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Parties in chains: Do ethnic party bans in Africa promote peace?

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Abstract
Since the sweeping (re)introduction of multiparty systems in the early 1990s, almost all sub-Saharan countries have introduced legal provisions to ban ethnic or other identity-based particularistic parties. Altogether, 12 countries have actually banned political parties on these grounds. In theoretical terms, such bans can exclude particularism from politics but – contrary to public discourse – also run the risk of forcing groups to resort to violent means or of becoming an object of conflict themselves. Empirically speaking, hardly any general patterns in the effects of bans can be detected. A closer look at 12 politically relevant bans in six countries reveals an initially stabilizing impact in one case (Rwanda in 1994). A ban on a religious party in Kenya in 1993 triggered violent conflict. In cases such as Equatorial Guinea (1994) and Rwanda (2001, 2003), this regulatory measure, allegedly designed to promote peace, seems to be part of the 'menu of manipulation' and is abused to suppress the opposition.

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Introduction

As of late 2010, there was hardly any country in sub-Saharan Africa that did not have a multiparty system. However, fears persist that multiparty politics encourage the politicization of ethnicity and other socially attributed identities, resulting in inter-communal conflict. For this reason, the overwhelming majority of sub-Saharan countries have introduced legal provisions to ban 'particularistic' parties.

Surprisingly, ethnic and other particularistic party bans in Africa have received little scholarly attention. The debate has focused on the political relevance of ethnicity and its measurement (e.g. Chandra and Wilkinson, 2008; Posner, 2004), with little research on party bans in Africa, let alone their effects, to date (see also Basedau et al., 2007; Bogaards et al., 2010).[1] While there is a strong tendency to introduce restrictive party laws in Africa, the question of whether party bans really help in mitigating violent conflict remains.

In attempting to answer this question, the article proceeds as follows: Following a clarification of the central concepts, a theoretical section discusses how particularistic party bans may affect inter-communal conflict. After briefly introducing the database, the main section engages in a preliminary test of related hypotheses by employing a four-fold empirical analysis. The final section draws theoretical and methodological conclusions and highlights areas for future research.

Concepts

In our understanding, an ethnic or particularistic party ban denotes a highly restrictive official legal sanction that aims to prohibit the existence or activity of a political party which is composed of, seeks the support of, or acts on behalf of or in the interests of a particular ethnic or particularistic identity group.

The label 'ethnic' deserves clarification in two ways. First, we principally prefer a rather constructivist understanding of ethnicity (Englebert, 2000; Posner, 2004). Opposed to an essentialist concept, ethnic affiliation results from outside self-ascription and is principally subject to change.

Second, ethnic identity derives from differences in a variable set of identity markers such as a particular faith, language, regional provenance and the like (Chandra and Wilkinson, 2008; Horowitz, 1985). However, African party laws commonly use ethnicity in the narrow sense of 'tribe'. In order to avoid confusion, we therefore opted to use the generic term 'particularistic' for all the aforementioned identities (Almond and Coleman, 1960) and related political parties. This allows us to differentiate between the respective social bases of political parties which may constitute the legal reasons for a particularistic party ban (i.e. ethnicity or tribe, religion, race and region).[2]

Moreover, bans can take different forms with regard to the respective legal dimension. Provisions can differ in terms of whether or not they 'negatively' prohibit such particularistic parties or 'positively' prescribe specific requirements, which are designed to ensure parties' non-particularistic nature. A 'positive' ban would be a requirement that a party is nationally represented (Bogaards, 2007: 182; Reilly, 2006). Ghana and Sierra Leone, for instance, prescribe that all parties have to maintain party branches and offices throughout the country.

Bans also differ with regard to the nature of the legal sanction. The term 'ban' may include (1) the dissolution of an already existing party; (2) a temporary ban, that is, a suspension; or (3) the denial of registration to a group that wants to transform into a political party. Finally, it may make a difference whether the party bans are just a 'legal option' or whether a ban is actually implemented. Given the limited number of countries without the legal possibility of banning particularistic parties (see below), this article focuses on actually implemented party bans and their impact on violent conflict.[3]

How particularistic party bans may affect conflict

The debate on institutional engineering, ethnic parties and their relation to violent conflict has developed several – and partly contradictory – lines of argumentation. Given the cultural heterogeneity and the history of inter-communal conflict in many African countries (and elsewhere), many authors see the political, and particularly the partisan, organization of particularistic identities as generally undesirable (Bogaards, 2007; Horowitz, 1985). First, ethnic and other identity-based politics are likely to reinforce in- and out-group identities, thus increasing the likelihood of inter-communal conflict. Particularistic parties will probably entrench such divisions, keeping people apart instead of bringing them together. Second, (party) politics along cultural lines may lead to the marginalization of cultural minorities. As a consequence, such minorities may feel encouraged to resort to violent means to counter their marginalization (Horowitz, 1985).

If such a negative impact of ethnic parties is assumed, what can party bans do about these risks? As the central intermediate structure between society and government (Sartori, 1976: ix), the party system should articulate and aggregate societal interests, transforming them into political programmes and, eventually, into government policies (Bogaards, 2007: 176). Prohibitions of particularistic parties, if successfully enforced and effective, have the potential to block particularistic politics from party politics (Bogaards, 2007: 176–80). Once accepted or effectively demonstrated, such bans may have an additional pre-emptive effect. Political parties then have to organize along other lines, seeking support from several identity groups and using other cleavages (class or ideas) as the basic source of support. As a result, inter-communal conflict is less likely (hypothesis 1).

In contrast, the consociational school and recent studies on ethnic parties claim that particularistic parties might be necessary or at least not always harmful to a peaceful democracy (Birnir, 2007; Chandra, 2004; Ishiyama, 2009; Lijphart, 1977). Particularistic party bans may then have an adverse impact on inter-communal relations (hypothesis 2). Since party bans block certain societal interests from expression in the political system, particularistic groups may feel marginalized and seek other, extra-legal and sometimes violent means of expression (see also Birnir, 2008: 176). Used as a pretext to marginalize the opposition or not, bans may reduce the legitimacy of the system and hence become subject to conflict themselves (Randall, 2008: 246).

It is also possible that party bans have very little or no impact on conflict (Reilly et al., 2008: 6): There are numerous classical risk factors for conflict, such as low income, prior conflict, dysfunctional institutions and the lack of wise and responsible leadership, not to mention specific path-dependent and contingent historical developments. In such a

setting party bans might have no noteworthy influence (hypothesis 3). Moreover, even if regulations are rigidly enforced – poor regulatory capacity may prevent this – particularistic parties might find 'loopholes' to escape legal sanctions.[4]

Finally, the magnitude and direction of the effects of party bans vis-à-vis peace may depend on surrounding conditions (hypothesis 4). Such conditions (Becher and Basedau, 2007: 9–10) may include the importance of the respective group targeted by the ban (e.g. an important opposition party), the history of inter-communal relations and the level of violence before the ban as well as the general nature of the country's 'particularistic landscape'; banning (would be) parties that represent cultural minorities may trigger violence (Birnir, 2008). Moreover, adverse effects are more likely when the political system has found other, successful, ways to deal with diversity: if the ban thwarts other, more permissive, regulations, it may be less accepted and is thus more likely to have negative consequences.[5] Finally, the nature of the regime and the party system might count. Positive effects are more likely when bans are executed in a democratic setting and a non-dominant party system because marginalization and legitimacy problems are less likely (Rosenblum, 2007).

Certainly, these considerations are far from being exhaustive. In any case, theoretical assumptions on how, to what extent and in what direction party bans affect peace differ substantially. Which one of the outlined hypotheses proves to be valid remains an empirical question.

Database

We collected constitutions, party and election laws since 1990 for all sub-Saharan countries, thereby creating a unique database of party regulation in Africa. As it turned out, the legal option of banning particularistic political parties is highly popular throughout Africa. As of late 2008, 40 out of 48 sub-Saharan countries had such provisions in their constitutions or their party or electoral laws (see Moroff, 2010). Only Botswana, the Comoros, Mauritius, South Africa, Zambia and Zimbabwe do not have such legal provisions. In Eritrea and Swaziland there is no multiparty system.

In order to identify actually implemented bans, we went through EIU Country Reports between 1990 and 2007 (the period of investigation), U.S. Department of State Human Rights Reports, the various Africa Yearbook editions as well as country-specific literature. Additionally, we conducted a written survey with some 100 country experts (66 percent responded). We found that 12 countries implemented altogether 144 bans. The number of bans and the legal form vary according to the country (see Moroff, 2010). Only in six cases were already existing parties dissolved. In only one case was a political party suspended (Central African Republic). The most frequent form of ban is a denial of registration. Due to lacking nationwide representation, 57 political groups in Nigeria and 50 in Tanzania were denied registration as a political party. In Mauritania, three groups could not register and one party was dissolved. In Burundi, Equatorial Guinea, Kenya, Zambia, Rwanda and Uganda, respectively, one group was denied registration.[6] Regarding official legal reasons given, in 108 cases the reason was 'region', in 9 cases 'ethnicity', in 7 cases 'religion' and in 1 case 'race'.

Analysis: Particularistic party bans and violent conflict

Isolating the effects of implemented bans is difficult; numerous variables impact on violent conflict. In order at least to come close to isolating the bans' impact, we have opted for a triangulation of research strategies and employed a four-step approach. First, a large-N strategy includes all countries with legal provisions for banning particularistic parties (N = 40) and compares countries that implemented a ban with those that did not with regard to their conflict levels. This is followed by a carefully selected small-N sample of countries which share numerous important context conditions for violent conflict but differ with regard to the implementation of a party ban. The two synchronic samples are complemented by two diachronic samples, one large-N and one small N: a diachronic comparison of the level of conflict before and after a ban (N = 32)[7] is followed by a closer look at pertinent ban cases (N = 12) in order also to take into account the background of the bans.

Comparing countries with and without ban implementation

Do countries that banned a particularistic party perform better in terms of conflict levels and dynamics than countries that did not – as predicted by hypothesis 1? While differences might obviously be caused by a variety of factors, a strong effect of party bans should be mirrored by significant differences between the groups. For this purpose, we introduced six dummy variables measuring conflict after 1990; they covered the intensity, the particularistic character and the termination of the conflict.

   For conflict intensity we distinguished between the levels of conflict using two thresholds ('minor/latent' vs. 'major')[8] and controlled for both types. In a second step we included conflict indicators which captured whether the conflicts had a particularistic (that is, ethnic) character.[9] We then calculated bivariate correlations with the dichotomized dependent variable (country with any kind of implemented particularistic party ban/or not).

   When we compare average conflict prevalence between the two groups, some limited evidence of a negative impact of party bans emerges (hypothesis 2). With the exception of 'major conflict', the group of countries with an implemented ban shows a somewhat higher prevalence of conflict – or less conflict termination – in all conflict measures than the group that did not ban parties (see Table 1). In no country did a definitive termination of conflict occur between 1990 and 2006.[10] Bivariate statistics, however, do not show any substantial (positive or negative) link and support hypothesis 3. None of the conflict variables is significantly correlated to the independent variable.[11]

Comparing ban and non-ban countries with surrounding conditions held constant

In order to isolate the effect of party bans on violent conflict, we created a small N-sample of countries that comes close to a most-similar-systems design. Using our database, we selected country cases that share important conflict-relevant features (see Hegre and Sambanis, 2006) but differ with regard to the implementation of a party ban.

Table 1. Differences between ban and non-ban countries 1990 to 2007

	Source	PPB possible but not implemented (A)		PPB implemented (B)		Average (A & B) **	Pearson's r***
		N	*	N	*		
Conflict (I) after 1990 (at least 25 battle deaths)	UCDP	18	60.0%	5	45.5	56.1%	−0.130
Conflict (II) after 1990 (including latent conflict)	UCDP/ HIIK	22	73.3%	10	90.9	78.0%	0.188
Conflict (I) Termination	UCDP	10	55.6%	0	0.0%	43.5%	0.101
Conflict (II) Termination	UCDP/ HIIK	9	40.9%	1	10.0%	31.3%	−0.219
Ethnic war after 1990	PITF	9	30.0%	6	54.5%	36.6%	0.226
Ethnic conflict (war and violence) after 1990	MEPV	8	26.7%	5	45.5%	31.7%	0.151
Total		30	73.2%	11	26.8%	—	

Source: Authors' compilation. PPB = Particularistic Party Ban. *Percentage of the respective population; **countries with legal provision for banning particularistic parties and/or countries that actually implemented a particularistic party ban; ***variables dichotomized; none of the correlation coefficients (Pearson's r) proved significant. Angola missing.

We therefore identified countries that had an income per capita below USD 400 in 1990, had a population size above or on the sub-Saharan mean in 1990, experienced (ethnic) conflict prior to 1990 and suffered from a minority problem according to the Minorities at Risk database during the period of investigation. Additionally, we held constant the regime type in 1990 (undemocratic government, measured via Freedom House $\geq$5) and several 'particularistic' characteristics: a high level of ethnic (>0.75) and religious fractionalization (>0.50) as well as the absence of a cultural majority.[12]

The resulting sample includes six countries, of which three have implemented particularistic party bans while three others have not (see Table 2). A closer look at the conflict indicators after 1990 (using the same set of different conflict datasets as above) shows that the bans did not alter the risk of a violent conflict: All countries experienced violent conflicts after 1990. Again, results support hypothesis 3. Classical risk factors seem more important than a party ban in explaining the level of conflict.[13]

Comparing conflict levels before and after the ban

A comparison between ban and non-ban countries may not, however, adequately capture the dynamic perspective: if hypothesis 1 on the positive impact of bans is correct, we must expect that the level of conflict decreases *after* a ban's implementation. For this purpose, we looked at all instances where bans were actually implemented: Cases were coded as country years; any implementation of one (or more) particularistic party ban(s) is a case (for example, Rwanda in 2003, Nigeria in 1999).[14] In order to capture the dynamic dimension, we controlled for development of the Uppsala Conflict Data

Table 2. Party bans and conflict in countries with surrounding conditions held constant

Country	Party ban implemented?	Conflict (I) after 1990?	Conflict (II) after 1990?	Ethnic war after 1990?	Ethnic conflict after 1990?
Source	Own data	UCDP	UCDP / HIIK	PITF	MEPV
Chad	No	Yes	Yes	Yes	No
Congo, DR	No	Yes	Yes	Yes	Yes
Ethiopia	No	Yes	Yes	Yes	Yes
Kenya	Yes	No	Yes	Yes	Yes
Nigeria	Yes	Yes	Yes	No	Yes
Uganda	Yes	Yes	Yes	Yes	Yes

Source: Authors' compilation.

Programme (UCDP) and Major Episodes of Political Violence (MEPV) intensity scores one year before and after the ban, respectively.

The results do not point to a strong effect of party bans on violent conflict either (see Table 3): while the UCDP data show no change in conflict intensity for 28 out of 32 cases, they indicate the beginning of conflict in Uganda in 1994 and an end of conflict in Burundi after 1992[15] – as well as in Rwanda after 1994 and in 2003. However, the results on changes are not robust vis-à-vis the countries in question. While MEPV indicates the beginning of conflict after bans in Burundi and Nigeria, the indicator measures no change in conflict for Rwanda and Uganda. The number of unchanged conflicts is even higher than when using UCDP.[16]

In summary, the results support hypothesis 3: we cannot detect a strong impact of party bans on conflict. Irrespective of the data sources and even when looking at longer time periods after the ban (for example, five years), in most cases the level of conflict remained unchanged after a ban.[17] Moreover, the changes, if detected, are highly sensitive to the data source in terms of the countries in question.[18] A second problem emerges when we take a closer look at the nature of the conflicts: in most of the countries, these conflicts are not related to the cleavage which the party or political group targeted by the ban is part of. This even calls into question the impact of the party ban when a change is observed: it is, for example, not very plausible that the ban on a group that announced it would found an Islamic party in Uganda in 1993 caused the conflict with the Lord's Resistance Army in Northern Uganda (as might be suggested by Table 3).

A closer look at individual cases

Given the lack of general patterns of impact and the need to relate bans to respective conflicts, it would seem fruitful to take a closer look at the context of individual cases. For both practical and methodological reasons we will limit these case studies to bans of parties with an obvious political relevance. We define 'major bans' as bans on those groups to which two criteria applied before the ban:

Represents one side in a major social cleavage in the country

Relatively strong political visibility of the group/party (seats in the national assembly, known political leader, connection to an armed group)

Applying these criteria reduces the number of cases to 12 instances of major bans in six countries. There are four cases each in Mauritania and Rwanda, and one case each in Burundi, Equatorial Guinea, Kenya and Tanzania (see Table 4). Generally, we intend to

Table 3. Conflict intensity and changes in conflict 1990–2007

| Level of conflict one year before ban | Changes in conflict one year after the ban | | | |
	Less conflict	Unchanged	More conflict	Total
No conflict		Angola (19 var. 2007) CAR (N.N. 1995) CAR (NDUCAP 1998) Equatorial Guinea (MAIB 1994) Kenya (IPK 1992) Mauritania (Oumma 1991) Mauritania (AC, CC 2002) Mauritania (PCD 2004) Mauritania (PCD 2005) Namibia (UDP 2006) Nigeria (13 var. 1996)*** Nigeria (21 var. 2002) Nigeria (23 var. 1998) Tanzania (50 var. 1993–2000, 2002– 2005) Zambia (N.N. 1993)	Uganda (UIRP 1993)**	27
(Minor) Conflict	Burundi (Palipehutu 1992)*** Rwanda (MRND, CDR 1994)** Rwanda (MDR 2003)**	Rwanda (PDR-Ubunyanja 2001) Uganda (KY 2004)		5
Total	3	28	1	32

Note: Based on UCDP data, cases counted as country years. Number and party names in parentheses; in cases of large numbers or unknown party names 'var.' or 'N.N.' respectively. No country had a civil war (major conflict) in the year before the implementation. *Indicates less conflict, **no change in conflict levels, and ***more conflict with MEPV data.

Source: Authors' compilation, UCDP and MEPV data.

Table 4. Major particularistic party bans and the impact on conflict 1990–2007

Country	Party/year	Reason for ban/legal form	Connection to major cleavage	Level of violence in cleavage at time of ban	Changes in violence level in respective cleavage after ban	Direct impact of ban on dynamics of violence
Burundi	PALIPEHUTU 1992	Ethnicity/denial	Hutu–Tutsi	High	Initially medium ↓, then strong ↑	No, armed wing persisted
Equatorial Guinea	MAIB 1994	Religion/denial	Bubi minority vs. majority	None	Slight ↑	Unlikely
Kenya	IPK 1992	Religion/denial	Muslim minority vs. Christian majority	Medium	Medium ↑	Yes, ban triggered unrest
Mauritania	AC 2002	Racism/dissolution	Haratins/Blacks vs. 'Whites'	None	None	None
	CC 2002	Ethnicity/denial	Haratins/Blacks vs. 'Whites'	None	None	None
	PCD 2004	Religion/denial	Moderate Islamists vs. Seculars	Low	Slight ↑	Unlikely
	PCD 2005	Religion/denial	Moderate Islamists vs. Seculars	Low	Slight ↑	Unlikely
Rwanda	MRND 1994	Ethnicity/dissolution	Radical Hutu vs. Tutsi	Very high	Strong ↓	Yes, but only partly
	CDR 1994	Ethnicity/dissolution	Radical Hutu vs. Tutsi	Very high	Strong ↓	Yes, but only partly
	PDR 2001	Ethnicity/denial	Moderate Hutu vs. Tutsi	Medium	None	None
	MDR 2003	Ethnicity/dissolution	Moderate Hutu vs. Tutsi	Medium	None	None
Tanzania	DP 1993	National representation/denial	Mainland vs. Zanzibar, ('Tanganyikas' vs. 'foreigners')	Low	None	None

Source: Authors' compilation. Arrows (↑ and ↓) indicate direction of change.

213

investigate the effects of the bans by engaging in process tracing and taking into account country-specific conditions. Inevitably, case-specific analysis here is reliant on a coun-terfactual logic and we are well aware of the related problems (Fearon, 1991). Ulti-mately, it is impossible to make sure that something would (not) have happened (decrease or increase in conflict) if the condition in question (party ban) were (not) enforced. In order to assess systematically whether or not a causal process links the ban and the dynamics of violence, we asked three principal questions:

Did the level of violence in the respective cleavage change after the ban?

Were the groups in question directly involved in violence? And did the ban affect the nature of activities?

Which other case-specific conditions impacted on the direction and magnitude of the ban?

Trying to answer these questions on the basis of secondary literature and qualitative interviews in selected countries reveals useful insights.[19] Basically, we can distinguish between two groups: Equatorial Guinea, Mauritania and Tanzania show weak evidence that the bans, though politically relevant, had any impact on violent conflict. In Burundi, Kenya and Rwanda, bans and subsequent violence are connected, though in a less straightforward manner than our hypotheses predict.

In Burundi, the Parti pour la liberation du people Hutu (PALIPEHUTU), one of the most radical and violent pro-Hutu rebel groups, was denied registration as a political party during the introduction of the multiparty system in 1992. This, however, did not help alleviate the Hutu–Tutsi conflict. The main parties, the Front pour la démocratie au Burundi (FRODEBU) and the Parti de l'Unité et du Progrès National (UPRONA), were perceived as Hutu- and Tutsi-dominated parties, respectively (Lemarchand, 2007). Shortly after FRODEBU's victory in the 1993 elections, the newly elected Hutu president was assassinated in a coup by Tutsi extremist militaries, triggering a violent Hutu reaction and a long and bloody civil war in which PALIPEHUTU's military wing, the Forces Nationales pour la Libération (FNL) was one of the numerous warring fac-tions. Though obviously related to the basic cleavage in the country, any direct effect of the ban on the dynamics of violence is unlikely. The banning of PALIPEHUTU as a party, obviously, did not end the existence of the FNL. Nor did it prevent the outbreak of the full-scale civil war, which was initiated by Tutsi extremists and not PALIPE-HUTU or FNL.[20]

In Equatorial Guinea the authorities outlawed the Movimiento para la Autodetermi-nacion de la Isla de Bioco (MAIB) in 1994 as an ethnic, separatist party. MAIB, subse-quently active in exile, is mainly supported by the minority Bubi ethnic group, which is heavily underrepresented in government and administration. According to the authori-ties, MAIB was involved in an attack on military facilities in 1998 by Bubi activists. In the following months, many Bubi were arrested and harassed (Amnesty International, 1999). The involvement of MAIB in the attack, however, is questionable. In spite of its considerable support from the Bubi minority, the group has not shown the capacity to conduct major operations. MAIB continues to be active in exile, but there have not been

any attacks, either before or after 1998. It is not plausible that registration of the party would have led to an increase in violence.

In Kenya, the Islamic Party of Kenya (IPK), founded in February 1992, was connected with violent unrest in Mombasa and several other coastal towns that lasted until 1994. The IPK was strongly supported by many Kenyan Muslims; however, the Registrar of Societies hesitated to register the party for several months, and President Moi spoke against the registration of religious parties in May 1992. Anger over the non-registration and over the arrests of several IPK members led to first clashes between IPK followers and security forces in Mombasa at the end of May 1992. After the official denial of registration one month later, the level of violence mounted. Sheikh Kahlid Balala, who had joined the party in mid-1992, became the radical spokesman of the IPK, and young followers of the party clashed with security forces and, from mid-1993 on, members of the government-sponsored organization United Muslims of Africa (Møller, 2006; Oded, 2000). Many Muslims perceived the decision as yet another sign of the discrimination of a mainly Christian regime against the Muslim minority (Oded, 2000). The IPK was thus able to mobilize a great deal of support precisely because it was not registered.

A different picture emerges when we look at four 'major bans' in Mauritania. As an Islamic republic, Mauritania does not allow parties that campaign against the principles of Islam, but it also outlaws parties 'that claim a monopoly over Islam'. Proponents of a reformist Islam (often called moderate Islamists) have tried to register a party several times without success. After a failed attempt to register an Islamic party in 1991 – which was followed by a wave of arrests – the Parti pour la convergence démocratique (PCD) could not register either in 2004. After the military coup in 2005 the PCD tried to register under the new regime, but again without success. The regime argued that adherents of the Islamists were involved in terrorist activities; in 2004 this was brought forward as an additional reason for not registering the PCD. However, many authors question this link, suggesting instead that the regime of Ould Taya used this argument to silence members of the opposition (ICG, 2005; Marty, 2002). In any case, under the subsequent regime of President Ould Cheikh Abdallahi, two moderate Islamist parties were registered – without any related increase in religious violence. Some terrorist activities were actually carried out in early 2008 and afterwards. However, Al-Quaida of the Islamic Maghreb (AQIM) was behind the attacks, and there was no apparent link to the moderate Islamists in the country.

In 2002, Mauritania also banned another party, Action pour le changement (AC), led by Ould Boulkheir, on grounds of racism. Ould Boulkheir tried in the same year to register a party under a new name, Convention pour le Changement (CC); it was denied registration because of its alleged ethnic character. Ould Boulkheir and the AC had denounced the persistence of slavery in Mauritania and had struggled against oppression of the black Moors (the Haratins) as well as the non-Arabic-speaking minorities. Neither of these communities has been involved in violent conflicts since the introduction of multiparty politics, and such a risk remains low according to the Minorities at Risk project; nor were AC/CC members involved in any violent activities before or after the dissolution.

In Rwanda, four 'major bans' were implemented. Following military victory in 1994, the newly installed government led by the Front patriotique rwandais (FPR) outlawed the

former unitary party Mouvement républicain national pour la démocratie et le développement (MRND) and the Hutu-extremist Coalition pour la défense de la république (CDR) as the two main parties responsible for the 1994 genocide. After the ban, many 'genocidaires' (former government soldiers and militiamen) – closely connected with the extremist 'Hutu Power' wings of the MRND and other parties – continued their struggle for Hutu supremacy from the neighbouring Democratic Republic of the Congo. Nevertheless, the decision of the new FPR government not to include the MRND and the CDR in the transition government probably helped to calm the situation in Rwanda. The transition government included more moderate parties, such as the Mouvement démocratique républicain (MDR, mainly Hutu) and the Parti liberal (PL, mainly Tutsi), and managed to stabilize the situation at least inside the country. The later ban on the Parti démocratique du renouveau (PDR-Ubunyanja) of former president Pasteur Bizimungu in 2001 and the MDR in 2003 may be seen as part of an FPR strategy to work on the Hutu–Tutsi cleavage by suppressing all forms of 'divisionism' (Niesen, 2008). While the Rwandan government referred to a threat of intensified divisions and of a new genocide (Commission Parlementaire, 2003), many authors and human rights organizations deny any threat by the PDR or MDR and view the bans as an expression of the increasingly authoritarian character of the regime and the growing exclusion of Hutus from political life (Human Rights Watch, 2003; Reyntjes, 2004).

Tanzania's main (but rather latent) conflict is over the union between the former Tanganyika and Zanzibar. When it adopted multiparty politics, Tanzania introduced a strict requirement for parties to demonstrate a national character, including parties having members and leaders from the mainland and Zanzibar when they register. The regulations have been implemented strictly, and many parties have failed to meet the requirements. One of these cases may form a 'major ban'. The Democratic Party (DP), led by well-known reverend Christopher Mtikila, engaged in racist and xenophobic rhetoric, particularly against Indians. After a DP rally in January 1993, DP supporters attacked Indian property. This, however, was not the reason behind the non-registration in April 1993, but rather the DP's refusal to recruit members from Zanzibar since it did not consider Zanzibar to be part of Tanzania. Violence was confined to one incident in which several cars were damaged, but Mtikila continued to use hate speech and was convicted of inciting violence as an individual. Hence, it does not seem reasonable to attribute the decrease in conflict to the non-registration, let alone to assume a significant impact of the ban on the mainland–Zanzibar conflict in general.[21]

Which conclusions can be drawn from these case studies? First, looking in detail at the development of conflicts connected with major bans generates results different from those achieved when we rely exclusively on unspecified quantitative conflict ban data. Without the former, violent clashes in connection with the parties in Equatorial Guinea, Kenya and Tanzania would have remained undetected.

Second, the results confirm that there is no systematic and simple link between (major) particularistic party bans and conflict. Supporting hypothesis 3, substantial impact is unlikely in nine cases, either because conflict levels did not change or because violence cannot plausibly be directly linked to the ban. In Burundi, for instance, the

military wing of the outlawed PALIPEHUTU became a major warring faction but was not itself responsible for the onset of the civil war. In three cases, effects are plausible but the direction and mechanisms differ. Kenya follows the logic of hypothesis 2: the denial of registration itself led to growing radicalization and an increase in violence, at least in the middle term. The banning of the two Hutu extremist parties in Rwanda in 1994 might have been stabilizing – which is in line with hypothesis 1 – though it can hardly be argued that this was the main factor behind this development.

Third, there are apparently few general patterns regarding the impact of surrounding conditions – as expected by hypothesis 4 – when we take into account the characteristics of the particularistic landscape, political system variables, the legal nature of the ban and the character of the conflict in general. The three cases where a stronger impact is plausible – two cases in Rwanda and one in Kenya – have little in common in terms of what distinguishes them from the other cases. Rwanda has an entrenched and particularly bloody conflict, a marginalized ethnic majority targeted by the ban, and a transitional period as background to the bans; Kenya, though in a transition period, does not follow this pattern. Muslims are a minority in the country, and the intensity of the conflict between the Muslim minority and the Christian majority is far from comparable with Rwanda.

Irrespective of the direction and magnitude of the bans, however, there is evidence that bans might have been used to marginalize political opponents. In countries with a clear ethnic or religious majority, we can observe a tendency for groups representing minorities to be targeted (Equatorial Guinea, Kenya, Mauritania) or politically excluded majorities (Burundi, Rwanda). Only Tanzania, where the DP might have represented the mainland 'establishment', at least according to its own perception, escapes from this logic. Anecdotal evidence and the generally rather undemocratic character of regimes in Equatorial Guinea, Kenya (at the beginning of the 1990s), Mauritania and Rwanda further supports the idea that bans form part of the 'menu of manipulation' (Schedler, 2002) in these countries rather than being an instrument of conflict management. Such a negative impact of party bans on democracy constitutes a research question in its own right; in relation to the question raised in this article, the exclusion of important parts of the population may become a source of conflict in the future (see Moroff and Basedau, 2010).

Conclusion

Almost all sub-Saharan countries have introduced bans on particularistic parties. Hypotheses on the impact of implemented bans have been tested by comparing ban and non-ban countries and conflict dynamics after a ban, as well as by undertaking more detailed studies of 'major bans'. The results clearly show that particularistic party bans are not a universal remedy for inter-communal conflict. In most cases, hardly any effect can be detected, and in Kenya violence increased because of such a ban. Frequently, bans are rather part of the 'menu of manipulation' and are abused to exclude political opponents. In the long run this may well have a negative effect on inter-communal relations by fostering resistance in the politically excluded groups. These findings thus call into question the widespread – and widely unchallenged – practice of banning particularistic parties in Africa.

This is not to say that particularistic party bans do not have any positive effects. We have detected a positive impact for Rwanda in 1994. Moreover, we have exclusively looked at implemented party bans. It is possible that a positive impact works through a diffuse mechanism. Anticipating the legal provisions, political actors may form non-particularistic parties, thereby removing ethnic and other divisions from the party system and thus fostering peace. Some might argue that 'positive bans' requiring national representation, as in Nigeria and Tanzania, have yielded such results (Bogaards, 2007; Peter, 2008). Others remain sceptical given that countries such as South Africa, without the legal possibility of banning particularistic parties, have managed to avoid conflict or because communal divisions are then transferred to the intra-party level, as in Nigeria (Reilly et al., 2008: 5–6).

These opposing views can only be empirically addressed if future studies carefully investigate the causal chain that presumably links cultural diversity, political parties and violent conflict. Further studies have to investigate whether or not bans – legally possible or actually implemented – really avoid the partisan politicization of cultural diversity and then whether or not a party system composed of particularistic parties renders violent conflict more likely. Though the lack of readily available, reliable and valid information on the particularistic character of political parties has hindered the study of this causal chain, both claims might be questioned: Recent studies, using representative survey data, have found that ethnicity plays a much less important role in party preference in Africa than commonly assumed (Basedau and Stroh, 2009; Cheeseman and Ford, 2007). Moreover, the presence of ethnic parties is not necessarily connected with violent conflict (Ishiyama, 2009).

Equally importantly, particularistic party bans must be analysed within the entire framework of party regulation and other institutional measures to prevent or alleviate conflict. Given the many determinants of violent conflict, carefully selected comparative case studies may engage in detailed process tracing taking into account the full historical and contextual background, far beyond what could be achieved within the scope of this contribution.

Notes

1. For a discussion of party regulation in a broader perspective, see Reilly and Nordlund (2008), and for a discussion of the impact of registration requirements and electoral thresholds, see Birnir (2008).
2. In order to capture the behavioural dimension of the ban ('acts on behalf of or in the interest of'), we assign respective party bans on, for instance, 'tribalism' to ethnic parties, 'racism' to race-based parties and 'regionalism' to regional parties.
3. We are therefore unable to control for the more indirect impact of the legal regulations *per se*. Such an analysis would require, for instance, detailed comparative information about the particularistic character of political parties. This is certainly a research question in its own right.

4. Particularistic interests may also organize as political associations and exert legal and non-violent influence.

5. Party bans are one measure of party regulation and institutional engineering; others include proportional and compensatory electoral systems (e.g. Bogaards, 2007; Reilly and Reynolds, 1999), federalism and decentralization (e.g. Crawford and Hartmann, 2008).

6. In both Kenya and Zambia religious parties were banned without explicit legal provisions.

7. Given the very few changes in conflict levels after bans (see Table 2) as well as the high degree of multicollinearity between many of the influential variables, multivariate statistical analyses would have been little promising.

8. For 'major' conflict (Conflict I) we have used Uppsala Conflict Data Program (UCDP) data, with a 25-battle-death threshold per annum (it includes both conflict thresholds of the UCDP dataset). For minor and latent conflicts below the UCDP threshold we consulted the Konfliktbarometer of the Heidelberger Institut für Internationale Konfliktforschung (HIIK). This resulted in a second dummy variable which includes minor and major conflicts (Conflict II). Conflict termination refers to termination in 2006. If a conflict ended but restarted, it is not counted as terminated.

9. We used two different sources: 'Ethnic Wars' from the Political Instability Task Force – State Failure Problem Set (PITF) as well as 'Ethnic Violence and Ethnic War' of the Major Episodes of Political Violence (MEPV) dataset of the Center for Systemic Peace.

10. Only if we include minor conflicts might the aborted military coup in 2003 in Mauritania count as a terminated conflict.

11. Factors such as typical conflict risk factors, the particularistic landscape and political variables show stronger effects on the level of conflict (Becher and Basedau, 2007: 20–1).

12. Sources: African Development Indicators 1992, Freedom House, PITF, MEPV, Alesina et al. 2003, Minorities at Risk, CIA World Factbook.

13. We also controlled for the timing of the bans and conflicts: In Kenya, a violent ethnic conflict occurred between 1991 and 1993. The conflict in Northern Uganda started in the 1980s (with varying ensuing intensities). Ethnic violence in Nigeria ended in 1993 and restarted in 1997 (according to MEPV).

14. Thus, if in one particular year more than one party was banned, it was nevertheless counted as one case. In almost all cases with various bans in one year, the official reason was identical. The only exception is Mauritania, which had a ban due to race and a denial of registration due to ethnicity in 2002.

15. Though the civil war in Burundi started in 1993, UCDP counts 1994 as civil war onset.

16. We also controlled for whether a conflict started or ended after a ban by using HIIK and PITF and found few changes, while the countries varied with the dataset.

17. At best one could argue that the bans prevented the situation from deteriorating.

18. This mirrors the general problem in civil war studies that results often vary with the conflict database (Hegre and Sambanis, 2006).

19. If not otherwise indicated, the following paragraphs draw on EIU Country Reports and the *Afrika Jahrbuch* (since 2005: *Africa Yearbook*).

20. After the official end of the civil war, PALIPEHUTU-FNL, which had split from the political wing in 1991, was the main rebel force. It was only recently that it signed a peace agreement and abandoned the name PALIPEHUTU.

21. Several years ago the DP mitigated its rhetoric, recruited Zanzibari members and was regis-
    tered in 2002 as a party.

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