ZAEC 11 where 486 political actors were found to be non-compliant with the PPFA’s provisions and fined between ZAR10,000 and ZAR40,000 each. As a result, there were calls to revise the reporting thresholds and the disclosure criteria to better balance the need for transparency and to protect donor privacy.

- Whether milestones were integrated into the policy implementation initiative or were they developed ad hoc and appended as an addendum

The PPFA mandated that political parties submit reports to the IEC on a quarterly basis for monies received from both the MPF and private donors to the party. Each parties’ books must also be regularly audited, and the results submitted to the IEC within six months of the end of the financial year. Provision is made for the Auditor-General to also conduct an additional audit, but this is at his/her own discretion.

Within the DA, for instance, questions about how individual campaigns are financed do not generate the same media attention possibly because the party raises far less money than its main rival. However, through the IEC published quarterly reports, the public can now see that in 2021 the opposition party raised an impressive ZAR15 million, outpacing the ANC who only declared ZAR10 million in donations for its election campaign (Matwadia 2021). These reports have lifted the secrecy surrounding party financing with the DA forced to declare generous ZAR15 million donations from Mary Slack, daughter of the late mining mogul Harry Oppenheimer, Martin Moshal, co-founder of Entrée Capital who also supports scholarships for students studying in Israel, South Africa and the Ukraine, and insurance company Fynbos Ekwiteit (PTY) LTD (IEC 2022a, 2022b).

iv To assess the capacity for the policy system’s willingness to adapt to new policies and agreements, the following indicators were used:

- Whether a monitoring and evaluation mechanism was appointed/established to support the policy’s implementation

For the PPFA to be effective, the provisions should be continuously assessed and adapted to address emerging challenges and incorporate feedback from a range of stakeholders. This means that the monitoring and evaluation mechanism must be suitably funded so that it can collate feedback and issue regular reports on how the policy is being implemented. The Act mandates the IEC as the body to collate and publish the disclosures on a quarterly basis, which, until 10 May 2024, they have regularly done.

Civil society organizations such as Corruption Watch, Open Secrets, OUTA and My Vote Counts have all raised awareness about the importance of transparent political funding and highlighted the effect this has on the country’s governance. Their efforts

are largely web-based or involve litigation and have kept both political parties and the IEC honest, and ensured that that both entities fulfil the PPFA requirements.

Public reaction to the PPFA, however, is reportedly mixed according to a study conducted by the Human Sciences Research Council (2023). On one hand, they appreciate the aims of the PPFA because they are keen to see greater transparency and accountability but, on the other hand, they are sceptical that political parties have the political will to comply with the provisions and that the IEC has the capacity to appropriately enforce the provisions. This impression is echoed by other stakeholders (i.e. business, civil society organizations and scholars and policymakers) who were surveyed (HSRC 2023). These stakeholders noted that unless there is robust enforcement and a genuine commitment to transparency by all political parties, the PPFA will curb nothing (HSRC 2023). Their impressions were informed by the relatively few political parties that complied with the disclosure requirements between 2021 and 2024, which are linked to the threshold limits and capacity constraints already discussed.

- Whether new policy recommendations were debated as part of the legislative process and were they enacted

There are examples of this having been done. One example is the legislative amendments to the Executive Members' Ethics Act 82 of 1998 discussed earlier, which was an attempt to monitor the ethical conduct of Cabinet members, Deputy Ministers and members of provincial Executive Councils and to curb rising campaign expenditure.

A second example happened on 7 May 2024, a few weeks before the 2024 National and Provincial elections. Here, the Electoral Matters Amendment Bill (EMAB 2024) was passed by the National Assembly and signed into law. It amended the PPFA to align the Act to Electoral Amendment Act of 2023 that allowed independent candidates to contest the 2024 National and Provincial elections. But the EMAB also catered to the ANC's cries, from its 2017 submission on the PPFA, for a higher disclosure threshold and the amount of money a single donor can give per financial year. The EMAB removed the ZAR15 million cap on single donors and creates a temporary lacuna in the law by removing the disclosure clause until the President sets a new limit and threshold. It also amended the proportional MPF allocations to allow independent candidates to receive such funding but rolled back the PPFA's allocation requirements and reverted to the levels seen under the 1997 Public Funding Act. In essence, the EMAB effectively renders the PPFA meaningless, but political parties and My Vote Counts have vowed to contest the amendment.

v Implications of Legislative Reforms on Transparency and Trust in South African Political Parties

Clearly, the effectiveness of these reforms depends on how the IEC implements their provisions, how they are perceived by the public and the extent to which political parties are willing to comply with the law. What this article has discovered is that political will resides primarily within a central body of policy makers. By their very nature, such bodies are slow to make decisions which means that local actors such as My Vote Counts and

other political parties need to use the judicial system, at great expense to themselves, to ensure that the policy's provisions are upheld.

This study has shown that, prior to the 2024 EMAB, there was a healthy degree of political will by business, civil society and other likeminded stakeholders, to implement legislation that regulated party funding and created more transparency. There is clear evidence that written into the PPFA are the provisions necessary to ensure its successful implementation. This includes the fact that prominent decision makers from political parties, parliamentary committees, civil society and the broader public were involved in the initial policy research discussions. The PPFA also includes a provision for the IEC to enforce the Act with both reporting milestones and monetary sanctions already included within the policy. There is also a clear role for the IEC and the broader civil society to monitor and evaluate the PPFA's implementation and provide recommendations for future amendments.

Unfortunately, while there certainly is a willingness to enact policy amendments, so far these have come at a price. With the EMAB's enactment, there are clear indications that the policy system has a memory – the system remembers the benefits parties derived from shielding their benefactors. It is this memory that adds to its sluggish implementation and, in the case of the EMAB, the total suspension of the necessary disclosure and donation limits needed to keep the system transparent and accountable. Enacting the EMAB is also an illustration of the political will of political parties such as the ANC, who used their parliamentary dominance to enact the EMAB in a hurried process under the pretext of providing state funding for the newly introduced independent candidates. In addition, the ANC-led government has cut the IEC's budget by ZAR281 million in 2024 and has effectively compromised the entity's ability to hire staff to monitor and enforce the PPFA.

Lastly, public perception of the party finance regulatory process while crucial is also being met with greater cynicism by the public, even before the EMAB was enacted. According to the HSRC study (2023), the public views these reforms as inadequate or merely symbolic and cited many of the reasons noted for hampering the PPFA's implementation. In the end, what started out as a commitment to create more transparency and greater accountability may in fact have highlighted the willingness, especially by political parties, to keep political funding in the shadows and has produced greater distrust among the electorate.

Conclusion and recommendations for future policies and research

The purpose of the legislation is to foster a more transparent political environment, build public trust, reduce corruption, ensure fair competition, and ultimately strengthen democracy and improve the responsiveness of the policy system.

This article traces the degree of political will within the party finance policy system and used ten indicators drawn from the works of Post, Raile, and Raile (2010) and Malena (2009) to assess: whether political will is a universal concept; how scholars practically conceive and measure commitment; to what degree political will relies on institutional or individual capacity; and, importantly, what factors influence commitment. As this analysis shows, with the enactment of the PPFA there was a significant degree of political

will and that this willingness existed whether parties complied with the provision's or willingly chose not to, because even when no action was apparent the delay fulfils the political agenda of at least one stakeholder, usually one well-placed within the party funding supply chain.

The path towards a truly transparent and accountable political party funding system in South Africa continues to evolve. The implementation of the PPFA represents a significant stride towards enhancing transparency and reducing the influence of undisclosed donations. However, as the EMAB political landscape shifts, so too must the mechanisms that govern and oversee party aid, ensuring that they keep pace with both internal dynamics and external pressures. Despite these necessary but lofty ideals, their effectiveness hinges on the will of parties and donors to comply with the provisions and the commitment of those charged with implementing these measures, chief among these are the IEC and its very limited capacity. But while these reforms can potentially build public trust and reinvigorate the electorate, their ultimate success relies on the public's perception that the process is properly implemented, which has not been helped by the enactment of the EMAB.

Here are a few recommendations aimed at building a more robust and transparent political party funding system within South Africa:

- Allocating more human and technical resources as well as funding to the IEC is critical. This investment will, among other things, improve the efficiency of monitoring and auditing political party disclosures.
- Re-introduce the donation restrictions suspended under the EMAB and impose a mandatory public disclosure requirement that forces parties to disclose all monies received and spent regardless of amount and source. But to do this political parties may need assistance to develop the necessary capacity and resources to fund such reporting.
- Accountability can be further strengthened with the help of civil society organizations like Open Secrets, OUTA and My Vote Counts who monitor political funding. Not only can these organizations track party financing, but they can and have also pushed for ongoing reforms.
- Support for more educational activities will increase public awareness about the importance of transparency in political funding. This is because an informed electorate can provide essential public scrutiny and demand accountability from political parties and their representatives.

The willingness to address these recommendations and adapt to emerging challenges, is essential for building a political funding system that not only meets legal standards but also upholds the principles of democracy and transparency. By doing so, political parties and other key stakeholders will help grow a healthier and more engaged democratic society.

Note

1. Dr Surve was accused of corrupt behaviour during the Commission of Inquiry into State Capture of State Owned Enterprises.

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