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EGALITARIAN AND LIBERTARIAN POLITICAL FINANCING MODELS:

Lessons from Ghana and Switzerland for South Africa

Daniel Masumba Walyemera[1]

Daniel M. Walyemera is a postdoctoral researcher at the College of Law of the University of South Africa in Pretoria, South Africa.

ABSTRACT

Money is essential to politics. Unregulated money, however, can enable political corruption, which justifies the need for regulation. Public funding of political parties can promote equal political opportunities in heterogeneous societies. Hence, it is necessary to fund politics partly from public resources. A country adopts a political financing philosophy depending on its political environment. This article compares two main global approaches to funding political parties to identify best practices for South Africa's nascent public funding regime. The first is Ghana's egalitarian model, which emphasises strict regulation of both public and private funding of political parties. The second is Switzerland's strategy, which relies on private funding with minimal state regulation. This article examines how these two models impact democratic values. Comparative doctrinal research methods underpin this analysis. It reviews Ghana's and Switzerland's legal and institutional financing systems to evaluate how effectively they uphold democracy. The paper shows that Ghana's strict regulation promotes democratic equality by providing political opportunities in a diverse society, although challenges remain regarding effective regulation. Switzerland's approach preserves the independence of political parties but risks fostering a plutocracy. Considering South Africa's post-apartheid context, its emerging political financing system could include aspects of both libertarian and egalitarian models; it could adopt a hybrid approach using technologies such as blockchain and artificial intelligence to overcome transitional democracy challenges. The paper therefore recommends that South Africa should adopt a hybrid public financing model. The reason is that neither Ghana's egalitarian system nor Switzerland's libertarian regime sufficiently address the democratic challenges related to political financing.

1 https://orcid.org/0000-0003-4649-9030

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Correspondence: D. M. Walyemera, email dwmasumba@gmail.com

INTRODUCTION

Political parties are a public good. They constitute the ecosystem that enables the training of political leaders, who serve nations (Atkinson, 2024). Consequently, the financing of political parties and candidates cannot be left solely to private interests. To enable sustainable democracies, public financing must be given to political parties in the public interest (Zamora, 2024; Walyemera, 2024). Public financing allows a plurality of voices to be heard in society. It significantly influences political participation and thus shapes democratic representation of societal interests (Issacharoff & Karlan, 2016). Transitional democracies are characterised by fragile state structures and meagre resources that exacerbate the challenges of nurturing a robust political financing regime. In this paper, the term 'political financing' refers to either private or public funding of political parties.

Globally, there are two philosophical models of political financing, namely, the libertarian and the egalitarian models. In their application, both models have advantages and challenges (Koole, 2014). Given the different perspectives on what democracy is, a nation may choose the libertarian or the egalitarian model, or aspects of each model that fit that particular country's unique political environment.

The strength of the libertarian model lies in the allowance of the human rights to association and expression to be exercised fully, with minimum regulation from the state. This enables a free flow of political ideas; yet it also presents challenges, such as a wealthy minority capturing and monopolising power in society. Conversely, the egalitarian model espouses strict state regulation of political financing to enable the equality of political opportunity for all (Casas-Zamora, 2005).

This paper compares Switzerland, a nation in the Global North, with Ghana in the Global South. They have civil and common law systems. They have contrasting approaches to political financing and are located in different cultural contexts. Ghana's *Political Parties Act of 2000* and its subsequent amendments exemplify an egalitarian model that emphasises public funding and strict state regulation. By contrast, Switzerland's libertarian approach amplifies reliance on private financing and minimal state intervention (Nassmacher, 2009; Switzerland, *Ordinance on Transparency in Political Funding, 2022*; Freiburghaus, 2024).

Considering that each political financing model has positives and negatives, a hybrid model would be appropriate for South Africa. This comparative analysis offers a convenient way to tease out the best practices for South Africa's nascent political financing system that is grounded in the *Political Party Funding Act of 2018*.

The paper has nine parts. The initial part introduces the study. Part 2 covers the methodology, and Part 3 discusses the theoretical framework and literature review. Parts 4 and 5 examine how the libertarian and egalitarian models are implemented in Switzerland and Ghana, respectively, with a review of their effectiveness in promoting democracy. Part 6 highlights the best practices from Switzerland and Ghana for South Africa's emerging political financing system. Part 7 suggests ways to address the challenges of a hybrid model that South Africa should adopt. Part 8 concludes the paper.

RESEARCH METHODOLOGY

The study is conducted using comparative doctrinal analysis (Aryal, 2023; Ngwoke, 2023; Taekema, 2020). This method is a prerequisite for deriving concrete, practical interventions in South Africa's nascent political financing regime. The 'Black Letter Law' research methodology (also known as doctrinal research methodology) is employed here and involves a dual approach. The method involves identifying the foundational principles of the law, which facilitates an analysis of the primary text (Aryal, 2023). This approach primarily aims to describe the law, organise it, and offer commentary on its sources. It is helpful for identifying recurring themes that can be compared to support research findings. The main text is analysed using analogical, inductive, and deductive reasoning. The doctrine of precedent is also applied to case law jurisprudence in the discussion section.

The research relies on both primary and secondary sources, including statutes, regulations, academic literature, case law, media reports, government reports, and policy papers (Taekema, 2020). Incorporating this method in interdisciplinary studies enables collaboration between research disciplines by bridging the research methods gap between law and qualitative studies. It also widens the application potential for this research method to qualitative studies (Aryal, 2023). The Black Letter Law approach enabled the author to evaluate the statutory provisions in Ghana and Switzerland to tease out possible lessons for South Africa. Global leading case law, in which provisions of the law that support either a libertarian or an egalitarian model are interpreted, is explored.

This research method also highlights the civil law structure of Switzerland in comparison with the common law traditions of Ghana and South Africa. This includes Ghana's centralised regulatory approach compared to Switzerland's decentralised model. The advantage of this methodology is that it facilitates findings for a hybrid model that South Africa could adopt. The analysis reveals specific regulatory mechanisms that could be transplanted into South Africa's burgeoning regime.

THEORETICAL BASIS AND LITERATURE REVIEW

Globally, scholars and courts have grappled with the question of free expression in relation to democratic equality. These two competing concepts are foundational to political financing. The tension between the two poles is evident in the evolving views across multiple national jurisdictions. The debates have shaped discussions on the subject. This paper examines the egalitarian, libertarian, and hybrid theories, as well as relevant literature and leading case law on the models.

The Egalitarian Paradigm

The concepts of democratic equality and fair representation are key in the egalitarian model. Scholars contend that formal equality of rights is not enough without substantive equality of opportunity for meaningful public participation (Rawls, 1971; Helwig, 2013). According to Rawls (1971), regardless of a citizen's social and economic status, the concept of social justice dictates that political structures should be established to enable meaningful and fair equality of opportunity for all citizens. In *Harper v. Canada (Attorney General), 2004*, the Supreme Court of Canada endorsed this approach, which justifies state interventions to facilitate equal political opportunities for all. The same approach has been applied in case law jurisprudence in various national jurisdictions worldwide.

The egalitarian model aims to reduce corruption in political processes through regulatory measures. These measures could involve restricting private funding for politics, setting expenditure limits, and relying heavily on public funding for political parties and independent candidates. Other interventions may include transparency regarding money received and spent by political actors. This facilitates disclosure, which in turn enables sanctions for those who violate the political financing regime (Austin, 2004). The egalitarian model seeks to prevent political corruption. The purpose is to enable effective political participation by all citizens, regardless of their social and economic status. Political corruption is sometimes characterised by the policy and state capture of government functions by private and criminal interests (Walyemera, 2024).

The egalitarian approach pushes back against the libertarian model to avoid a situation in which the wealthy minority could use their abundant economic resources to capture political power. Captured political power could subsequently be employed by the wealthy minority to dictate to the majority, with little or no democratic support from the majority (Lessig, 2011). Basically, the libertarian theory that enables uncapped private financing of politics can lead to the commercialisation of politics (Walyemera, 2018). Such commercialisation can have severe consequences for a representative democracy, as the discussion in this paper shows. For example, in *My Vote Counts NPC v. Minister of Justice and Correctional Services, 2018* the Constitutional Court of South Africa stated that politicians favour funders more than voters. Therefore, unregulated money can lead to political corruption and a failure of democratic accountability.

The Libertarian Framework

As foundational values for a democracy, this model emphasises expressive freedoms, including the rights to free speech and association. Consequently, the libertarian model of funding views private political financing as a form of political speech (Primo & Milyo, 2006; Dawood, 2013; Balkin, 2017). In *James L. Buckley v. Francis R. Valeo, 1976*, the US Supreme Court upheld this view when it stated that 'expenditure limitations constitute impermissible restrictions on political speech.' Furthermore, the Court stated that the government cannot 'restrict the speech of some elements of our society to enhance the relative voice of others.'

The libertarian school of thought claims that restrictions on political financing are not justifiable, because they violate citizens' rights to free speech and association. Proponents of the libertarian model argue that citizens should be able to support their political parties, their candidates, and political causes of their choice, without any restrictions. The US Supreme Court fortified this argument by extending these expressive freedoms to corporations in *Citizens United v. Federal Election Commission*. After that Supreme Court decision, US corporations were permitted to make donations to political parties that advocated for policies they supported. This step strengthened the arguments in favour of a libertarian model of political party funding.

The libertarian model ensures significant private financing of political actors and limited state intervention in political financing (Cagé, 2020). The model focuses on political finance transparency rather than state restrictions. Like economic markets, this school of thought assumes that the marketplace of political ideas should be left to regulate itself freely, without intervention from the state, to derive optimal benefits.

Scholars of the libertarian model point out the difficulties of effectively regulating political financing (Van Biezen, 2008; Agrawal, 2025). They claim that attempts to regulate money in politics reduce the transparency of political actors, because such actors will generally find creative ways to spend even more money on politics. Restrictions may therefore also inadvertently cripple the establishment of new political voices and parties (*Citizens United v. Federal Election Commission*). Furthermore, voters can anyway hold to account politicians who commercialise the electoral process by voting against them (*Citizens United v. Federal Election Commission*).

In the *Buckley* case, the US Supreme Court held that to curb corruption, limits on contributions were permissible. This decision, which distinguishes expenditure from contributions, has informed debates on libertarian models of political financing globally. The judgment laid the foundation for arguments against limiting expenditure but allowing limitations on donations. Overall, the aforementioned cases reinforce the argument that there should be minimal state intervention in the financing of political parties, in order to facilitate free speech and the right to association. In view of the challenges of both the egalitarian and the libertarian approaches, a hybrid model could suffice for South Africa. A possible solution is discussed in the next section.

Hybrid Model

Considering the challenges of balancing the various interests of democracy, theorists agree that regulating money in politics is a complex task. Consequently, the pure application of the libertarian or egalitarian funding models may not be effective (Scarrow, 2007; Agrawal, 2025). In a free and democratic society, the interests of heterogeneous groups must be considered; this hybrid modelling was exemplified in the decision in *Harper v. Canada*. This Canadian case provides justifiable limitations on expressive freedoms in order to preserve democratic equality and facilitate meaningful participation (*Harper v. Canada [Attorney General], 2004*).

The application of certain aspects of the two financing models allows for a balance between competing societal values. This is achieved by combining aspects of each model depending on the requirements of the political situation, which may involve applying different rules to different political actors. Another hybrid example is the disclosure regime applied in South Africa following the Constitutional Court decision in the *My Vote Counts* case. The constitutional imperative of citizens' access to information presents a less restrictive alternative to expenditure caps. Such access to information facilitates transparency in political financing (*My Vote Counts NPC v Minister of Justice and Correctional Services, 2018*).

Governance transparency is one of the aims of Goal 16 of the SDGs (United Nations, 2015). The reduction of corruption can be enabled by transparency in political financing. Therefore, to enable a thriving political financing model, transparency in the affairs of all political actors is a prerequisite. The Constitutional

Court of South Africa in *My Vote Counts NPC v Minister of Justice and Correctional Services, 2018* emphasised the need for political financing transparency. To enable informed citizen consent and democratic accountability, this pioneering decision noted that there was a need for transparency. The Court further noted that for voters to make informed choices about the electoral candidates, they need to know who is funding the political actors and how that relationship might affect public policy in the future.

The political environment determines the effectiveness of a specific financing model (Norris, 2013). Contemporary scholars agree that in applying political financing models, there is always the need for flexibility and adaptability, depending on emerging threats to the designated model (Agrawal, 2025; Hummel, 2021; Norris, 2013). The regulation of political financing thus also depends on the constitutional framework of a country. The Constitutional Court of South Africa emphasised the importance of constitutional guarantees that enable transparency (*My Vote Counts NPC v Minister of Justice and Correctional Services, 2018*). This transparency imperative transcends the democratic values of the libertarian and egalitarian models to establish basic minimums for democratic accountability.

Case law jurisprudence has balanced the interests of the two schools of thought on political financing. This has enabled a balance between the principles espoused by the egalitarian and libertarian models. This involves balancing the rights to free expression and association with democratic equality. This hybrid approach facilitates democratic participation. As opposed to formal equality, it also enables real and substantial equality of opportunity. In the *Harper case,* the Supreme Court of Canada recognised the right to third-party spending (*Harper v. Canada [Attorney General], 2004*). This decision incorporates both libertarian and egalitarian values. The Canadian court decision enabled spending caps, because unlimited spending by the wealthy can undermine the democratic equality of opportunity for other citizens – whose voices need to be heard. Consequently, the decision favoured justifiable limitations on free speech and association.

The aforementioned discussion shows that the *Harper case* partly supports the egalitarian model. This model allows for justifiable limitations to be placed on the enjoyment of civil liberties to serve the public interest. Consequently, it facilitates equal democratic opportunities for all citizens. These restrictions do limit civil liberties, such as the freedoms of expression and association, but they allow for the enjoyment of these rights in a regulated manner. It is important to note that the *Harper case* emphasises that any limitations to expressive freedoms must be exercised only to facilitate a free and democratic society.

The aforementioned discussion highlights three contrasting models and judicial approaches to political financing. The libertarian model favoured by the Swiss and the Americans sacrifices equality of political expression for expressive freedoms. The egalitarian approach favoured by Ghanaians facilitates democratic equality by restricting expressive freedoms. The Canadians, on the other hand, prefer a hybrid model, which recognises the values of both schools of thought. These include justifiable limitations on expressive freedoms to enable democratic equality.

The constitutional guarantee for transparency in the management of public affairs is enshrined in South Africa's 1996 Constitution. This model of transparency in political financing focuses on access to information. This is to enable informed democratic participation by citizens. The South African approach recognises the need for a model that enables transformative constitutionalism, given the country's apartheid history (Mukaddam, 2024).

Each funding model reflects each country's unique political and constitutional history. The democratic values of each nation should inform the crafting of a tailored funding model that fits the specific country. Periodic evaluations can enable the necessary amendments to a model to facilitate its efficient functioning. In finding a suitable political financing model, a comparative doctrinal analysis is a prerequisite to enable concrete and practical interventions. The next section discusses Ghana's egalitarian model.

GHANA CASE STUDY

Legislative Structure

Ghana returned to democratic governance in 1992, an event that prompted renewed aspirations to concretise the country's democratic gains. These aspirations included establishing a political financing regime to guard against a return to the country's dreadful past. The *Political Parties Act 2000* (Ghana) was enacted to establish a framework to administer the political affairs of Ghana. This law was subsequently amended as *Act 574 of 2016*.

The egalitarian model is established in Ghana, premised on this law and the Constitution of the Republic of Ghana, 1992 (Atta-Kesson, 2021). The *Political Parties Act* fortifies provisions of the country's constitution regarding the financing of political parties. These constitutional provisions include transparency, restrictions on private financing, and limited public funding of political parties and presidential candidates (Constitution of the Republic of Ghana, 1992). Given the strict state regulations that characterise Ghana's egalitarian framework, the provisions face enforcement challenges.

Private financing of political parties is restricted to Ghanaian citizens. In view of Ghana's capacity challenges in enforcing its strict regime and to protect its democratic gains from corrupt influences, donations from national corporate interests are restricted. Contributions from foreign sources are outlawed

(*Political Parties Act 2000*; *Act 574*; Constitution of the Republic of Ghana, 1992). Nevertheless, in accordance with section 25(3) of the *Political Parties Act*, Ghana's electoral management body (EMB) can receive assistance in kind or in cash from non-governmental organisations and foreign governments. This assistance is for the EMB's use for the 'collective benefit of all registered political parties' (*Political Parties Act 2000; Act 574*). Some of this assistance has facilitated the purchase of vehicles, which the EMB provides to political parties for their electoral campaigns.

Institutional Framework

Ghana's EMB regulates political activities in the country. This regulatory mandate includes political party registration and the parties' compliance with financing laws. In accordance with Article 55(14) of the 1992 Constitution as well as section 21 of the *Political Parties Act*, parties are required to make annual disclosures of their income, assets, and liabilities to the EMB and the general public (*Political Parties Act 2000; Act 574*). The disclosure requirements include donations and expenditures.

There have been compliance challenges regarding the quality of financial reports filed with the EMB. There are also difficulties in the timely filing of periodic financial reports (Bagbin, 2017; Nyarko, 2021). According to the EMB's Director of Electoral Services, Serebour Quaicoe, in 2021, most (90%) of Ghana's political parties were at risk of deregistration due to non-compliance with the campaign financing laws (Nyarko, 2021).

Challenges

Ghana faces several challenges in implementing its egalitarian model. The comprehensive restrictions require significant resources, which Ghana lacks. These difficulties include an under-resourced EMB, which in turn has affected the implementation of the public financing regime. As a result, political actors mainly rely on private financing – in the presence of substantial state control. The egalitarian model is effective in dealing with political corruption only when there is sufficient public financing for political parties (Nyarko, 2021; Owusu, 2018). The comprehensive regulations that characterise an egalitarian model require significant resources to enable effective implementation of the model.

Ghana's EMB is unable to effectively enforce the financing regulations due to a lack of resources and expertise in imposing compliance, which means non-compliance cannot be effectively sanctioned. The result is a situation where Ghana's campaign finance regime is excellent only on paper (Owusu, 2018).

Ghana also has challenges with transparency (Nyarko, 2021). The restrictions prescribe timely and periodic disclosures. However, political parties often file their financial reports with insufficient information for the EMB. General access to these financial reports by civil society organisations (CSOs) and activist citizens is constrained (Owusu, 2018). Interestingly, Article 55(14) of the 1992 Constitution requires political parties to make annual public declarations of their 'revenues and assets and sources of those revenues and assets', including the party's audited accounts. However, CSOs that have obtained access to these financial reports have reported glaring differences between the actual expenditures and what is reported to Ghana's EMB (Seel, 2016).

Effect on Democracy

The egalitarian rules that restrict national corporate financing and foreign funding have enhanced Ghana's sovereignty. The rules have also enabled the organic growth of a political financing regime that suits its national environment. Public funding for political parties has, to some extent, enabled a 'levelling of the playing field' for political actors. This has also reduced the commercialisation of politics, given the strict limitations on private financing (*Political Parties Act 574 of 2000*).

On the other hand, the failure to provide adequate public funding, while maintaining strict restrictions on private financing, has increased political corruption (Agrawal, 2025). Furthermore, the egalitarian model has made the existence of smaller political parties difficult. The strict criteria have overall facilitated the dominance by major political parties. These dominant parties include the New Patriotic Party and the National Democratic Congress. Their dominance may throttle the establishment of new political parties and cause the demise of smaller parties. It may also limit political competition in Ghana.

In view of the above discussion, the democratic effect of Ghana's adoption of the egalitarian model of political financing includes some democratic gains. There are, however, significant challenges that still need to be addressed.

SWITZERLAND CASE STUDY

Legal Framework

Switzerland's political financing regime exemplifies the libertarian approach, characterised by minimal regulation and maximum reliance on private financing (Freiburghaus, 2024; Mach, 2011). Unlike many democracies, Switzerland has no comprehensive federal legislation governing political party financing, reflecting the country's philosophical commitment to political freedom and federalist principles (Switzerland, *Ordinance on Transparency in Political Funding, 2022*; Switzerland, Federal Constitution of the Swiss Confederation, 1999; *Federal Act on Political Rights, 1976* [Switzerland]).

The Constitution of Switzerland guarantees freedom of expression and access to information. There is a consensus that the Swiss Constitution protects private political financing as a form of expressive freedom. These expressive freedoms include citizens' preference for political choices (Switzerland, Federal Constitution of the Swiss Confederation, 1999). There are minimal constitutional imperatives to limit political contributions from any person or organisation to Swiss political parties or to cap the parties' expenditures. There are minimal justifiable limitations on private political financing for Swiss political parties, including contributions to political parties (Freiburghaus, 2024).

Before October 2022, the Swiss federal regions were not required to impose any restrictions on political financing. Since October 2022, any contributions exceeding CHF 50,000 for federal elections must be disclosed by political parties to the Swiss Federal Audit Office. The law on electoral management at the federal level contains minimal provisions on political financing (*Federal Act on Political Rights, 1976*; *Ordinance on Transparency in Political Funding, 2022*). This minimalist regulation of political financing confirms Switzerland's practical federalist affirmation of the libertarian model.

The Power of Private Financing

Political parties in Switzerland rely entirely on private financing for their activities. There are no limits to contributions from private sources (Rosset, 2016) such as individuals and corporate organisations. Foreign contributions by Swiss citizens living abroad are allowed; all other foreign donations are not allowed. Anonymous donations are also prohibited (*Ordinance on Transparency in Political Funding, 2022*). Swiss political parties can also engage in commercial activities to raise money for their political activities (Nassmacher, 2009; Casas-Zamora, 2024). This sets up a highly market-driven system where parties must compete for financial resources and electoral support.

These market-driven models lead political parties to rely strongly on corporate donations. Swiss parties have therefore created fundraising structures to maximise their contributions from private sources. For example, the Swiss People's Party has mastered the art of mobilising private contributions from both corporate and individual sources (Chancellery, 2020). Private contributions from corporations account for a large portion of the funds collected by Swiss parties, because corporations have interests that converge with those of the parties to which they make contributions.

Critics argue that the above scenario sets up an unholy alliance between political and economic interests and an environment that may breed political corruption (Nassmacher, 2009; Casas-Zamora, 2024). In essence, the policy allows for unrestricted private financing of political parties by wealthy individuals. These elites can wield significant influence over parties and their policies. However, the decentralised administration of the Swiss regions restricts wealthy individuals' influence to specific areas (Nassmacher, 2009). As a result, this model maintains formal equality, while also allowing people to exercise their expressive freedoms.

Transparency

Swiss political parties periodically publish their financial records, showing the contributions received from private sources and their expenditures (*Ordinance on Transparency in Political Funding, 2022*; Agrawal, 2025). Any cash or in-kind donations exceeding CHF 15,000 from a single donor received by political parties must be disclosed annually. Any federal campaign expenditures exceeding CHF 50,000 must also be disclosed.

The disclosure requirements enable transparency in the libertarian model of political financing. However, the requirements differ across the Swiss regions. In many regions, there is no requirement to disclose the donations and expenses of political parties. Other regions have disclosure rules. Some political parties at the federal level voluntarily make some of their financial records available to the general public.

Some commentators criticise the minimal disclosure requirements for private sources of financing. It is argued that the minimal transparency regarding who is secretly financing Swiss political parties shields the political influence of private funders from scrutiny. This creates a challenge in enabling democratic accountability and highlights potential political corruption between private funders and political parties (Walecki, 2005; Karl-Heinz Nassmacher, 2009).

By contrast, proponents of minimal disclosure of private funding sources argue that citizens vote for political parties based on their policies, and that, once in power, these parties act without any influence from their private funders (Nassmacher, 2009; Agrawal, 2025). Some federal authorities have, however, enacted a series of strict disclosure regulations, with varying degrees of success (Nassmacher, 2009). No formal assessment has been conducted regarding a strict disclosure regime at the federal level to confirm its effectiveness.

Democratic Effect

The Swiss model of financing allows political parties to craft strategies that maximise private contributions to perform their activities. This facilitates political competition. These minimal state restrictions enable Swiss political parties to quickly adapt to the changing political environment without the attendant bureaucratic limitations. Furthermore, the lack of complex regulations enables the establishment of new parties and the continued existence of smaller ones. This libertarian model does not require resources for enforcing the financing restrictions. However, new and smaller political parties may struggle to raise financial resources for their activities, compared to the major Swiss parties. In addition, the influence of wealthy individuals and corporate interests may enable a plutocratic Swiss state, which would undermine the values of democratic accountability and equality (Agrawal, 2025). The minimal disclosure of private sources of financing makes it difficult to evaluate the extent to which wealthy private interests actually do undermine democratic equality.

During recent electoral campaigns, concerns about potential political corruption linked to corporate and foreign funding have underscored the shortcomings of minimal restrictions in a libertarian model (Walecki, 2005; Ammann, 2024; Agrawal, 2025). As noted, critics argue that the lack of transparency can undermine democratic equality. By contrast, supporters of the libertarian model claim that the overall success of the Swiss political system is evidence that this model of political financing is effective (Tilton, 1974; Casas-Zamora, 2024).

COMPARATIVE ANALYSIS OF GHANA AND SWITZERLAND

Democratic Equality

Switzerland's libertarian values and Ghana's egalitarian approach differ significantly. The first model does not necessarily 'level the playing field', while the second seeks to achieve democratic equality through strict state intervention. Switzerland's model allows parties to mobilise substantial resources from private sources, which may hinder political opportunities for actors with meagre resources. Its proponents argue that the ability to mobilise such resources freely is evidence of political support (Nassmacher, 2009). By contrast, Ghana's model restricts funding from private sources and provides minimal public support to political parties in a bid to equalise political opportunities.

Ghana's model is effective in levelling the electoral field only if the state provides sufficient public financing for political parties (Agrawal, 2025). This approach can equalise economic inequality, facilitating a plurality of legitimate political voices in Ghana. However, insufficient public funding has led political parties to rely on funding from private sources, which is strictly restricted. The unavailability of public funding has led to non-compliance. The EMB's enforcement challenges have further exacerbated this non-compliance. Overall, difficulties in regulation and resource scarcity hinder Ghana's model, which would otherwise facilitate democratic equality (Atta-Kesson, 2021). By contrast, Switzerland's model optimises resource allocation by allowing the political market to distribute private financing resources according to political demand.

The discussion above shows that both models face difficulties in achieving their intended aims. Switzerland's model may enable political corruption and weaken democratic representation. Ghana's approach encounters regulatory and resource challenges that impede its enforcement.

Transparency

Regarding transparency and democratic accountability, Switzerland's system advocated for voluntary disclosure until 2022 (*Ordinance on Transparency in Political Funding, 2022*). Switzerland's libertarian regime now provides for minimum disclosure requirements. By contrast, Ghana's framework has implemented strict compulsory disclosure obligations; political parties are required to declare periodic financial reports to the EMB and the general public, disclosing the sources of their funding, assets, and expenditure (*Political Parties Act 574 of 2000*). Making this information public enables a transparent examination of who has financial influence over Ghana's political leaders.

Switzerland's minimum restrictions can lead to conflicts of interest and consequent political corruption. In this sense, the minimum disclosure regime may stifle democratic accountability. On the other hand, Ghana's model faces enforcement deficiencies. The discussion above shows that, with adequate resources, Ghana's egalitarian approach can deliver democratic dividends through effective enforcement, whereas the Swiss model undermines some democratic values, although it enables freedoms of speech and association.

Institutional Capacity and Enforcement

In many countries, the principal regulatory agency for political financing is the EMB. The EMB, however, must be assisted by other government agencies to execute its mandate, given the complexity of enforcing political financing laws. This interagency cooperation can facilitate a robust enforcement ecosystem (Agrawal, 2025). For enforcement to be effective, the EMB must be adequately resourced with human, financial, and technical expertise.

Ghana's comprehensive regulatory framework demands sufficient administrative resources and is hindered by implementation challenges. By comparison, the resource demands to enable regulatory compliance are less under Switzerland's libertarian approach. There is a risk of undermining the democratic dividends that Ghana's egalitarian model offers. While the Swiss model significantly reduces administrative and enforcement costs, it also risks facilitating political corruption if political parties employ unethical financing practices. The Swiss model, therefore, lowers the threshold for democratic protections.

The discussion above shows that potential and ambition must be aligned with capacity when a country selects a political financing model. Although comprehensive regulations are vital to enabling democratic equality, this ambition should be aligned with the regulatory resources available to a country to allow for an effective regime. It may be counterproductive to advocate for a strict regime without the resources to enforce it. On the other hand, minimal regulations risk undermining opportunities for democratic equality.

Political Competition and Innovation

Ghana's egalitarian model can undermine the establishment of new political parties. Due to its strict regulations, it can also stifle or lead to the demise of smaller parties. To access public funding, parties must meet minimum criteria to receive such funding. These strict criteria may not be feasible for new political voices that seek to register parties or for existing smaller parties (Atta-Kesson, 2021). As a consequence, the diversity of political opportunities may be undermined in a heterogeneous society.

On the positive side, Ghana's strict regulations may stifle the influence of foreign, wealthy, and criminal elements on the autonomy of political parties and the political environment generally. This approach can enable democratic competition and equality through the strict control of money from private and public sources. Nonetheless, some commentators allege that formal equality does not necessarily translate into substantive equality in practice (Walyemera, 2024; Agrawal, 2025).

The Swiss approach enables new political voices to emerge easily. Smaller parties can meaningfully participate in the Swiss regime, given the liberal approach to regulating contributions from private sources. Nonetheless, the downside is that Switzerland's model still advantages more established parties, which undermines political competition. This liberal approach also distorts genuine electoral support for political actors that lack adequate resources (*Ordinance on Transparency in Political Funding, 2022*).

LESSONS FOR SOUTH AFRICA'S EMERGING REGIME

The South African Context

Before 2018, CSOs in South Africa often advocated for transparency in the financing of political parties (Maphunye, 2019). About a decade earlier, in *Institute for Democracy in South Africa (IDASA) v African National Congress (ANC) & Others*, 2005, IDASA had claimed that under section 38 of the 1996 Constitution, South Africans had a right to access information on the financing of political parties. IDASA's arguments were unsuccessful.

Subsequently, however, other CSOs successfully promoted transparency in political funding. In *My Vote Counts NPC v Minister of Justice and Correctional*

Services, 2018, the Constitutional Court of South Africa established a disclosure regime for the financing of political parties. The Court noted that transparency was a prerequisite for democratic accountability. The decision also enabled the pioneering establishment of a legal framework for the public funding of political parties.

The exploitative apartheid system dominated South Africa's political and constitutional history. The economic inequalities created by the apartheid regime can only be remedied through transparency in the financing of political parties. In the absence of transparency, the remnants of the apartheid system may seek to capture the political process to continue sustaining their racist political and economic power (Clark, 2014; Mukaddam, 2024).

In addition, dominance of the political scene by the ANC can present unique challenges that may hinder a robust multiparty system in a post-apartheid environment. This dominant-party difficulty is not relieved by implementing a political financing regime at three levels of government. This is due to the absence of adequate administrative and expert resources for regulating political finance at these levels of government (Independent Electoral Commission of South Africa [IEC], 2020).

Practical Recommendations for a Hybrid Approach

Considering the differences between Ghana's egalitarian approach and Switzerland's libertarian model, South Africa should adopt a hybrid model (Agrawal, 2025). This approach would allow for the positive aspects of both models to be applied, making the most of their respective benefits. Some practical recommendations for the hybrid model are discussed below.

South Africa's disclosure framework needs to be more regulated than Switzerland's minimal disclosure regime, yet more practical than Ghana's very stringent approach. South Africa's distinctive political landscape would be well served by this hybrid framework, which would promote transparency in political finance and counter the exploitative legacy of apartheid. With the aid of emerging technologies, the proposed approach can be supported by prompt disclosures of substantial private contributions and accessible technological interfaces available to the EMB, anti-corruption CSOs, and citizens.

South Africa should permit private financing of political parties because of its limited capacity to publicly fund party activities. However, the country should avoid the minimal restrictions approach characteristic of Switzerland's model. Any restrictions on private funding should serve to prevent a plutocracy in South Africa. These restrictions should be adjusted periodically to cater for inflation. South Africa should also avoid Ghana's stringent approach to mobilising resources from private sources in the absence of adequate public funding (Agrawal, 2025).

To promote the diversity of political opportunities and redress the challenges of South Africa's apartheid past, both the proportional and the equitable models should be applied in disbursing money from the EMB (South Africa, 1996). A portion of funds should be allocated to all registered political parties to encourage the plurality of political voices in South Africa. In summary, both Ghana's strict model, which has a high threshold for accessing private and public funding, and Switzerland's approach, which places minimal regulations on contributions from private sources, are inappropriate for South Africa, given its racist history (Walyemera, 2024).

Institutional Framework

South Africa's EMB is the Independent Electoral Commission (IEC), which some commentators feel is not the best-suited institution to regulate political financing. They argue that another independent institution should be established for this critical task (Maphunye, 2019). However, the IEC has established a credible global reputation as an independent EMB. In view of South Africa's meagre resources available for electoral management, it makes financial sense for the IEC to administer the regulatory role, given its proximity to the IEC's principal mandate of election management.

The IEC should establish a political financing unit whose sole mandate is the regulation of political financing. Thereafter, the unit's administrative and technical capacity can be built incrementally. In view of the fact that a robust political financing regime exists in an ecosystem, the capacity of all the key stakeholders should be built periodically. These stakeholders include other oversight government agencies whose mandates align closely with political financing, as well as CSOs, political parties, and activist citizens. In the long term, these capacity-building initiatives will enable a robust regime for South Africa's political landscape.

Given South Africa's tiered government, enforcement mechanisms ought to be implemented in a segregated manner, as opposed to Switzerland's liberal approach and Ghana's ineffective enforcement. This approach would enable sanctions that strengthen the political financing regime. The sanctions regime should be drafted in a manner that encourages corrective measures for minor infractions and stronger penalties for major infringements, to ensure deterrence (Agrawal, 2025).

Adaptive Design

As the implementation of South Africa's budding regime proceeds, its enforcement should be adaptive to enable learning experiences from which to select best practices that fit with the 'rainbow nation's' political environment. These cumulative learning experiences should include periodic input from the key stakeholders involved in the political financing ecosystem. These stakeholders should include the IEC, other oversight government agencies with roles closely aligned with that of the IEC, political parties, CSOs, academic experts, and activist citizens. These regular evaluations should include consideration of new technology to facilitate real-time disclosure of contributions and reporting of infringements by political actors. This exploration may also include innovative political funding strategies from third parties (Agrawal, 2025).

The continued engagement with international political financing networks can facilitate the exchange of unique ideas about regulating financing that may be suitable for South Africa's nascent regime. This global exchange benefits South Africa's regime by enabling the adoption of best practices from other national jurisdictions with similar political environments.

Specific Regulations

South Africa's public funding formula should acknowledge the apartheid past by enabling political opportunities for a heterogeneous society. In accordance with Article 236 of the 1996 Constitution, this funding formula should embrace political diversity to foster political competition among all races that belong to the nation. As is best practice in other countries, South Africa's Constitution should be amended to expressly provide for a percentage of the national budget to be allocated for the public funding of political parties. By nurturing leaders for the country, political parties serve an essential public good.

To enable the integration of South Africa into the global community, the country should allow foreign contributions with strict limitations to protect its national democratic sovereignty from corrupt and criminal interests. These restrictions on foreign contributions can include the prohibition of donations from foreign governments, political parties, and organised crime syndicates. Other limitations can include capping annual contributions from foreign sources at a certain threshold, with periodic evaluations to account for inflation. Contributions from private sources within the country should be capped at reasonable amounts. This would allow parties to raise funds to support their political activities, without exposing the autonomy of such parties to capture by wealthy or criminal elements.

MITIGATING IMPLEMENTATION CHALLENGES

Capacity Limitations

There are difficulties encountered in implementing the *Political Parties Funding Act of 2018*. These challenges include limitations in the IEC's administrative and technical capacities to enforce the disclosure framework; some limitations involve the IEC's inability to monitor compliance with the regime. Political parties also face challenges in compiling comprehensive and reliable financial reports for the IEC. Consequently, the quality of these financial reports is in doubt. This is exacerbated by smaller political parties that do not have the capacity to compile and timely file financial reports to the IEC (IEC, 2020).

The IEC's innovative inclusion of new technologies in the disclosure regime can improve the filing of financial reports in a comprehensive and timely manner. These new technologies can be designed in a simplified way to enable their use by a wide array of stakeholders. This simplified compiling and filing of political finance reports can facilitate compliance with the disclosure regime. Other oversight CSOs and activist citizens can assist the IEC in assessing compliance with the disclosure requirements by identifying inconsistencies between what is filed and what parties actually receive and spend during their political activities. This may trigger investigations, which could lead to enforcement actions against infringing actors. Penalising political actors may serve as a deterrent to others who intend to violate the disclosure regime. The above discourse shows that a progressive implementation of the disclosure regime would enable capacity building among key stakeholders and can eventually facilitate a resilient political financing ecosystem.

Enforcement Constraints

To enable deterrence, political actors who infringe the disclosure laws should be sanctioned promptly. Ghana's difficulties with enforcing its egalitarian regime provide valuable lessons for South Africa. The IEC's prompt investigation of non-compliance requires technological and technical expertise that can be developed over the long term. The legal mandate of the enforcer should be explicitly set out in the law to avoid unnecessary litigation with stakeholders, which could derail the enforcement of the regime. Simplified enforcement mechanisms must be implemented in an incremental fashion. Ultimately, a robust political financing regime depends on the political and administrative will of the regulators (Thuynsma, 2025).

These simplified compliance and enforcement measures should include minor and major sanctions (Walyemera, 2018, 2024). Minor sanctions can include education and corrective action, while major violations should include fines and custodial sentences. This reflects the fact that non-compliance may result in grand corruption, which has far-reaching consequences for the political and economic vibrancy of South Africa (Maphunye, 2019). The simplified compliance mechanisms would allow for the graduated implementation of the political financing regime while capacity is being established to sanction severe non-compliance.

Resistance by Political Actors

The reform of political financing is bound to face resistance from those who benefit from a more liberal status quo. South Africa is no different from other nations that have experienced resistance to the regulation of political party financing. Indeed, there has been resistance to the regulation of political financing in South Africa for decades (Pottie, 2003). Established parties and business interests have pushed back against the effective implementation of South Africa's regime. Consequently, the IEC, CSOs, and other key stakeholders need to devise strategies that will facilitate support from key political actors to enable buy-in, effective compliance, and efficient regulation.

Interventions that can build broad-based support include engagement by CSOs to sensitise the public about the benefits of regulated financing of political parties. This can include demonstrating the democratic gains of improved transparency. It could also encompass an incremental implementation of the political financing regime to demonstrate its positive effects for the general public and garner their support.

Technological Challenges

New technologies have enabled political financing and campaigns to be carried out in a highly sophisticated manner (Bagby, 2019; Hamada, 2021; Agrawal, 2025). These new technologies have enabled digital transactions and resource mobilisation through complex financial processes, including blockchain technologies, online fundraising, and campaigns. This has created challenges for the traditional regulatory mechanisms (Agrawal, 2025). Consequently, South Africa's political financing regime should be adaptively designed to address new technological developments. This will enable an adaptive political financing system. These flexible strategies include enacting legislative frameworks that can timeously adjust to enable the periodic implementation of new technologies. The IEC's inclusion of data analytics and digital disclosure mechanisms would greatly ameliorate the administrative burden of monitoring the disclosure regime.

South Africa's constitutional and legal framework allows for the inclusion of new technologies, including blockchain and artificial intelligence (AI), in electoral management (Bagbin, 2017). AI can enhance the IEC's oversight role regarding the disclosure of donations under section 9 of the *Political Party Funding Act.* When political actors receive suspicious donations above the set threshold, these could indicate political corruption. Real-time monitoring and algorithms that recognise certain patterns could be deployed by the IEC to thwart any possible money laundering and illicit foreign funding of political parties.

One of the founding values of South Africa's constitutional democracy is accountability. Section 1(d) of the 1996 Constitution establishes accountability as a core value of the rainbow nation. The critical role of transparency in the administration of public affairs was emphasised by the South African Constitutional Court in the case of *Economic Freedom Fighters v Speaker of the National Assembly, 2018*.

Blockchain technologies could enhance transparency in the financial transactions of political actors. The EMB can detect any fraudulent financial transactions in the accounts of political parties in real time. Both AI and blockchain technologies can facilitate the EMB's and the general public's verification of information provided by political actors, which may encourage compliance with the political financing regime. In *My Vote Counts NPC v Minister of Justice and Correctional Services, 2018,* the Constitutional Court held that citizens have a right to know the sources of private financing for political parties.

Section 32 of the 1996 Constitution prescribes that South African citizens are entitled to access information that is in the custody of public agencies. This enables informed public participation in the affairs of government. New technologies can be employed to ameliorate the IEC's administrative and capacity challenges in monitoring and enforcing the disclosure regime. AI and other automated reporting technologies can assist with real-time compliance and reporting. New technologies can also facilitate the real-time acquisition of cogent evidence to enable sanctioning. Other regulatory agencies, CSOs, and activist citizens can facilitate the enforcement of this disclosure regime if transparency is enabled by new technologies.

Such transparency must not violate the privacy rights of donors, as the privacy law protects their rights. Technological interventions must align with key legal considerations as established in leading case law jurisprudence in South Africa. Examples of such cases include *Democratic Alliance v African National Congress,* where the court justified the need for a government that is transparent in its affairs, and *Institute for Democracy in South Africa v African National Congress & Others, 2005*, where the court emphasised the need for accountability by political actors.

The legislative basis for applying the aforementioned new technologies is grounded in the need for an accountable and transparent EMB. The legal provisions include section 19 on citizens' rights to transparent, free, and fair elections. These provisions also include section 195, which provides for accountability in public administration. Therefore, there is a sufficient legal basis to include new technologies in South Africa's nascent regime to enable good governance by preventing political corruption.

CONCLUSION

The comparative analysis shows that neither Ghana's nor Switzerland's model fully resolves political financing issues. Ghana struggles with enforcing its regulations, while Switzerland's minimal approach threatens democracy. South Africa should therefore consider a hybrid strategy that combines public funding with regulated private contributions, transparency, and flexible frameworks, contingent upon institutional capacity, political will, and a democratic culture. Such a hybrid strategy has positive effects for governance, political competition, and public trust. Studying the various models has offered insights for strengthening South Africa's emerging democracy. Utilising new technologies can enhance regulation, and future research should investigate this area further.

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