The Global State of Democracy 2017

Exploring Democracy's Resilience

Chapter 5

Money, influence, corruption and capture: can democracy be protected?

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Money, influence, corruption and capture: can democracy be protected?

Scandals involving money in politics have affected countries in every region of the world, from Argentina to France to the Republic of Korea. These events fuel distrust in democratic institutions and actors, and undermine the integrity of the political system by making the policy process vulnerable to capture. While money is a necessary component of political life, big money provides a disproportionate advantage to a selected few, and creates an uneven playing field for women and marginalized communities. Furthermore, current policies that are intended to provide a counterweight often fall short: they have a limited scope, and the institutions that are supposed to enforce them are marred with constraints, while political parties face little accountability. A wider, holistic approach is needed to better equip democratic political institutions to resist the negative influence of money, to empower citizens and to encourage accountability. This chapter explores how democracy can be protected from the pernicious influence of money in politics, using case studies on Peru, Georgia, Moldova and Ukraine.

Written by
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> Soharto and Sokarno, both authoritarian, needed money. Where does a political leader get the money? Whether he gets money from outside the country or from a local oligarch and his network, he becomes a puppet.
>
> —B. J. Habibie, Indonesian President, 1998–99 (Bitar and Lowenthal 2015: 159)

5.1. Introduction: a world of scandals

Around the world, scandals involving money in politics are delegitimizing democracies. In mid-2016 Argentina's former secretary of public infrastructure, José López, who occupied the post for 12 years (2003–15), was arrested after trying to smuggle USD 8.9 million in cash to a monastery. He was also being investigated for illicit enrichment (Kidd 2016). In 2015 allegations of former Moldovan Prime Minister Vladimir Filat taking up to USD 260 million in bribes (Herver 2015) led to the removal of his parliamentary immunity (Gherasimov 2017). In the Philippines, the 'pork barrel scandal' was exposed in 2013, and several senators who used resources from the Priority Development Assistance Fund for almost 10 years to finance ghost projects were put in jail. An estimated PHP 10 billion (USD 200 million) was lost in this fraud (Carvajal 2013). In South Africa, an investigative report published in November 2016 accused President Jacob Zuma of allowing the wealthy Gupta family to exercise undue leverage, for instance by influencing the appointment of key cabinet positions such as the minister of finance (Al Jazeera 2016).

In the Republic of Korea, President Park Geun-hye was impeached in 2017 amid allegations of entanglement in a corruption scheme masterminded by one of her associates, Choi Soon-sil. Among other things, Choi apparently used her political muscle 'to pressure companies for millions of dollars in donations to two non-profit foundations she controlled' (BBC News 2017c). In 2017 in France, Les Républicains' presidential candidate François Fillon dramatically torpedoed his campaign prospects after the press revealed he apparently channelled more than USD 900,000 in public funds into his private accounts. He was accused of several wrongdoings, including falsely registering his wife as his 'assistant' and paying himself from money reserved for staff (Lloyd 2017; Zaretsky 2017). In Brazil, President Michel Temer became the first sitting head of state to face corruption charges, which were later dismissed by the Chamber of Deputies (Lopes 2017a; Watts 2017). These types of allegations are not new in the country. An earlier case involving the international company Odebrecht revealed, as part of 'Operation Car Wash', how this enterprise allegedly bribed and provided illicit campaign financing to Peruvian former Presidents Alejandro Toledo and Ollanta Humala and Brazilian former President Luis Ignacio Lula da Silva, as well as many other politicians in the region (BBC News 2017b; Casey and Zarate 2017; Cowie 2017).

Corruption scandals affect perceptions of democratic politics. They cause citizens to lose trust in political parties, politicians and institutions, and inspire protests or deep indignation. People often relate politics to corruption and self-enrichment (Edelman Insights 2013). Even when money is poured legally into politics, the disproportionate weight large donors have over public decision-making exacerbates an already poor public perception of politics. The fact that money is an important resource for communicating to constituents, running successful election campaigns, making stronger political organizations, supporting policy research or training party members is forgotten or undermined as political scandals overwhelm the public.

BOX 5.1

A resilient democracy is a protected democracy

When misused, money can have a corrosive influence on democratic actors, institutions and processes by undermining the level playing field for political participation, enabling corruption and policy capture, and affecting trust in (and the legitimacy of) the political system. A resilient approach to monitoring the effects of money in politics includes adopting innovative, holistic and integrity-enhancing systems that go beyond the narrow scope of political finance.

A holistic approach to the challenges posed by money in politics includes a combination of improved anti-corruption mechanisms, new oversight instruments led by a variety of social and political actors, and enhanced political party regulations. Improved anti-money laundering systems, vibrant civil society and media that can effectively function as watchdogs, and crowdfunding efforts to raise small donations as a counterbalance to big money can go a long way towards advancing these efforts.

While this chapter acknowledges that money plays an important role in enabling political operations, it focuses on the negative effects of 'big money' or large resources pouring into politics, drawing on recent developments in different regions of the world. It explores the extent to which political finance regulations—which are mostly focused on parties and elections—can tackle the negative effects of money. The review supports calls to protect the integrity of democratic politics throughout the political cycle, on a permanent basis. This protection includes integrity-enhanced mechanisms for political competition that focus on public officials' vulnerabilities to corruption—conflict of interest, lobbying activities, their assets, bank and tax secrecy rules and transfers, parliamentary immunity norms, protections for whistle-blowers and the freedom of the press. Policy responses to the negative influence of money in politics should therefore seek to protect public policy using strategies that address corruption and promote the effective oversight of elected officials and political parties. Such a holistic and integrity-enhanced approach involves political parties,

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oversight agencies and regulators, as well as civil society organizations, journalists and activists, and—most importantly—corporate and individual donors. Effective responses must implement innovative instruments—especially by civil society organizations, journalists and activists—to improve the accountability of money in politics.

The text is organized as follows. Section 5.2 discusses the main challenges money poses to democratic politics, with a focus on how unequal access to funding undermines a level playing field in political competition. It also looks at how political finance can serve as a conduit for corruption and policy capture, and the impact it can have on public trust in politics and politicians. Section 5.3 examines the weaknesses of narrow and isolated political finance legal frameworks, while Section 5.4 presents the framework for an alternative holistic, integrity-enhanced approach. Section 5.5 presents conclusions and recommendations. A broader discussion of anti-corruption and all the elements of the proposed integrity-enhanced system are beyond the scope of the chapter. For additional information on anti-corruption initiatives see the Resource Guide accompanying this chapter, *Innovations in Anti-Corruption Approaches: A Resource Guide* (Schwertheim 2017).

5.2. Global challenges of money in politics

The presence of big money in politics poses risks to all politicians equally. It is one of the most critical threats to the resilience of representative institutions, particularly political parties. There are three interconnected challenges—unequal access to funding that undermines a level playing field in political competition, political finance that often serves as a conduit for corruption and policy capture, and money in politics that affects public trust in politics and politicians.

Undermining a level playing field

Money enables political participation as it helps candidates reach constituents, spread ideas and organize supporters. This is particularly important for new parties or those competing against incumbents. Yet it can also impede fair participation by those with limited access to financing. When the costs to compete in politics are high, access to the required funds severely restricts who can compete. Women, youth and minority groups often have much lower levels of funding. For example, in many countries, women in politics are often considered less qualified than their male counterparts (Quintero-Benavidez and Cardoso-García 2013), which hinders women's capacity to access public networks for fundraising (International IDEA and NIMD 2017; Ballington and Kahane 2014). Only 13.3 per cent of countries provide direct public funding to political parties that is contingent on gender equality among candidates, and 86.5 per cent of countries have no legislation offering financial advantages to encourage gender equality within parties (International IDEA Political Finance Database). A lack of finance is also one of the top obstacles preventing people from minority and indigenous groups from accessing politics (IPU and UNDP 2010: 16–17).

US elections receive considerable attention, not least because of the exorbitant amounts of money spent in each cycle. The 2012 and 2016 presidential races, for example, cost more than USD 2 billion each (Open Secrets 2017). India's elections are also notoriously expensive. Table 5.1 presents the campaign spending by Members of Parliament (MPs) compared to GDP per capita in that country, and illustrates the prohibitively high costs of competing in elections. The average amount spent by an MP in the 2014 parliamentary elections was 50 times higher than the average per capita GDP. In the constituency of Assam, the ratio of campaign expenditure to GDP per capita was 109:1. Political parties in India provide very little financial support to their candidates; only those with access to large amounts of funding can run for office.

Illicit actors can also buy votes, and use money to sustain patronage and clientelistic

Global challenges of money in politics

1

Unequal access to funding

2

Increased corruption and policy capture

3

Decreased public trust in politics

TABLE 5.1

Campaign spending by members of parliament compared to gross domestic product per capita in India, 2014

Candidate	Constituency	Spending (USD)	GDP per capita (USD)	Ratio of campaign expenditure to per capita GDP
Average election expenses				
	National	55,440	1,112	50:1
	Assam	66,023	604	109:1
	Gujarat	68,530	1,447	47:1
	West Bengal	65,754	915	72:1
	Kerala	77,756	1,321	59:1
Specific candidates				
Gourav Gogoi	Kaliabor, Assam	123,000	604	203:1
Mansukhbhai Dhanjibhai Vasava	Bharuch, Gujarat	100,475	1,447	69:1
Saugata Roy	Dum Dum, West Bengal	97,818	915	107:1
E. T. Mohammed Basheer	Ponnani, Kerala	96,967	1,321	73:1

Notes: GDP per capita based on data from 2013 and 2014. Spending figures as reported.

Sources: Association of Democratic Reforms and National Election Watch 2014; Government of India 2014.

Money can also disempower the majority by giving greater opportunities to a few, well-funded actors

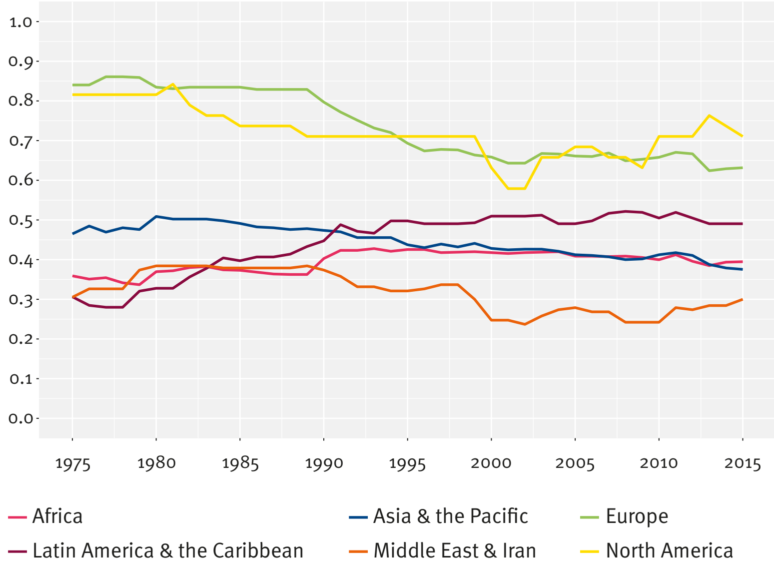
systems (Briscoe and Goff 2016a: 42; World Bank 2017: 78). Patronage systems reward supporters with jobs or government benefits because of their affiliations or connections, regardless of their qualifications. In clientelistic systems, voters are encouraged to exchange their political support for favours (Falguera, Jones and Ohman 2014).

Money can also disempower the majority by giving greater opportunities to a few, well-funded actors (World Bank 2017: 62). Figure 5.1 illustrates how power is distributed by socio-economic position (i.e. the level of political influence wealthy people enjoy compared to those of average and lower income) to favour the richest segments of society, particularly in the Middle East and Iran. Between the early 1980s and late 1990s this situation was rather stable; afterwards there was a deterioration in the way people's socio-economic position influenced their overall power until the early 2000s. The situation is also critical in Asia and the Pacific, as well as Africa. In the latter, after slight improvements between the early 1980s and early 1990s, the distribution of power and wealth has stagnated. The Latin America and the Caribbean region is currently doing better, but progress has not been constant; from the late 1970s to the early 1990s it made important improvements, but afterwards it stagnated. In Europe, the situation was quite positive and relatively stable until the early 1990s; there was a steep decline in the early post-Cold War period until the early 2000s, and has declined again in recent years.

Both robust and fragile democracies debate whether (and how) to regulate money in politics. Some countries justify reducing regulations with the argument that they undermine basic rights such as freedom of speech and the right of political participation. For instance, the US Supreme Court ruled in the 2010 Citizens United landmark decision that money equals speech, with the implication that the government cannot regulate certain political spending from corporations as this would violate their right to freedom of speech (Supreme Court of the United States 2010). This approach ultimately leads to relaxing political finance regulations (Will 2014). On the opposite side of the debate are those advocating an increase in regulations and financing limits, setting ceilings on political party spending, implementing transparency measures, and providing public funding to candidates and parties. Proponents of these strategies warn of the pervasive economic incentives created by leaving politics at the mercy of economic interests, such as corporations as well as illicit and international actors that are even less preoccupied with policies that benefit local stakeholders (OECD 2016).

FIGURE 5.1

Power distributed by socio-economic position



Notes: This graph shows the trends in how power is distributed by socio-economic position over time by region. The y-axis shows the score (0 to 1) and the x-axis the years. Higher scores indicate lower political influence of wealthy people.

Source: V-Dem, Power Distributed by Socio-economic Position.

One of the most common political finance regulations is the provision of public funding (Norris, van Es and Fennis 2015): 120 countries provide direct public funding to political parties either for campaigns or on a regular basis (International IDEA Political Finance Database). In all OECD countries except Switzerland, political parties receive direct public funding (OECD 2016). There are also matching systems, such as in Germany, where state funds are disbursed based on the parties' capacity to attract small private donations (Casas-Zamora and Zovatto 2016: 31–32). Public funding can help level the playing field, for example by reducing dependency on private funding and making funds available to opposition parties. State resources to parties can be earmarked to promote greater gender balance in political participation or to support youth mobilization. However, funds are often provided based on previous electoral results, which favours established parties over newcomers or small parties (Falguera, Jones and Ohman 2014). Using public funding to decrease politicians' dependence on private donors also risks tilting the balance to the other side if parties become over-dependent on state support, and thus less interested in being responsive to the public and managing their resources wisely. Furthermore, if parties are perceived as wasting taxpayers' money, the public may lose further trust in them. If public funding is provided but private funding is unlimited, the overall amount spent may rise, and wealthy donors will maintain influence over politicians (Casal Bértoa et al. 2014: 355–75). The levels of public funding must also be high enough to be meaningful. Thus, a balance must be reached between public and private funding in efforts to limit the perverse effects of money in politics (Council of Europe 2001).

Furthermore, it is important to limit expectations about what public funding can achieve. While it may be an important way

Some countries justify reducing regulations with the argument that they undermine basic rights. On the opposite side of the debate are those advocating an increase in regulations and financing limits

to encourage the political participation of women and marginalized groups, it may have a limited impact on overall efforts to curb corruption. Indeed, there seems to be some (albeit weak) correlation between countries that provide public campaign funding and low levels of corruption, particularly in Europe. As Figure 5.2 illustrates, while more countries have introduced public financing since 1975, corruption remains relatively stable; the most significant shift is that now more countries with low levels of corruption have public campaign financing.

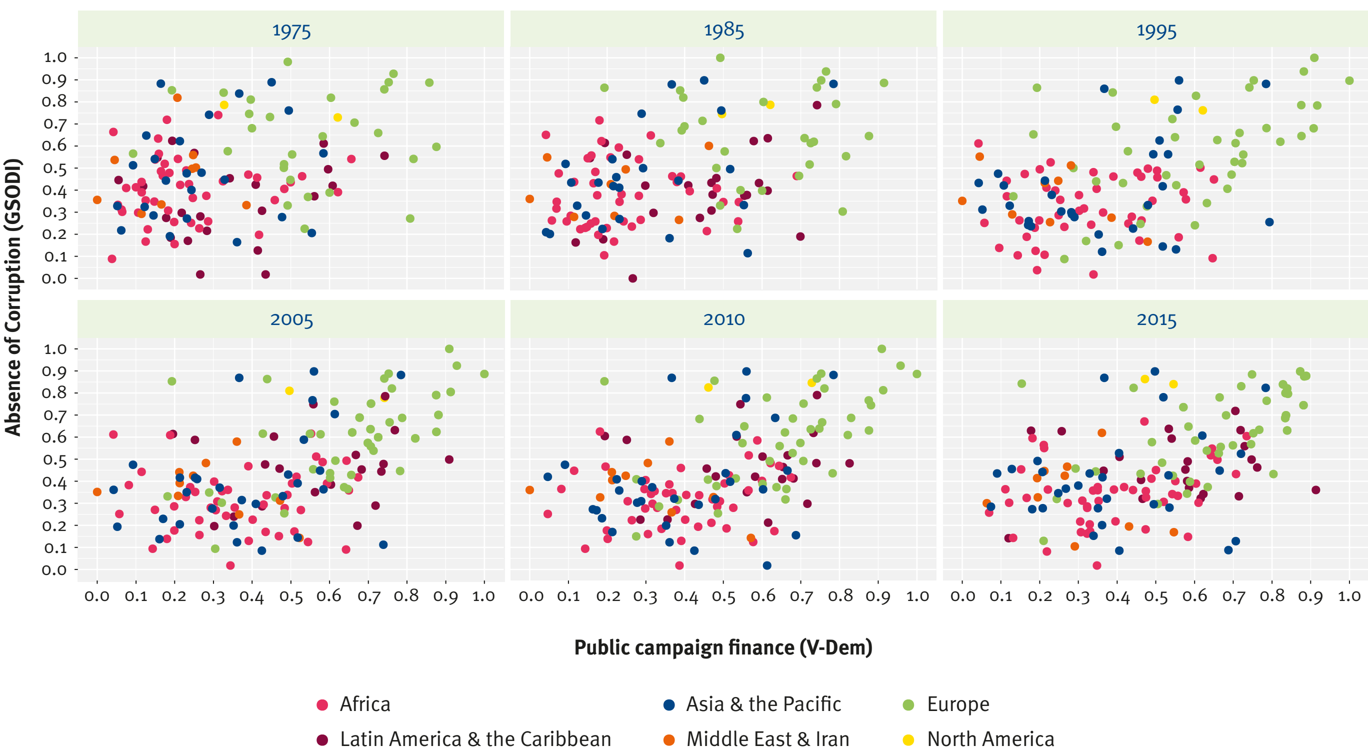
Corruption and policy capture

There are a myriad of ways in which power and financial resources can be misused in politics (see, for example, Box 5.2), which affect both robust and fragile democracies (Stiglitz 2013). Corruption—the abuse of public or private office for personal gain (OECD 2008: 22)—and policy capture—when private rather than public interests determine policy (Warren 2003)—are prevalent risks.

Generally, more democratic governments are better at curbing corruption. While the introduction of elections alone may fuel corruption, corruption declines when the quality of elections improves, and when other checks in society and the state take root, such as freedom of expression and association, and judicial control (McMann et al. 2017; Zhang 2016; Rothstein and Holmberg 2014: 33). The relationship between representative government and the absence of corruption seems to corroborate that positive correlation (see Figure 5.3).

FIGURE 5.2

Public Campaign Finance correlated by Absence of Corruption in 1975, 1985, 1995, 2005, 2010 and 2015



Notes: This graph illustrates changes in the relationship of public campaign financing and the absence of corruption from 1975–2015. Both variables have a scale that runs from 0 to 1: higher scores indicate a higher absence of corruption and a higher level of availability of public campaign finance, respectively. Pearson's correlation coefficient results in 1975: n = 130, r = .315, p-value <.005. Pearson's correlation coefficient results in 2015: n = 154, r = .489, p-value <.005.

Source: GSoD indices 2017 (Absence of Corruption Index); V-Dem, Public Campaign Finance.

BOX 5.2

Policy and state capture: 'godfatherism' in Nigerian politics

In Nigeria, a corrupt and wealthy few have shaped policies, captured state institutions and hijacked political processes for over a decade. Since many aspirants to political office cannot raise the necessary resources on their own, they seek 'sponsorship' from wealthy and powerful individuals known as 'political godfathers'. Godfathers have the power to select both the candidates and the winners (Ibrahim 2013). They finance campaigns and use violence and corruption to manipulate national, state or local political processes in support of their favoured politicians. For example, in 2003 a political godfather paid armed gang leaders NGN 3–10 million (USD 23,000–77,000) to disrupt elections in Port Harcourt in favour of Governor Peter Odili. The ensuing violence prevented many from voting, and helped Odili win the election (Lackey and Dufka 2007).

In return for their sponsorship, godfathers capture government institutions to serve their own interests, including generating patronage for other protégés. Godfathers reign in all spheres of society: government, the private sector, academia, legal systems and religious institutions (Abudillahi and Tunde 2013). 'They demand a substantial degree of control over the governments they help bring into being, not in order to shape government policy, but to exact direct financial "returns" in the form of government resources stolen by their protégés or lucrative government contracts awarded to them as further opportunities for graft' (Omilusi 2016: 39–40).

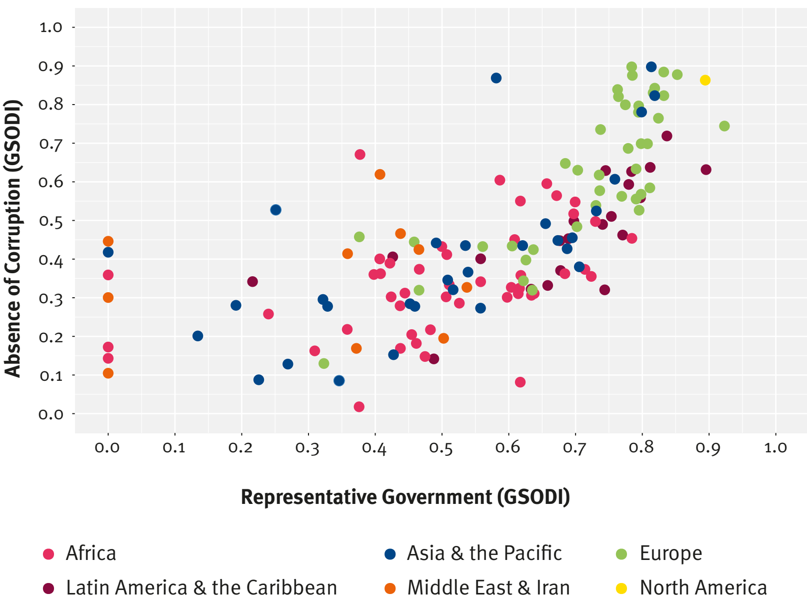
In some cases, written contracts are signed between political godfathers and politicians seeking sponsorship. For example, in Anambra State in southern Nigeria, a contract was signed in 2003 between former People's Democratic Party National Board of Trustees member, Chris Uba, and Chris Ngige, a gubernatorial candidate for the party. The terms of their relationship were spelled out in the contract and 'declaration of loyalty' that referred to Ngige as the 'administrator' and to Uba as the 'leader/financier' (Lackey and Dufka 2007). If such contracts or verbal agreements are violated, godfathers can use the state apparatus or armed gangs to enforce them. When Ngige violated the terms of his contract after he won the election, he was kidnapped by armed state police officers and forced at gunpoint to sign a letter of resignation (Lackey and Dufka 2007).

Public officials who owe their positions to political godfathers incur a debt that they are expected to repay throughout their tenure in office, which negates the principles of responsive, accountable and transparent governance (Lackey and Dufka 2007). The capture of power and influence by a corrupt elite has undermined the foundations of democratic governance and prevented millions of Nigerians from helping to select political leaders and policy decisions (Abudillahi and Tunde 2013; Chukwuemeka 2012).

Large donations can also result in policy capture, for example if less-affluent politicians seek financing from large (and sometimes illicit) external donors, including organized criminals, to be able to stand as a viable candidate (Briscoe, Perdomo and Uribe Burcher 2014; Briscoe and Goff 2016b). These actors can hold politicians hostage to their donors' own interests and agendas. Such a pattern fuels a common sentiment that democracy is weakened, as 'the rich don't need a rule of law; they can and do shape the economic and political processes to work for themselves' (Stiglitz 2013: 167). High-income individuals can wield much greater influence over the choice of politicians and policies through donations and lobbying, which ultimately damages efficient state delivery and accountability for the majority (Reitano and Hunter 2016). Policy capture may even lead to violence where those in power attempt to retain it by forcefully pressuring opponents (Perdomo and Uribe Burcher 2016).

FIGURE 5.3

Representative Government correlated by Absence of Corruption, 2015



Notes: This graph shows the relationship of representative government and absence of corruption. Both the representative government attribute and the absence of corruption subattribute have a scale that runs from 0 to 1, with a higher score indicating a higher level of representative government and higher absence of corruption, respectively. Pearson's correlation coefficient results: n = 153, r = .671, p-value < .005.

Source: GSoD indices 2017 (Absence of Corruption Index and Representative Government Index).

The strength of democratic systems and political party systems can affect the amount of influence corporations have in resource-rich countries

Globalization has facilitated international banking transactions and strengthened international corporations, which have blurred ownership structures and interests in influencing national and local politics. Subsidiaries of multinationals often place deep roots in communities, providing jobs and, in some cases, even delivering social programmes for long periods of time. This creates a complex network of relationships and interests, and blurs the lines between foreign and national control.

Countries often enact limits or bans on foreign donations to political parties and candidates in order to protect their sovereignty by curbing the influence of foreign interests in politics: 63.3 per cent of countries ban donations from foreign interests to political parties, and 48.9 per cent prohibit foreign donations to candidates (International IDEA Political Finance Database). While bans or limits on contributions are common in political finance regulations, there are many schemes to circumvent such restrictions (OECD 2016). The Panama Papers, for example, have shown that money from a wide range of sources influences politics in many corners of the globe (The Guardian 2016). For instance, Ukraine is currently investigating a money-laundering network linked to high-level politicians including parliamentarian Ihor Kononenko. The money laundering, which allegedly took place through Austrian banks, involved 'sales of uranium, gas and titanium, inter alia to Russian arms firms through businesses registered in Mr Kononenko's name' (European Parliament 2016). Similarly, the Panama Papers scandal revealed that Pakistan's Prime Minister Nawaz Sharif failed to disclose assets, prompting a Supreme Court investigation that eventually forced him to step down (Ahmed and Khan 2017). The Panama Papers had already forced another prime minister to resign; they revealed that in 2016 Iceland's Prime Minster Sigmundur David Gunnlaugsson had hidden money in tax havens, which led to accusations of conflicts of interest (Erlanger, Castle and Gladstone 2016).

Political donations, corruption and policy capture appear to be particularly linked to the extractive industries (especially oil, gas and forestry exploitation) and government activities such as public procurement and service delivery (e.g. water and education) (OECD 2016). Countries that rely on natural resource rents as an important contribution to their GDP tend to feature higher levels of corruption (Skaaning 2017; World Bank 2016). Multinational companies often pressure the authorities in resource-rich countries to adopt lax regulations for extractive industries (Moore and Velasquez 2012).

The strength of democratic systems and political party systems can affect the amount of influence corporations have in resource-rich countries. For instance, Ghana's party system is relatively established, and politics are mainly dominated by political party competition (World Bank 2016). While the system has its weaknesses—for example, there is relatively little oversight of the ban on corporate donations—Ghana has made a robust commitment to strengthening public governance in the oil sector, most prominently by passing the Petroleum Revenue Management Act, 2011 (Act 815) and a 2015 amendment that establishes important parameters for transparency and accountability, which is considered a best practice in Africa (Roe et al. n.d.: 28–29).

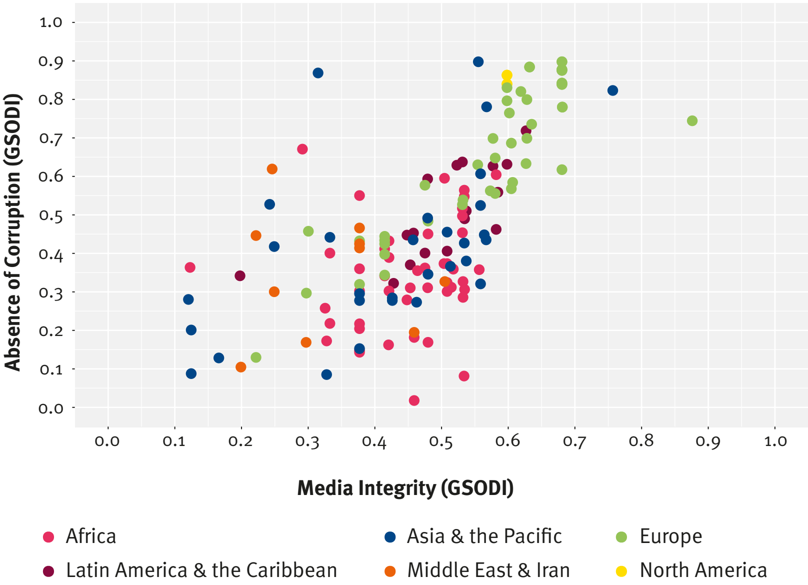
Uganda's democratic and political party system, by contrast, is weak. While a 2005 referendum introduced a multiparty system, President Yoweri Kaguta Museveni's party dominates the political landscape; he has been in power since 1986 (Hitchen 2017). Corruption and human rights abuses further exacerbate the country's democratic challenges (World Bank 2016). Therefore, while accepting corporate contributions to individual candidates is risky in Ghana (Kumah-Abiwu 2017: 9–10), it arguably poses a lower threat than contributions to parties in Uganda, where corruption from national and international corporations is more likely to thrive in a one-party system.

Other important tools to curb corruption and policy capture include the critical role of investigative journalists in unveiling scandals. Figure 5.4 illustrates the correlation between the two around the world, and especially in Europe.

Since 2012 the situation regarding freedom of expression and media integrity has worsened, especially in Europe, the Middle East and Iran, and North America (Figure 5.5). Reporters without Borders describes a 'climate of fear and tension combined with increasing control over newsrooms by governments and private-sector interests', which has taken a 'growing toll on journalists in Africa'. The Middle East and Iran is now 'one of the world's most difficult and dangerous regions for journalists' (Reporters Without Borders 2016).

FIGURE 5.4

Media Integrity correlated by Absence of Corruption, 2015

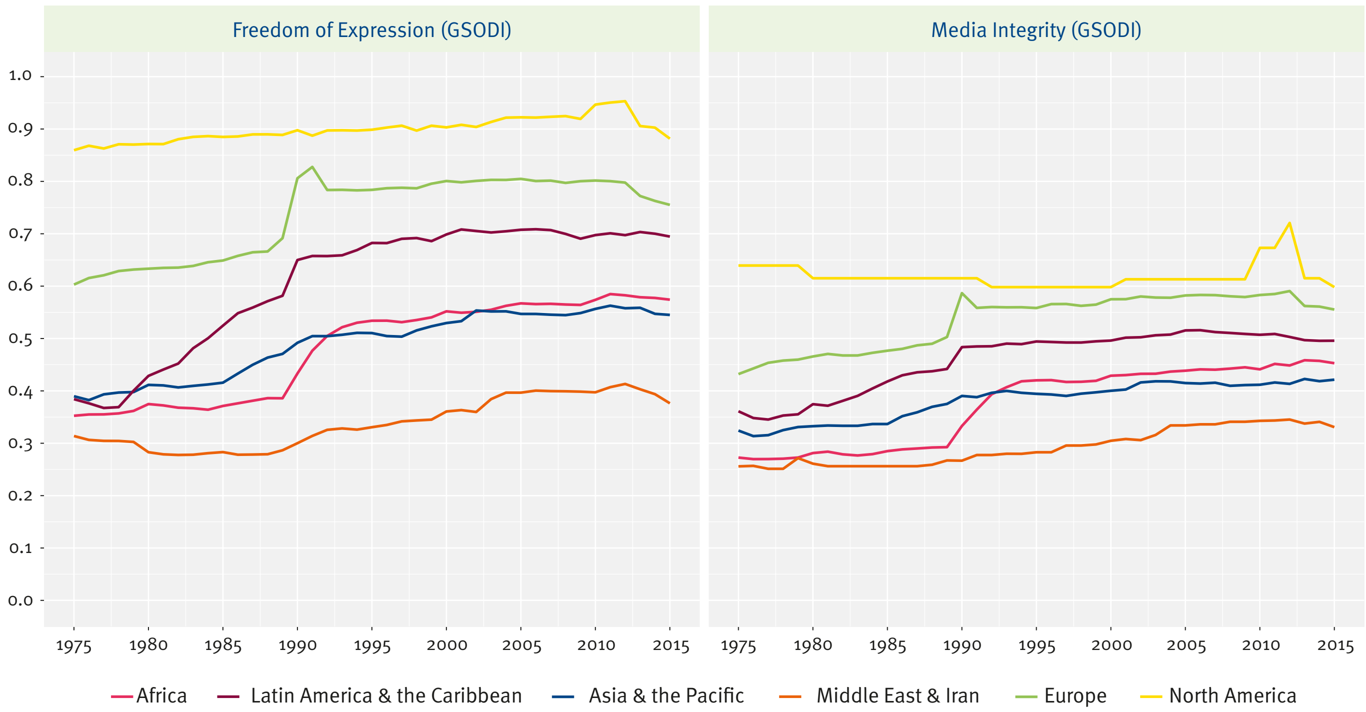


Notes: This graph shows the relationship of media integrity and absence of corruption. Both subattributes are scaled from 0 to 1: higher scores indicate a higher degree of media integrity and a higher absence of corruption, respectively. Pearson's correlation coefficient results: n = 154, r = .639, p-value <.005.

Source: GSoD indices 2017 (Absence of Corruption Index and Media Integrity Index).

FIGURE 5.5

Trends in Freedom of Expression and Media Integrity, 1975–2015



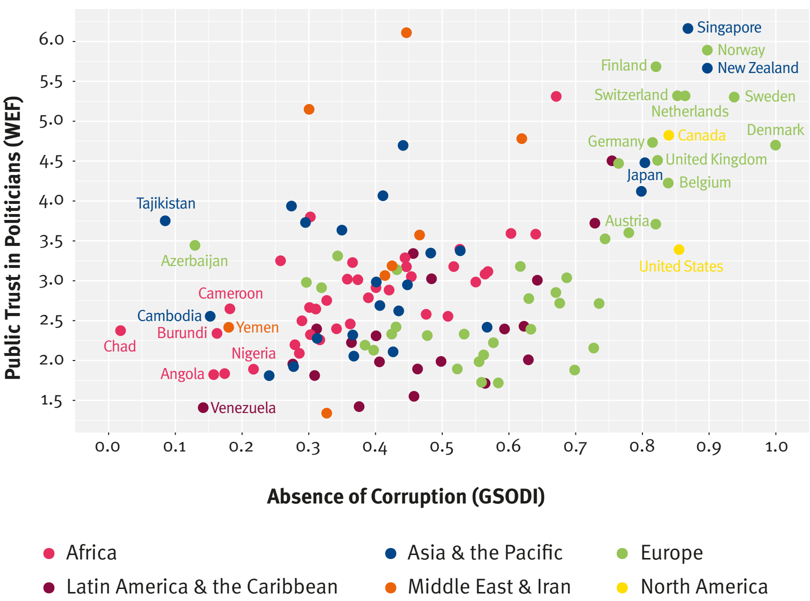
Notes: This graph shows the trends in the level of freedom of expression and media integrity over time by region. The y-axis shows the score (from 0 to 1) and the x-axis the years: higher scores indicate higher freedom of expression and media integrity, respectively.

Source: GSoD indices 2017 (Freedom of Expression Index and Media Integrity Index).

The work of investigative journalists is dangerous: 74 were killed in 2016, 21 of them while reporting, and 53 were murdered or deliberately targeted (Reporters without Borders 2016: 5). The Middle East and Iran top the list, followed, respectively, by countries in South America, Asia and the Pacific and Africa (UNESCO 2016: 3). The situation is especially troubling for journalists reporting on corruption or policy capture (Reporters Without Borders 2016). Out of the more than 1,200 journalists killed between 1992 and 2016, approximately 20 per cent were investigating corruption. The Philippines, Brazil, Colombia and India, respectively, were the four most dangerous countries for journalists at that time (Radsch 2016). In Guatemala, for example, El Periódico has denounced cases of blatant corruption linked to organized crime over more than a decade. José Rubén Zamora, one of its reporters, was kidnapped and found badly beaten and left for dead in 2008; the perpetrators have not yet been identified (Goldman 2015).

FIGURE 5.6

Trust in politicians correlated by Absence of Corruption, 2014



Notes: This graph shows the relationship of average public trust in politicians and absence of corruption. The trust in politicians' variable is scored from 1 to 7, but the graph only displays the minimum and maximum scores, which are 1.34 and 6.16, respectively. The absence of corruption subattribute has a scale that runs from 0 to 1, with a higher score indicating a higher absence of corruption. Pearson's correlation coefficient results: n = 130, r = .552, p-value <.005.

Source: GSoD indices 2017 (Absence of Corruption Index); Schwab and Sala-i-Martín 2015.

Similarly, Javier Valdez, renowned for his relentless denunciation of corruption and organized crime activities in Mexico, was murdered in May 2017 (Lauría 2017). Such episodes intimidate reporters and suppress coverage of corruption. David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, argues that 'governments often fail to provide measures of protection and accountability that can deter attacks on journalists. In addition to physical violence and attacks, journalists also face a range of punitive measures that threaten their well-being and livelihood' (UN 2016: 16). The media's work in fighting corruption is also halted by the corruption that media outlets and journalists face themselves (Uribe Burcher and Villaveces-Izquierdo 2013; White 2015).

Lack of trust in politics and politicians

Corruption and policy capture generally affect people's level of trust in politicians, which in turn affects political participation more broadly (Arkhede Olsson 2014). Figure 5.6 shows that these two tend to be particularly linked in Latin America and the Caribbean, and to a lesser degree in Africa. This trend is also present in Europe, but mostly in countries with low levels of corruption. Trust in politicians does not seem to be driven by perceptions of corruption in Asia and the Pacific.

The loss of trust in politicians among youth is particularly harmful to democracy, as this may shape long-term social attitudes towards these institutions. A closer examination of a sample of countries confirms the relationship between low levels of public trust in politicians and other areas of government. Guatemala, the Philippines and Uganda have very low levels of trust in all four areas included in Table 5.2—public trust in politicians, judicial independence, favouritism in decisions of government officials, and irregular payments and bribes awarding public contracts. Meanwhile, New Zealand and Sweden show favourable ratings in all

TABLE 5.2

Levels of trust in politics and democratic institutions, 2014

	Public trust in politicians	Judicial independence	Favouritism in decisions of government officials	Irregular payments/bribes awarding for public contracts
Ghana	3.2	4.4	3.0	3.0
Uganda	2.5	3.0	2.6	2.2
Canada	4.8	6.2	4.4	5.1
Guatemala	1.8	3.0	2.6	2.6
Philippines	2.6	3.6	3.1	3.3
Japan	4.5	6.2	5.1	6.0
New Zealand	5.7	6.7	5.5	6.6
Georgia	2.9	3.8	3.4	5.0
Sweden	5.3	5.7	5.0	5.4

Notes: Scores are scaled from 1 (lowest level of trust) to 7. The survey asks people: 'In your country, how would you rate the ethical standards of politicians?': 1 is 'extremely low' and 7 'extremely high'.

Source: World Economic Forum 2015.

categories. As such, these data indicate how these elements are intertwined and need to be understood holistically.

5.3. Inadequacy of narrow political finance legal frameworks

Adopting narrow political finance frameworks does not necessarily result in better reporting, more effective auditing and verification of political finance data, or even higher compliance with the law. People often buy votes and provide bribes disguised as donations with the expectation that they will benefit from favourable state decisions, legislation, friendly appointments and even contracts (Ohman 2014). The scandal in Brazil involving petroleum corporation Petrobras and several congressmen and politicians demonstrates this pattern. According to General Prosecutor Rodrigo Janot, Petrobras paid bribes to political parties and parliamentarians who were responsible for nominating candidates to senior positions and allocating salaries within Petrobras. Some of the bribes were provided during elections disguised as political donations from smaller companies (Brandt, Affonso and Macedo 2016). In June 2017 the scandal reached President Michel Temer when Prosecutor General Rodrigo Janot accused him of accepting a BRL 500,000 (USD 150,000) bribe (Al Jazeera 2017).

The limited effectiveness of political finance regulations is related to five main factors: (a) the backlash generated by overly strict reporting, (b) the constraints faced by oversight agencies, (c) the limited scope of the regulations, (d) the weak accountability of political parties and (e) the lack of political will. Each of these factors is described briefly below.

Backlash against overly strict reporting

One of the obstacles that may contribute to the ineffectiveness of political finance regulations is the potential backlash against overly strict reporting requirements. This can happen when such measures are expected to have a visible impact on curbing corruption more broadly.

However, as Figure 5.7 illustrates, even though there seems to be a positive correlation between countries with low levels of corruption and the disclosure of campaign donations, the introduction of these systems since 1975 has not significantly decreased corruption levels.

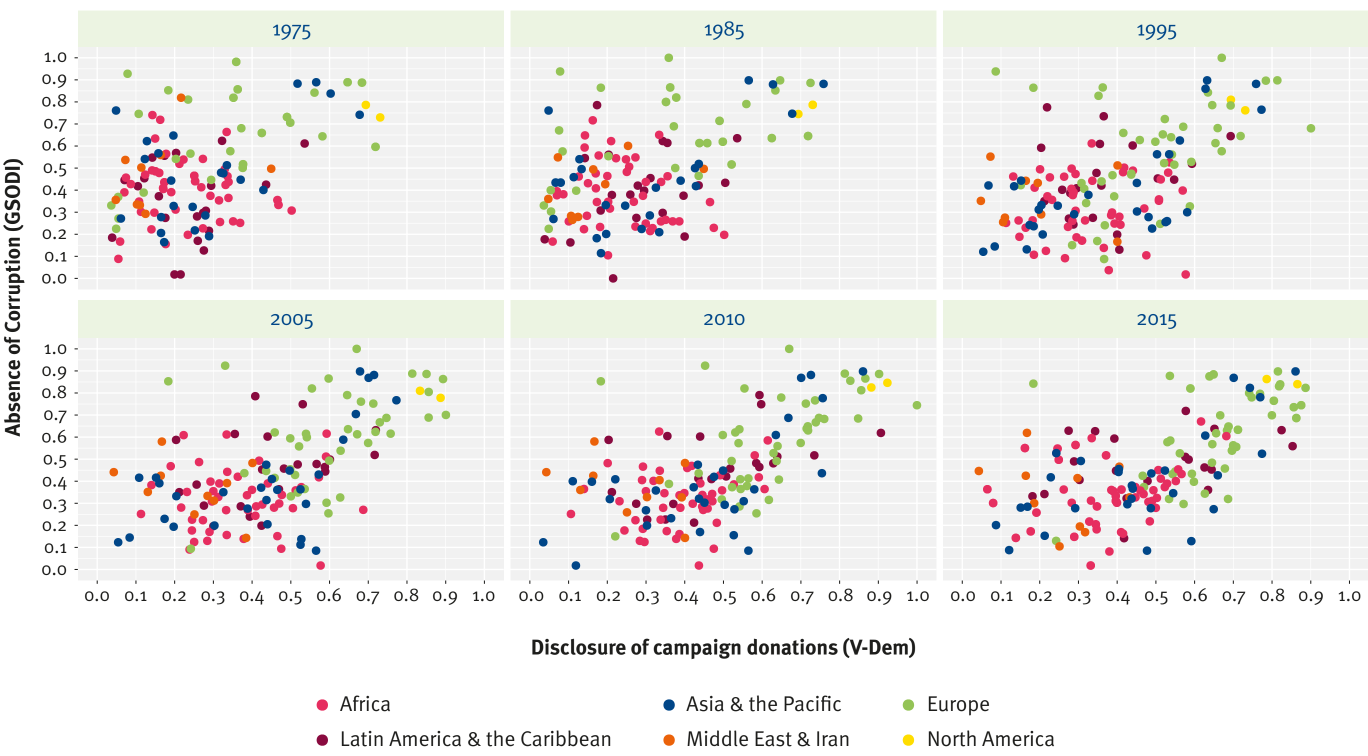
These types of requirements might also create pervasive incentives for opaqueness. For instance, including caps on political finance can promote the under-reporting of candidates' and parties' expenditures. Casal-Bértoa et al. (2014: 355–75) refer to political actors disguising or under-reporting private donations in their financial declarations as 'electoral backlash'. This behaviour ultimately promotes further corrupt and criminal activities. In Kenya, scandals in 2016 suggest that political parties and candidates ran parallel accounts that were not disclosed to the Registrar of Political Parties. For example, during the country's general elections in 2013, Uhuru Kenyatta of the Jubilee Alliance and Raila Odinga from the Coalition for Reforms and Democracy were estimated to have used more than KES 10 billion combined (USD 96.71 million), which was not included in the party audit reports (Kamau 2016).

Constraints faced by oversight agencies

Oversight agencies' unclear mandates, reduced capacities and lack of political independence may also weaken political finance regulations (Doublet 2011: 33–46). For instance, Abdul Gani Patail, the Malaysian Attorney General, was removed from office after leading an investigation involving Prime Minister Najib Razak, who allegedly received USD 700 million in his private accounts from the debt-laden state

FIGURE 5.7

Disclosure of campaign donations correlated by Absence of Corruption in 1975, 1985, 1995, 2005, 2010 and 2015



Notes: This graph shows how the relationship of disclosure of campaign donations and the absence of corruption changed from 1975–2015. Both variables are scaled from 0 to 1: higher scores indicate a higher absence of corruption and a higher level of campaign disclosure requirements, respectively. Pearson's correlation coefficient results in 1975: n = 130, r = .417, p-value <.005. Pearson's correlation coefficient results in 2015: n = 154, r = .615, p-value <.005.

Sources: GSoD indices 2017 (Absence of Corruption Index); V-Dem, Disclosure of Campaign Donations.

development fund, 1Malaysia Development Berhad (1MDB). Before the attorney general was dismissed, he confirmed that he had received documents linking the prime minister to the 1MDB fund (Lamb 2015).

Oversight agencies also often lack a mandate to investigate bank accounts, and have little support from other actors—such as financial intelligence units—that have access to key information for reviewing political finance data. For example, magistrates at the Supreme Electoral Tribunal (Tribunal Supremo Electoral, TSE) in Guatemala have raised concerns about their lack of human and technical resources to audit political parties' financial information, as well as their lack of coordination with financial oversight institutions (Ramos 2015). Similarly, Nigeria's Independent National Election Commission lacked the capacity to impose sanctions for political finance violations that occurred during the 2011 presidential elections (Ohman 2016).

When multiple actors have overlapping mandates related to political finance regulation, this diffuses the responsibilities of the various agencies involved and constrains the ability of any single agency to take action (OECD 2016). Of the nine countries analysed in this study, four have two or more institutions with formal roles related to political finance oversight (International IDEA Political Finance Database). In Guatemala and Japan, the main body responsible for political finance oversight does not have explicit authority to investigate alleged breaches.

Limited scope of the regulations

Political finance regulations often have a limited scope. For instance, only about 30 per cent of OECD member states that collect data on asset disclosure from public officials in the executive branch reported that they audited or reviewed the accuracy of the information on assets (OECD 2016). Similarly, in the Philippines the limited scope of the regulation on monitoring campaign expenditures, which limits reporting to the official 90-day campaign period, has resulted in significant under-reporting of campaign expenses. In 2016, expenses related to advertisement before the three-month period amounted to PHP 6.7 billion (USD 140 million) and were not officially reported (Mangahas 2016). In addition, much of the focus of political finance regulations has been at the national level (OECD 2016), yet much of the corruption takes place at the local level (Perdomo and Uribe Burcher 2016).

Political donors also exploit loopholes in bans and limits on certain types of donations or donors though inter alia membership fees, loans and third-party funding via foundations, interest groups and committees (OECD 2016; International IDEA Political Finance Database). For example, Guatemala bans corporate donations to candidates, but not if they come from foundations. In the United States, third-party funding is channelled through Political Action Committees (PACs) and Super PACs, which allow campaigns to avoid certain regulations on donations from corporations and trade unions (Center for Responsive Politics n.d.; Glorioso 2016; Lazar 2015; Money, Politics and Transparency n.d.).

Moreover, regulations may not capture emerging risks that threaten the resilience of political finance systems. New technologies and social media, for instance, have become a powerful tool for gathering funds and for conducting campaigns and political operations. However, their role in channelling funds in and out of politics has not been properly addressed in most countries' regulatory frameworks (Tambini et al. 2017: 11–15).

Weak accountability of political parties

Weak accountability mechanisms focused on political parties also limit the impact of political finance regulations. Sanctions are the main tool used to hold political actors accountable (Arugay 2016), particularly in relation to parties' and candidates' financing oversight, where little emphasis has been placed on reward and learning mechanisms. Most countries sanction parties and candidates

Including caps on political finance can promote the under-reporting of candidates' and parties' expenditures for violations of political finance regulations. Fines, forfeiture of money or property, and prison are the most common punishments. Less common sanctions include the loss of public funding, suspension of political party registration and restrictions on future election participation (International IDEA Political Finance Database).

However, such sanctions can only dissuade corruption to a certain extent. Most of the sanctions are directed at individuals, which places little responsibility for enforcement on the parties (International IDEA Political Finance Database). Fines tend to be low in relation to the benefits that corruption generates (Casal-Bértoa et al. 2014: 355–75). For example in Guatemala, fines range from USD 15–125 (Briscoe, Perdomo and Uribe Burcher 2014). In France, breaches of private donation regulations, including accepting money from banned funding sources or surpassing spending caps, are sanctioned with a maximum fine of EUR 3,750 (USD 3,988) and a one-year prison sentence (OECD 2016).

Moreover, it can be difficult to implement sanctions against parties (Ambarkhane 2016: 51). For example, in Peru the National Office for Electoral Processes (Oficina Nacional de Procesos Electorales, ONPE) sanctioned seven political parties from 2010–16 after they failed to disclose their financial information. According to the law, those parties should have lost their public funding (ONPE 2016; El Peruano 2015). Yet since parties do not receive public funding in Peru due to budget constraints, the ONPE sanctions were never implemented.

Lack of political will

Appropriate and sufficient measures to curb the negative effects of money in politics are only effective when there is sufficient political will. In South Africa, civil society organizations have urged Parliament to adopt the Promotion of Access to Information Act since 2005, which would require reporting private donations. In India, while political finance expenditure is well regulated and monitored (International IDEA Political Finance Database), the regulation of donations is less robust. For example, there is no limit on the amount an individual can contribute to a candidate, no ban on corporate and trade union donations to political parties or candidates, and no ban on anonymous donations to candidates (International IDEA Political Finance Database).

Despite these limitations, political finance regulations play a key role in regulating the access of private interests to political power. However, they need to be part of a broader enabling environment that promotes transparency, protects the work of civil society, and regulates public contracting and the appointment of public officials and judges. As such, policies that seek to prevent or mitigate these threats should consider the broad range of actors, institutions and modalities involved in the relationship between money and politics (OECD 2016), including young people as key actors in changing societal attitudes towards corruption (One Young World 2016).

5.4. A holistic, fairness-oriented and integrity-enhanced response

Current policy discussion on the best approach to dealing with money in politics points to the need to understand political finance regulations as part of a wider effort to protect political integrity. Their effectiveness improves when combined with efforts to 'rethink bank and tax secrecy norms, parliamentary immunity principles and regulations against money laundering, among many other rules that lie on the periphery of the field of political finance' (International IDEA et al. 2015).

This approach reflects a growing awareness of the complexity of the role of money in politics (OECD 2016), and the need for appropriate, responsive regulatory instruments. This would contribute to the resilience of democracies, making them flexible and adaptable to address the emerging challenges that money poses to politics as discussed in section 5.2.

Comprehensive and integrity-enhanced systems are positive strategies to protect the state and public policies from narrow economic interests. These include the coordination of frameworks, institutions and actors to fight corruption, promote transparency, and protect and promote oversight of the state and politics. The experience of Peru is a case in point (see Box 5.3). Such innovative and adaptable approaches thus promote resilient democratic politics by encouraging further accountability.

International conventions dealing with anti-corruption, such as the Inter-American Convention to Fight Corruption or the United Nations Convention against Corruption, adopt rather comprehensive approaches, but fail to include political party finance regulations in their frameworks (OAS 1996; UN 2003). The OECD recently proposed a more holistic approach to political finance, which incorporates broader areas of corruption that have a bearing on politics. The framework would benefit from including considerations regarding money laundering and the confiscation of assets (OECD 2016). Particularly important are the measures concerning the implementation of the Financial Action Task Force recommendations on money laundering related to politically exposed persons (i.e. people entrusted with prominent functions), as well as solutions to tighten up the use of tax havens and off-shore jurisdictions (FATF 2013: 3). Figure 5.8 illustrates four main areas of action to curtail the negative role of money in politics as part of the broader fight against corruption and policy capture. It includes integrity issues that countries could adopt through legislation, regulations or codes of conduct.

Public officials

Monitoring public officials' behaviour includes regulations pertaining to conflicts of interest, which have recently been at the forefront of public debate. The 2016 election of businessman Donald Trump as US president has highlighted conflicts of interest with his

BOX 5.3

Peru: a multi-stakeholder approach to dealing with money in politics

In the months leading up to Peru's 2016 presidential election, a coalition of local and international actors—primarily politicians, journalists, business people and civil society organizations—coordinated their work to increase awareness of the risks that illicit networks pose on politics.

The national media was a key force in highlighting the need for such coordination. The radio is the most consumed form of communication nationwide as it reaches the whole territory, including rural areas. The strategy thus involved the country's main group of broadcasting stations—RPP, which includes the news radio station with the highest ratings nationwide, music stations, a TV channel and a web platform—reaching out to more than 6 million viewers (*RPP Noticias* n.d.). Brief segments were developed to highlight the risks of links between politics, corruption and money from illicit activities—such as illegal logging, illegal mining and drug trafficking.

Another key actor involved in these awareness efforts was OJO Público [public eye], a watchdog journalist group in Peru that developed the Fondos de Papel [Paper Funds] website (OJO Público n.d.). The platform facilitates the crosschecking of information regarding contributors to political parties and electoral campaigns, as well as data concerning people accused of, investigated, or sentenced for links with illicit actors and activities. The database was designed to help identify funding patterns and trends used by Peruvian political parties, as well as donors who become providers to the state after their preferred party takes office.

This multi-stakeholder strategy also included coordinating efforts with Transito [transit] and 'Carmen', artistic associations that link the scenic arts with political affairs. They held short plays to raise awareness and disseminate information about corruption, illicit money and politics. Young artists organized public displays and produced a brief theatre play titled 'I, Messiah', which was performed for a month (Carmen Comunicaciones 2017).

The awareness efforts targeted first-time voters aged 18 to 25, who are traditionally harder to reach. Engaging *TV Cultura*, an association of social communicators, was therefore key to spreading the message among this segment of the population. They distributed an animated series called 'Ana Liza' through social media, which analysed organized crime, how these networks operate, why they infiltrate politics and their broader impact on society (*TV Cultura* 2016).

While it is too soon to assess the full extent of these efforts, the coordination of such a varied group of actors increased the impact of each action and connected the traditionally narrow approach to dealing with money in politics to broader anti-corruption work.

Money in politics: Integrity-enhanced systems

Public officials

- Civil servant appointment mechanisms
- Conflict of interest and disqualification regulations
- Anti-bribery tools
- Public procurement processes
- Immunity and indemnity regulations
- Asset declaration systems

Political parties and candidates

- Political finance regulations
- Internal party democracy and financial accountability systems
- Interparty dialogues and code of conduct agreements

Oversight actors

- Transparency instruments
- Rule of law and access to justice
- Civil society, media and whistle-blower protection mechanisms
- Electoral monitoring and oversight systems

Donors

- Anti-money-laundering systems
- Asset recovery mechanisms
- Corporate social responsibility policies
- Lobbying regulations

private financial interests in the USA and abroad (Yourish, Griggs and Buchanan 2017). While US presidents are not subject to the general rules concerning conflicts of interest, and President Trump has taken limited steps to remove himself from his organization's daily operations (Rushe 2017), he has been criticized for still profiting from his businesses and for not creating a blind trust or otherwise selling off his businesses (BBC News 2017a; Surowiecki 2017). Critics point out that this is a violation of the US Constitution; numerous lawsuits have been filed against the president, including from a non-governmental organization called Citizens for Responsibility and Ethics in Washington (Venook 2017), as well as a group of congress people together with the Constitutional Accountability Center (Toobin 2017).

However, conflicts of interest often take place on a smaller scale. In many countries where corruption is most widespread, public officials' salaries are low compared to other sectors of society, which may exacerbate the problem. Some experts argue that making public sector salaries more competitive may hamper this type of petty corruption, particularly in relatively poor countries (Foltz and Opoku-Agyemang 2015; de Haan, Dietzenbacher and Le 2013; Quah 2002: 516).

Other measures related to public officials' behaviour include disqualification and incompatibility provisions and clear rules for public contracting and general mechanisms to fight the abuse of state resources (Ohman 2011; Venice Commission 2013). Additional solutions include obligations to report suspicions of corruption or to declare and recover assets, and anti-bribery mechanisms. For example, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD 2011) is 'the first and only international anti-corruption instrument focused on the "supply side" of the bribery transaction' (OECD n.d.).

Political parties and candidates

The instruments that regulate these actors' behaviour traditionally centre on political party regulations, chiefly political party finance frameworks, as well as mechanisms that promote internal democracy and accountability to protect political organizations from murky interests. These mechanisms should include sanctions that not only target individuals but parties' responsibility to vet their own members and candidates. Colombia's Constitution, for example, was amended in 2009 to make political parties and movements liable when endorsing candidates previously convicted of crimes linked to organized crime activities (Perdomo 2014: 75).

In parallel to increasing parties' and candidates' responsibility, mechanisms should be in place to facilitate their internal vetting and accountability procedures. The disclosure of political finance data is an important part of these instruments. Figure 5.7 shows that in 2015, disclosure of campaign donations was positively correlated with lower levels of corruption.

Information should be publicly accessible, and disclosed in a timely and reliable fashion, as well as presented in intelligible and searchable formats (Pfeiffer and Speck 2008). Access to data helps watchdog organizations all over the world cross-check financial data and monitor it for inaccurate reporting. Promoting transparency and open data diminishes the risk that money will negatively affect politics (Granickas 2014). Social media has created new avenues for combating corruption and policy capture in general (Enikolopov, Petrova and Sonin 2016; Bekri et al. 2011), especially in political finance (Shah 2016). In Mexico, social media may even be more effective than traditional media at revealing corrupt practices and incentivizing accountability (Ramírez Plascencia 2015: 36–45).

New technologies can also facilitate crowd sourcing (see Box 5.4), as well as reporting on money in politics. Some countries have already taken important steps to create digital reporting systems (software or online based) that allow political actors to disclose their finances in a more timely, reliable and intelligible fashion (International IDEA 2016). Australia, Estonia, Finland, the USA and the UK have well-established online political finance reporting systems, while Colombia, Georgia, India and Moldova have taken important steps towards adopting internet-based reporting technologies (Jones 2017, forthcoming).

Oversight actors

Mechanisms used by oversight actors include general transparency frameworks that ensure

> The instruments that regulate political parties and candidates' behaviour should include sanctions that not only target individuals but parties' responsibility to vet their own members and candidates

BOX 5.4

New forms of political funding through online platforms and crowd sourcing

Globally, politicians are becoming increasingly adept at harnessing communication technology by using 'crowdfunding' to raise donations for their campaigns. Crowdfunding relies on small donations from many people to finance a project, such as a political campaign. Candidates reach out to their constituencies, typically via social media platforms, email or SMS. Asking their supporters for either a one-off or regular donation, individuals can choose to pay via SMS, apps, or online payments such as PayPal or credit cards. Crowdfunding therefore lowers the barriers to financially supporting candidates for the everyday citizen and engages individuals. A donation is a pledge of political support, and plays on candidates' social capital and tech skills.

Most famously, US President Barack Obama raised USD 631 million from small donors in his 2012 presidential campaign, which was nearly three times the amount of his competitor, Mitt Romney (Pricco 2014). Crowdfunding also provides an alternative funding mechanism for new political parties and candidates who lack established donor networks. In 2015 the Spanish party Podemos (founded the previous year) used crowdfunding to help secure 69 of 176 seats in Parliament (*El Mundo* 2015).

Anti-corruption movements and citizen watchdogs praise crowdfunding, which has the potential to re-engage citizens with politics and increase funding transparency and accountability (Wills 2012). In 2017 the Indian party Peoples' Resurgence and Justice Alliance announced its crowdfunding campaign to run in the local Manipur elections on a platform of greater transparency in local and national political finance (*The Times of India* 2017). Similarly, in the 2016 Ghanaian presidential elections, civil society actors pushed the crowdsourcing platform 'ActionGhana'. By collecting donations from within the country and abroad, the campaign addressed Ghana's lack of public finance and candidates' consequential reliance on anonymous donations. The challenger candidate, Nana Akufo-Addo, built on this call for transparency by leading an active crowdsourcing campaign and won the election (Bonsu 2016).

access to information or internal and external audits of state institutions (see, for example, the experience of GRECO in Box 5.5); instruments to enable oversight agencies and the judiciary to fulfil their independent roles; and tools to promote civil society and journalist participation and control. These mechanisms facilitate spaces for dialogue while protecting their work and accepting criticism. They also include whistle-blower protections, which are particularly important given their instrumental role in detecting corruption such as bribery, abuses of public office and fraud (UNODC 2015). In addition, whistle-blowers facilitate law enforcement and judiciary activities to fight corruption and the undue influence of money (both legal and illegal) in politics (Uribe Burcher 2017). Indeed, in Brazil many important political figures have been brought to justice, most prominently as part of the 'Lava Jato' case, which resulted in the incarceration of Sérgio Cabral, the former governor of Rio de Janeiro (2007–14) for corruption and money laundering (Martín 2017). Similarly, the 'Odebrecht' corruption case, involving one of the largest construction firms in Latin America and the Caribbean, has prosecuted more than 70 company executives (Gallas 2017), and several public servants—including former presidents and congressmen (7días 2017; CNN 2017; Ecuavisa 2017; Mejía Huaraca 2017), while the 'Mensalao', a votes-for-cash scandal that exposed how politicians abused their offices to buy favourable decisions on behalf of the government, resulted in numerous senior politicians serving prison time (BBC News 2013; Lopes 2017b; *The Economist* 2013).

The actions of whistler-blowers are also directly linked to the pivotal role of the media in curbing corruption. Cases of organized criminal networks' influence over politics in Latin America and the Caribbean are often revealed by social organizations or investigative journalists (Perdomo 2014: 236). Thus, the UN Office on Drugs and Crime has supported the efforts of investigative journalists to fight corruption, as their work is key to reducing and preventing these types of crimes, and to showing citizens how corruption affects their daily lives (UNODC 2014).

For example, in Guatemala a series of scandals involving President Otto Pérez Molina in a large corruption network led to massive protests that resulted in his resignation (Ahmed and Malkinsept 2015). Investigative journalists, civil society and international organizations such as the International Commission against Impunity in Guatemala (Comisión International contra Impunidad en Guatemala, CICIG) played a key role in

BOX 5.5

Pursuing a holistic approach through peer review—the case of GRECO

The Group of States against Corruption (GRECO), an intergovernmental group of 48 European countries and the USA, was created in 1999 within the Council of Europe (GRECO 2017a). GRECO's main task is to monitor states' compliance with the Council of Europe's anti-corruption standards through a process of mutual evaluation and peer pressure. GRECO evaluators conduct onsite visits and draft reports about the status of member countries' compliance with the standards and the extent to which they are effectively implemented. The reports are subsequently reviewed by all member states and adopted by the GRECO plenary. The compliance procedure follows up on the progress made, and countries are invited to send follow-up reports on what they have done to comply with the recommendations.

While GRECO is not solely focused on money in politics, the theme has featured prominently in its activities. Since 2000 it has conducted four rounds of reviews, on topics including 'independence, specialization and means available to national bodies engaged in the prevention and fight against corruption', 'links between corruption, organised crime and money laundering', political party financing and preventing the corruption of MPs (GRECO 2017b).

Despite having to navigate inherent political sensitivities, GRECO has maintained a credible system, partly because most of its reports are public and all countries are treated equally. GRECO also has a clear mandate to monitor, which gives it access to relevant actors that other organizations might not have. Its focus on mutual evaluation and peer pressure is based on a shared political will to fight corruption and standards (some of which are binding) that member states have agreed to, including 'common rules against corruption in the financing of political parties and election campaigns' (Council of Europe 2003). Because the media and academics use GRECO reports, member states are encouraged to show progress and adhere to its recommendations.

Organizations in other regions have incorporated similar anti-corruption peer review mechanisms. For example, the Organization of American States launched the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption in 2013 (OAS 2016).

BOX 5.6

Evolving approaches to political finance regulation in Georgia, Moldova and Ukraine

The funding of political parties and election campaigns in Eastern Europe often produces a perverse public–private financial cycle in which oligarchs and oligarchic parties can fuse economic and political power. Three examples illustrate these challenges. First, a November 2014 corruption scandal in Moldova amounted to 12 per cent of the country's GDP. Dubbed 'the theft of the century', USD 1 billion was funnelled from the country's banks and disappeared to foreign shell companies. Two people (a former prime minister and the country's richest businessman) were implicated. Second, in neighbouring Ukraine, five businessmen operating in a grey area of overlap between business and politics were estimated in 2015 to possess a combined wealth of USD 11.5 billion (*The Economist* 2015). Much of their money was amassed through government contracts and privatization schemes, induced by their direct or indirect involvement in politics (Wilson 2016). Third, in Georgia's increasingly politicized media environment, the 2016 re-election of the political party Georgian Dream, created by billionaire businessman Bidzina Ivanishvili in 2012, was partly attributed to mass publicity. Several influential private TV stations gave the party positive coverage, including Georgian Dream Studios, owned by Ivanisvhili's son. As a sign of Georgian Dream's financial might, the party bought about 75 per cent of the total paid advertisement during the 2016 pre-election campaign period (OSCE/ODIHR 2017: 17).

Georgia, Moldova and Ukraine each have a history of entanglement between the private sector and politics that has made corruption more difficult to combat. Through oligarchs, forms of corporate corruption such as bribery and tax evasion have become intertwined with political corruption, which relies on illegal donations and vote buying as well as 'the use of state and public sector powers and resources by incumbent politicians or political parties to further their prospects of election' (International IDEA Political Finance Database). Oligarchic parties have infiltrated and influenced parliaments and ministries, as well as state prosecutors, audit offices and central banks due to three main weaknesses in how these countries have attempted to combat such corruption.

First, anti-corruption efforts in Eastern Europe have long been insufficiently integrated, perhaps most importantly in legislation. Ukraine, Georgia and Moldova lack unified political finance laws. GRECO has called for Georgia to establish a more uniform legal framework (GRECO 2015). Ukraine had to amend seven different acts when reforming its political finance legislation in 2015 (Venice Commission and OSCE/ODIHR 2015).

Second, anti-corruption institutions have often been fragmented. In 2014–16, Ukraine established an anti-corruption bureau, a corruption prevention agency and an agency for tracing assets derived from corruption, while also relying on the state bureau of investigation and the specialized anti-corruption prosecutor's office. Establishing the necessary legal and institutional frameworks has taken time, and achieving substantial progress in investigating and prosecuting high-profile cases of political corruption has been slow (PACE 2017). Technical deficiencies in the functioning of the first electronic asset declaration system, combined with attempts by some political groups in Parliament to undermine the system, have caused many national anti-corruption watchdogs and Ukraine's international allies to question the leadership's commitment to combating political corruption. In Georgia, amid past reports of the politically motivated use of campaign finance legislation and sanctions (Corso 2012), amendments to the legal framework regulating party and campaign finance in 2013 forced the State Audit Office, which monitors the role of money in politics, to seek court decisions to request the source of party assets or impose sanctions (NDI 2013: 6). However, at least partially due to this procedure, the OSCE/ODIHR election observation mission noted a lack of timely actions to address campaign finance violations in the 2016 election (OSCE/ODIHR 2016a: 6–7, 2016b: 2, 8–9).

Third, oversight agencies are insufficiently independent from incumbent governments, which increases the likelihood that political finance legislation will be used for politically motivated prosecutions or the protection of private interests. For example, in March 2016 Ukraine's public prosecutor resigned amid media reports of politically involved businesspeople hindering anti-corruption efforts (Kyiv Post 2016). Criticism that Georgia's political finance oversight agency, the State Audit Office, lacked independence triggered legal and institutional reforms in 2016 to ensure its independence and impartiality. Civil society reporting subsequently became much more focused on detecting political corruption and the lack of enforcement of existing laws.

In an attempt to address these challenges, since 2013 Georgia, Moldova and Ukraine have all passed new political finance legislation with a broader and more holistic scope. Each has also introduced more varied anti-corruption efforts, such as laws that oblige MPs and other senior officials to declare their personal assets. In Ukraine and Georgia this is done online to make the information more accessible to watchdogs and the public. Second, despite their numerous oversight agencies, these countries are making progress towards improving coordination, for instance between oversight agencies that are responsible for political finance monitoring and state agencies such as courts and tax agencies, and sometimes private sector banks. Third, political finance oversight is catching up with digital advancements. All three countries are in the process of launching online digital reporting and public disclosure systems for political party or candidate finances. Political parties will use these to submit information about their incomes and expenditures in order to allow watchdogs to better monitor this information. Georgia has integrated its political finance database with the civil registry, and intends to link it to the social security, pensions and tax registries. Moldova has integrated its political finance databases with the state population register, and is in the process of incorporating the tax inspectorate and banking database as well.

Whistle-blower protections are particularly important given these actors' instrumental role in detecting corruption such as bribery, abuses of public office and fraud

Guatemala's call for accountability (Goldman 2015). In South Africa, reports of state capture (Bhorat et al. 2017) and allegations that President Jacob Zuma allowed the wealthy Gupta family to exercise undue influence led to widespread protests and calls for his resignation (Al Jazeera 2016).

In recent years new technological advancements have prompted collaboration between hackers, activists and journalists to demand increased transparency from politicians and business actors. For example, the International Consortium on Investigative Journalists coordinated reporting on the Panama Papers. This approach has proven effective at diffusing the personal risk to any individual journalist while enabling reporters to cover hazardous topics. Media outlets should provide staff and freelancers with preventive security training and post-assignment debriefings, following the example of the Committee to Protect Journalists' *Journalist Security Guide* (Smyth 2012).

Donors

Encompassing legal and illegal actors, including organized criminals, donor regulations target the various avenues through which corrupt politicians commonly launder embezzled money, mainly in financial havens (Briscoe, Perdomo and Uribe Burcher 2014; Markovska and Adams 2015: 165–81). The experience of Georgia, Moldova and Ukraine is telling in this regard (see Box 5.6). Also, in Nigeria from 2000 to 2013, over US 7 trillion in illicit flows from corruption and embezzlement transited the country, according to Attorney General and Minister of Justice Abubakar Malami (Nnochiri 2016). In 2014 and 2015 a series of scandals involving illicit campaign financing to parties across the political spectrum prompted a reform of Chile's political financing regime and oversight system (Pascale 2015). Guatemala's use of a pre-trial mechanism, which notifies public officials suspected of corruption or other crimes that they will soon undergo a formal investigation, encourages suspected criminals to quickly transfer their properties to financial havens or relatives to prevent their goods from being seized (Perdomo 2015). This practice illustrates the need for tools to discourage and combat money laundering and to facilitate the confiscation of assets.

5.5. Conclusions and recommendations: protecting democracy

Corrupt practices and public scandals undermine trust in democracy. Citizens believe politicians are looking to enrich themselves and protect their own interests, while groups with access to fewer financial resources cannot participate on an equal footing. Thus, citizens feel disenfranchised, disillusioned and distrustful of political organizations and associate money in politics with bribery, fraud and various crimes. Yet the fact that scandals come to light in the first place is a sign of a robust and resilient democracy, especially as scandals are often the catalyst for reform.

The institutional approach to curtailing the negative role of money in politics has focused mostly on regulating the political finance of parties and candidates. The most common methods of regulation include providing public funding for political participation, limiting expenditures or donations to political organizations and campaigns, and promoting the transparency of political finance. Regrettably, unintended results of implementing some of these regulations have undermined their credibility and generated an intense debate regarding their efficiency. For example, providing public funding to political parties might encourage less constituent engagement and more centralized political organizations, and not necessarily limit private donors' influence over politicians. Even when political finance regulations include sanctions, they are often insufficient or improperly enforced. Most importantly, difficulties in implementing these laws due to a lack of resources or independence from oversight agencies are also a challenge: a lack of enforcement destroys the credibility of the regulations, and undermines respect for the rule of law.

Despite the limited efficiency of political finance frameworks, they are nonetheless part of a wider and holistic approach that is needed to enhance the resilience of democratic political institutions against the negative influence of money. This comprehensive approach entails better oversight of the public sector, integrity in the public administration, stronger political parties and attention to illegal financial transactions. However, laws and regulations can only do so much. These regulations require a conducive social fabric that empowers citizens and encourages accountability, ensuring the proper implementation and sustainability of these holistic and integrity-enhanced systems to curtail the negative role of money in politics. The following recommendations describe ways to better curb the negative influence of money in politics and to promote democracies' resilience to corruption and policy capture.

All actors

- *Adopt systems that promote the integrity of politics, policymaking and state delivery* through coordination between legislators and public and private institutions to fight corruption, promote civic education and awareness of the importance of integrity in politics, protect and support oversight of the state and politics, and prevent policy capture.
- *Target the international mechanisms that facilitate political corruption and the transnational flow of dirty money through (and into) politics.* National, regional and global organizations, as well as the private sector and media outlets, should enhance the mechanisms at their disposal to minimize the transnational threats associated with money in politics and maximize the benefits that interconnectivity generates for cooperation at all levels. This includes international mechanisms to investigate and prosecute corruption.
- *Promote and support independent oversight mechanisms to help implement anti-corruption and political finance regulations,* including the right to access information in an intelligible and searchable format, and in a timely and reliable fashion. Oversight agencies should also be able to fulfil their roles independently, with adequate resources, legal mechanisms and control powers. Whistle-blower protection measures are also crucial.
- *Explore new technologies and interconnectivity to monitor the transparency of politicians and business actors* such as crowdsourcing platforms that facilitate small donations and social media tools for reporting and oversight. These tools can encourage innovation and alternative funding mechanisms. Governments can incentivize these alternative funding channels through tax breaks, for example, and parties can adopt such tools. The private sector could invest in these technologies, and citizens could engage in this type of political action, thus making it a viable alternative to 'big money' in politics.

A wider and holistic approach should entail better oversight of the public sector, integrity in the public administration, stronger political parties and attention to illegal financial transactions

Governments

- *Implement policies and norms that help prevent and detect money laundering, particularly in connection to politically exposed people and the confiscation of assets.* Oversight agencies in charge of controlling public contracting, conflicts of interest, disqualification systems, political finance and general anti-corruption norms should be able to collaborate and share information with financial institutions and other authorities.
- *Adapt legislation to prevent policy capture and corruption and avoid special regimes and exceptions to the rule.*
- *Adopt sanctions, rewards, and learning and preventive mechanisms to promote party accountability.* Sanctions should go beyond punishing individuals to make political parties responsible for their representatives. For example, Colombia's constitutional amendment extends political sanctions to parties that endorse candidates with a criminal background.
- *Enhance and promote regulations that aim to level the playing field between men and women*, such as linking provisions for public funding and other financial advantages to

gender equality among candidates.

- *Facilitate, promote and protect the work of investigative journalism in the fight against corruption.* Protect the lives and wellbeing of journalists. States should not impose obstacles—such as accreditation procedures or penalties through defamation lawsuits or intermediary liability—that undermine independent media.

Political parties

- *Adopt codes of conduct that promote better control and accountability of political party representatives* focused on accountability mechanisms related to their decision-making and internal party democracy procedures.
- *Include anti-corruption mechanisms in codes of conduct such as declarations of assets from party representatives and conflict-of-interest norms.* Such measures can help protect parties from being captured by private interests that can endanger their credibility.
- *Implement transparency mechanisms that go beyond political finance law requirements* by publishing detailed financial data, making party representatives' assets public, and implementing accountability activities that interact with constituents and civil society organizations. These measures will help enhance parties' legitimacy, and may increase the membership fees they receive.

Civil society and the media

- *Monitor the role of money in politics by connecting all the possible ways in which money can be disguised,* focusing on tracking public contracting, the appointment of public officials, conflicts of interest, independency of oversight agencies and gender inequalities in accessing political financing. Demand coordinated and holistic approaches to fighting corruption and state capture that promote integrity in politics. Invest in adequate instruments, such as digital systems to implement and oversee anti-corruption and political finance regulations; the easier it is for authorities to enhance transparency and control, the more open they will be to change.
- *Lobby governments and parliaments to adopt—and comply with—international and regional norms and commitments* on the right to access information, freedom of expression and opinion building, in adherence with the 2030 Agenda on Sustainable Development, particularly Goal 16 that includes targets on reducing corruption and ensuring public access to information.
- *Work together with other media outlets on senistive topics, sharing information and publishing stories simultaneously,* to diffuse the risk to any individual journalist while enabling reporters to cover hazardous topics. These outlets should also provide staff and freelancers with preventive security training and post-assignment debriefings.

Regional organizations

- *Consider introducing peer review systems that include monitoring of political finance regulations and their implementation.* Take inspiration from good practices such as GRECO in an effort to improve regulatory processes, increase awareness and promote the implementation of existing regulations.

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