Explaining Different Outcomes of Party Bans in African Countries

A Government's Guide to Banning Parties

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Abstract

Since the proliferation of democratizing countries in Africa, ethnic conflict has also increased. One of the explanations for this phenomenon is that ethnicity become politicized when democratic institutions are installed, and ethnic cleavages are widened, creating more conflict. In order to temper conflict and stabilize the democratization process it is sometimes needed to use undemocratic tools, such as party bans. While sometimes banning an ethnic party leads to less conflict, sometimes it also leads to more. This thesis will explain how a party ban will decrease conflict when it is based on old, existing law or regulation and accompanied by other institutional arrangements giving incentives for inter-ethnic cooperation and promote cross-cutting cleavages. Two cases of party bans in Mauritania and two cases in Nigeria are used to explain the mechanism of the causal effect between party ban and conflict level.

<u>Introduction</u>

It is believed that political freedom is an essential component of democratization. In a democracy the population enjoys freedoms which it does not in other forms of government, and common belief among both some scholars and politicians is that therefore democratization is always accompanied by liberalization, the liberal democracy. Juan Linz and Alfred Stepan (1996: 2-3), for example, describe liberalization as entailing "a mix of policy and social changes, such as less censorship of the media, somewhat greater space of autonomous working-class activities, the introduction of some legal safeguards for individuals such as *habeas corpus*, the releasing of most political prisoners, the return of exiles, perhaps measures for improving distribution of income,, and most important, the toleration of the opposition". They claim that liberalization may exist without democratization, but democratization does not occur without liberalization (Ibid.: 3). Freedom House, an independent organization devoted to promoting democracy and freedom for the people in the world, includes mostly factors measuring political, religious and economic freedom, and freedom of association and expression, into their scale of democratization (Freedom House, 2014). And there are many more IGO's and NGO's promoting freedoms in order to improve the level of democracy in developing countries.

Other scholars, such as Fareed Zakaria, have claimed that today's liberal democracies have a past of constitutional liberalization. Most democratizing countries in Africa did not have no such past and are now, at best, illiberal democracies (Zakaria, 1997: 24). One particular limitation of freedom used quite often in democratizing countries is the banning of political parties, an action which most liberal democracy-advocates would condemn. Party bans, according to them, will derail democratization. They decrease the feeling of legitimacy of democracy among these parties and overall legitimacy is required if a country wants to experience stable democratization (Basedau & Moroff, 2011). The overall thought is that democratization and the expansion of freedoms for people are indissolubly connected. However, history has shown that this assumed correlation is a false one. Democratization has often also gone hand in hand with oppression, corruption and conflict, forming a illiberal democracy: unstable, fragmented and fragile (Zakaria, 1997; Van de Walle & Smiddy Butler, 1999: 15) . Why is it that democratization is also possible without liberalization, and why is this a problem?

Democracy's biggest enemy is democracy itself, and governments have taken

measures to prevent this self-destruction. After World War II party bans were executed all over Europe mostly fascist and communist parties were accepted as the main challenges to democratic rule (Bogaards, et al., 2010: 605). These actions in Europe were based on the idea that banning extremist parties, while it means limiting political freedom, can be necessary for the survival of democracy in the long run. Although it is difficult to claim that a different decision would have led to democratic decay. Europe has since then consisted of stable democracies, mostly safe from internal threats. Nowadays the 'paradox of democracy' of fifty years ago, which was based on the dangers of communism and fascism, can be reformulated to include the "threats" of religion and culture (Rosenblum, 2007: 24).

There are new perceived threats to democracy in democratizing countries, especially in African multi-ethnic states. Donald Horowitz stated that democratization can increase the chance of ethnic violence in deeply divided societies (1985; 1991). He claims that in divided societies ethnic groups must seek attention through the newly created democratic roads which results in the creation of ethnic parties. These parties identify themselves with the cause of the ethnic group they represent (Horowitz, 1985: 296). They appeal to the electorate through ethnic terms, they make ethnic demands to the government, trying to protect the interests of the ethnic group and through this only deepen the divisions between ethnic groups in the country (Ibid.: 291). This increases the chance of ethnic conflict. The observed increase of ethnic conflict during democratic transition deserves more attention because ethnic wars tend to last longer and are often more gruesome than non-ethnic wars (Johnson, 2008). Also, the democratization process tends to suffer if ethnically charged conflicts end up in major violence instead of being handled through lawful channels, because confidence in the democratic system will decline and pave the way for authoritarian leadership (Beissinger, 2008).

Exclusion of ethnic political parties has been used in several African countries because governments were afraid of politicization of ethnicity, leading to ethnic conflict and political instability (Bogaards, et al., 2010). Based on these expectations it is possible to claim that, even though the very definition of democracy would have you assume that exclusion will have a negative effect on democratization, banning certain ethnic parties can be justified to reduce the chance of ethnic conflict and therefore increase stability in the democratization process (Niesen, 2010; Bogaards, et al., 2010; Basedau & Moroff, 2011; Becher & Basedau, 2008; Rosenblum, 2007). However, the actual effects of the applied party

bans on the level of conflict in African countries have varied through time and between countries. For example, Rwanda, Nigeria and Burundi have experienced decrease of conflict after some of the ethnic party bans, while Mauritania and Kenya experienced no change or even increased conflict following the bans (Becher & Basedau, 2008). Research has acknowledged the different effects of exclusion in democratizing countries, but none of the contemporary authors have explained why, when and especially how certain party bans increase or decrease ethnic conflict. The main question in this research is therefore formulized as:

Which factors determine whether banning ethnic parties from elections in democratizing countries will lead to less or more ethnic conflict and thus promote stable democratization?

By looking more closely at these cases of party bans in the African context, I will explore which factors are likely to determine whether ethnic party bans have a positive influence on conflict in democratizing states. The conclusions of the quantitative work on African party bans by Bogaards, Basedau, Becher, Hartmann and Moroff, gave a hint to what the explanations might be for the different outcomes in conflict levels. I have singled out two of the factors they suggested to have an influence, because they seemed to be directly linked to both the party ban and conflict: the type of party ban and the institutional context of the ban. I specified the factor within the ban type and institutional context which I believe to have most effect on the outcome of a party ban and based the hypotheses of this thesis on them. The first expectation in this thesis is that a party ban should be based on an old or existing law, rather than a new regulation, to lead to a decrease in conflict. A ban based on existing laws helps to stabilize a country because a diffuse mechanism takes place in which parties anticipate the regulations and remove ethnicity as the major political cleavage (Basedau & Moroff, 2011: 218). This would mean that there is a larger chance of a positive outcome when existing regulation determines whether certain parties are banned or not, instead of being denied registration based on a newly created rule, or banned or suspended from political participation after having been brought into existence.

Second, a party ban should be accompanied by additional regulations trying to build up a party system in which ethnic interests are not the main goal of parties and cross-cutting cleavages are created. More specifically, I expect that when party bans are combined with

additional party and electoral laws, which discourage concentration on particular ethnic groups and promote parties based on ideology or some other universalistic platform, parties are forced to a certain level of political integration of ethnic groups (Bogaards, 2010). This hypothesis is derived from several authors trying to solve the issue of conflict of deeply divided societies. Additional institutional engineering can be in the form of proportionality laws, federalism (Lijphart, 1977; Nordlinger, 1972), decentralization (Crawford & Hartmann, 2008), strengthening of Presidential power (Hartmann, 2007), or anything else that brings about inter-ethnic cooperation (Horowitz, 1985: 576). When incentives are institutionalized to promote cross-cutting cleavages, then party bans will lead to less ethnic conflict.

This thesis is structured as followed: first a theoretical framework will be drawn describing the democratic paradox, ethnicity in democratizing countries and the impact of ethnic violence. Second previous research on the effects of party bans in Africa will be summarized and expanded with new quantitative data and my hypotheses. Then four different instances of party bans in two countries, Mauritania and Nigeria, will be discussed, to show how the expected mechanisms work. And finally the results of this research will be analyzed and some alternatives for further research will be provided.

The Democratic Paradox

As I mentioned in the introduction, democracy's biggest enemy is democracy itself. History has taught this several times, and measures have been taken to prevent democracy's "self-destruction". After World War II party bans were executed all over Europe, not the least in West-Germany. First Fascist parties were banned, as for example the Socialist Reich Party[1], National Democratic Party[2], and the Center Party 1986[3]. In a later phase parties associated with the new threat to the West, Communism, were also made illegal in a large part of Europe. In this case the ideologies Fascism and Communism were seen as the main challenges to democratic rule (Bogaards, et al., 2010: 605). In the post-war European case it was clear that banning parties based on their ideologies, either leftist or rightist, was necessary for the survival of democracy. However, it is an infringement of political liberty to exclude certain people and their ideologies from being elected. Therefore these measurements should only be used when the outcome is certain to stabilize democratization

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[1] Germany
[2] Austria
[3] The Netherlands

in the long run, or when there are very clear and accepted justifications for the party ban to deem it democratically legitimate, such as previous war crimes (Ibid.).

An important question to ask is whether we can use this knowledge for the African multi-party systems, which are often still in the early democratization phase, while using party bans based, not on ideology, but on ethnicity, religion, or another form of identity. We need to reformulate the 'paradox of democracy' of fifty years ago to include the "threats" of religion or culture (Rosenblum, 2007: 24). In the African context, where democratization is often in a pre-mature state, justifications based on previous crimes or anti-democratic sentiments of a party can perhaps often be made, since democracy is more fragile and more easily threatened in general. However, these justifications can also be abused in the interest of present rulers or have a negative effect on ethnic divisions or violence.

As long as a country is not democratic, the transition faces many bumps in the road and sometimes certain measures should be taken to ensure further democratization instead of sudden decay. Huntington claims that a democracy is not yet consolidated, and therefore still sensitive to instability, until after two electoral turnovers when 'the party or group that takes power in the initial election at the time of the transition loses a subsequent election and turns over power to those election winners, and if those election winners then peacefully turn over power to the winners of a later election' (1991: 267). If we assume Huntington's standards of a consolidated democracy, then two turnovers means two chances for anti-democratic, or conflict-inducing parties to take power or at least increase political conflict. In this case a party ban might be useful during democratization to try and contain political violence or conflict until the democratic system is strong enough. This is not to say that a fully democratized country cannot face bumps in the road and possible threats to its existence, but as soon as democracy is fully institutionalized, so that it is the only game in town (Przeworski, 1991: 26), party bans might not be necessary.

There are clear differences in effects of party bans measured through conflict levels and democratization scales. Rwanda, Burundi and Nigeria, for example, have experienced quite some progress through the use of certain party bans on ethnic parties, while Mauritania, Kenya and Burundi in later years experienced no change or even some democratic decay or increased conflict (Becher & Basedau, 2008). By looking more closely at these cases of party bans in the African context, it might be possible to add to the empirical research that has been done previously, and find out which factors determine whether or

not party bans have a positive influence on ethnic conflict and democratization. Before tackling this puzzle it is important to first discuss how to define democratization and ethnicity, and how they relate.

Democratization in Multi-Ethnic Countries

Until democracy is fully institutionalized the democratization process in a country can either be a gradual one or experience moments of illiberal reform, de-democratization transitions or even conflict in the form of (ethnic) violence (Przeworski, 1991). At the same time as the third wave of democratization, a proliferation of civil wars has occurred, which are often based on ethnic conflict (Levy & Thompson, 2010). This is not a coincidence. For quite some time it has been accepted by political scientists that democratization can cause increasing ethnic violence. This fact is troubling because ethnic wars tend to last longer and are often more horrific than non-ethnic wars (Johnson, 2008). Not everyone agrees whether there is a direct relationship between ethnic diversity during democratization and ethnic warfare. For example, Easterly and Levine (1997) claim that ethnic diversity and inequality can create low per capita income, and therefore cause civil war indirectly, while Fearon and Laitin blame a weak state, as a result of multi-ethnicity, for causing war (2003: 82). Others, such as Horowitz (1985, 1991, 1993), Tilly (1998) and Lijphart (1977), each state that they believe there is a direct relationship between multi-ethnicity and civil war, albeit for different reasons.

The supposed causality between democratization, multi-ethnicity and conflict is often used and abused by governments. The main reason for governments in democratizing countries to exclude certain groups from being elected is often the fear of ethnic politicization and, as a consequence, ethnic violence[4]. It is necessary out of "democracy's self-defense" (Rosenblum, 2007: 21), because the democratization process tends to suffer if ethnically charged conflicts end up in major violence instead of being handled through lawful channels. When (ethnic) conflict breaks out in a country confidence in the democratic system will decline and pave the way for authoritarian thoughts (Beissinger, 2008). If we

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[4] Not all ethnic parties in Africa have created incentives for more ethnic conflict. Some scholars have shown that in certain situations ethnic parties can increase stability if the parties are encouraged to compete on multiple political dimensions (Chandra, 2005; Ishiyama, 2009). Therefore the argumentation in this thesis is not based on the assumption that all ethnic parties are extreme parties and will always dangerous for democratization, just that when they are, party bans will be executed and will have consequences.

look at the empirical evidence it seems that "a major reason for the failure of democratization is ethnic conflict (Horowitz, 1993: 18).

In multi-ethnic states, especially in Africa, newly formed political parties are often based on ethnicity. This is a bigger problem than parties based on other groupings, because the principal goals of such parties are often not based on ideology or other types of universalistic platforms, but it exists "to secure material, cultural, and political benefits and protections for the ethnic group" (Gunther & Diamond, 2001: 23). The existence of ethnic parties in a country leads to polarization in which the majority ethnic group in a country often oppresses or excludes minorities, who will then become alienated and choose non-democratic and violent means to protect their interests (Lawoti, 2008). Even if there is not necessarily a majority group to exclude others, when politics are based on ethnic divisions the stakes for those ethnic groups are portrayed more strongly and people's emotions are intensified because they are used in the political game. This all happens in a society which is already increasingly divided because the political parties tend to promote differences instead of pursuing the common good (Bogaards, et al., 2010). The widening of social cleavages reduces the likelihood of stable democratization and can plant the seeds for future ethnic conflict or war (Whitaker, 2005).

According to Kaufman's model on ethnic warfare, there are three preconditions for escalation of ethnic conflict. There must be a mythology, on either one or several sides of the conflict, to justify hostility for members of the ethnic groups towards each other. There must be a fear on the part of at least one group that their existence is threatened. And finally there must be political opportunities for the groups to mobilize these fears (Kaufman, 2001). This last point is important to explain the relationship between ethnic conflict and the democratizing of a regime. During the democratization process political opportunities are created which increases the chances of hostility between groups and possible escalation of the conflict. Jack Snyder (2000) argues that many democratic transitions tend to cause ethnic conflict. He uses mostly African examples such as the ethnic violence which followed attempts for democratization in Burundi and Rwanda. His research was strengthened by many other authors and this relationship has been thoroughly studied. "Democratization, by definition, entails devolution of power from the state to society. As such it opens a window of opportunity for the expression and mobilization of old and new grievances, among them ethnic ones" (Alonso & Ruiz-Rufino, 2007).

In order to avoid these possible instabilities during democratization, some of the political opportunities can be controlled. One way to do this is through party regulations. Party regulation has been among the many possible solutions that has been used to decrease the chance of ethnic conflict and it has taken many institutional forms, most prominently the use of party-bans.

Party Bans

To summarize there are four main arguments in favor of excluding parties from electoral contestation. First of all ethnic parties tend to increase existing ethnic divisions, which would not be the case with parties based on ideology or some other universalistic platform. Second, sometimes excluding anti-democratic parties is necessary for maintaining democratic institutions, especially in the starting phase of democratization. Bans are in these cases often placed because the government claims the banned party either aims to "promote authoritarian forms and violent regime change, serve the interests of a foreign power, undermine the territorial integrity of the state or are racist" (Bourne, 2012: 1065). Third, as Kaufman (2002) states, banning parties closes one condition for ethnic violence, the political opportunity. And finally, a party system consisting of ethnic parties can limit electoral choice, and elected politicians will often only look at the interests of their own groups instead of national interest as a whole (Moroff & Basedau, 2010). When the transition to democracy is complete bans will not be necessary and the banned parties can be considered to enter the electoral field, because they cannot influence the transition as much anymore. The institutions are ready for most internal shocks that might occur and the justification of protecting the democracy becomes invalid.

Arguments against party bans state that excluded groups will not perceive democracy as legitimate and they will rise up against the seated government or existing institutions. Banning parties based on ethnicity, or any other identity group for that matter, can make sure that their societal interests are blocked and cannot be expressed through the political system anymore, which might make them seek extra-legal means of expression. These protests can lead to parties claiming power undemocratically, (ethnic) violence, or even a civil war (Bogaards, et al., 2010). Besides, the notion of exclusion on its own is simply not democratic, because it has consequences on liberties, proportional representation and political competition; cornerstones of democracy (Bourne, 2012). Nevertheless, the former

arguments have shown that, despite the democratic deficit they create, party bans are sometimes necessary to decrease the chance of ethnic conflict in African countries and therefore stabilize democratization. Empirically party bans have not always proven to be successful, even if they were necessary. The important question, which has not been answered by other scholars, is therefore: when do ethnic party bans decrease or increase ethnic conflict?

There are two important factors which determine whether a party ban will decrease conflict and therefore increase stability of democratization, or not. First of all it is important to examine the type of ban. Was it based on existing (old) laws, or on recently created (new) regulation. When regulation already exists a ban is often implemented through denying registration to a party. If existing bans are used it is possible that a 'diffuse mechanism' takes place, because "[a]nticipating the legal provisions, political actors may form non-particularistic parties, thereby removing ethnic and other divisions from the party system and thus fostering peace" (Basedau & Moroff, 2011: 218). A party can also be denied registration on the grounds of rules made specifically for this party, which is new regulation, or they are legally banned while the party has existed for some time (also new regulation). These types of bans will in all probability force the banned party members and supporters to resort to non-democratic tools of reaching their goals, which often results in conflict (Lawoti, 2008). Therefore, a newly created regulation to ban an ethnic party will increase the chance of ethnic conflict following the ban, while a ban based on existing rules will decrease the chance of conflict.

The second factor determining the impact of an ethnic party ban is based on the need of inter-ethnic cooperation in democratizing countries. This is extremely difficult to achieve. When opposition parties in a country are of different ethnicity than the ruling party, they can easily be depicted as dangerous enemies, instead of the balancing power in government. The opposition can be historical enemies, enemies not excepting the current identity of the state, or even parties which want to break up the state or steal power. This causes the ruling party to feel the need to exclude them, whether this is justified and based on truths, or not (Horowitz, 1993: 19). The deep and hostile feelings between government and opposition often go both ways and therefore simply banning parties, even if it is based on existing regulation, can still lead the opposition to resort to violent means. It is therefore necessary to also accompany the party bans by other forms of institutional engineering to

promote inter-ethnic cooperation and parties based on non-extremist kinds of ideologies or some other universalistic platform.

Institutional engineering can be defined as "the design of (formal) institutions such as electoral systems, party laws or to prevent state institutions conflict or promote democracy" (Bogaards, et al., 2010: 604). Previous research has revealed several possible forms of institutional engineering to democratize multi-ethnic states while reducing the chance of conflict. Arend Lijphart (1997) found that accommodation was needed for the minorities in multi-ethnic countries to reduce conflict and decrease separatist feelings. Among his advices were the creation of a federalist state, to create more regional autonomy, and laws for proportional representation in national government. Horowitz (1985: 596-8) claimed to have a two-way solution to address civil conflict in divided societies, namely through distributive policies to resolve inequality of economic opportunities between ethnic groups, and reshaping electoral and regional arrangements through, again, federalist structures. Others have advocated for decentralization (Crawford & Hartmann, 2008), other electoral arrangements (Bogaards, 2000), and strengthened presidential power (Hartmann, 2007).

The institutional arrangement that I focus on in the case studies below are additional regulations meant to create an incentive for parties to represent a diversity of ethnicities and therefore consider national interests above ethnic-group interests. Exclusion in the form of party bans can have a stabilizing effect only if ethnic cleavages become less important in politics (Horowitz, 1993: 598) and promoting inter-ethnic cooperation is therefore a must. Examples can be electoral inducements for coalition forming, proportionality requirements within government and political parties, or forcing focus on other cleavages such as social class. Political parties would have to seek support from several identity groups on the base of other political goals and represent a diversity of ethnicities. Furthermore, it gives voices the chance to be heard even if this is not possible through an ethnic party, therefore it will accommodate any individuals who would have otherwise resorted to extra-legal means. If ethnic parties are not just banned, but also encouraged to form parties crosscutting old cleavages, then a base can be created to withstand threats to democracy on its own.

Through this reasoning the hypotheses for this research are:

H1: *How does the type of party ban, whether it is based on previously existing regulations or on newly created regulations, influence conflict.*

H2: *How does the institutional context of a ban, whether it is combined with additional regulations promoting cross-cutting cleavages and inter-ethnic cooperation or not, influence conflict.*

Apart from these hypotheses there is an exception to the rule in which the factors mentioned above do not explain the consequences of the ban anymore. This exception is when a party is responsible for previous war crimes and blamed for them by the majority of the population. This perceived legitimate reason used for banning a party is to punish a former regime for its crimes, and purge guilty politicians from positions of political authority (Niesen, 2010). This was also the motivation for the party bans in Germany and Austria after the Second World War (WWII). It is generally accepted that these steps have been pre-emptive instruments to help democratization of the countries after WWII (Bourne, 2012: 1073-4; Niesen, 2010: 714; Rosenblum, 2007). When a country in Africa bans a party for this reason, conflict will probably decrease in spite of the non-existing additional regulations or laws on banning parties. An example of this is the banning of the parties *Mouvement républicain national pour la démocratie et le development* (MRND) and *Coalition pour la Défense de la République* (CDR) after the genocides in Rwanda.

The Data

There has been quantitative research done on party bans in African countries between 1990 and 2007. Bogaards, Basedau, Becher, Moroff and Hartman, among others, have collected data on about 25 occasions in which party bans took place, covering almost a hundred party bans. They collected information concerning the type of ban, the source of legislation, the types of parties, and which groups they represented, as well as changes in conflict levels and democratization scales. They showed in multiple articles that party bans can be associated with ups and downs in levels of conflict and democracy, and tried to provide some possible explanations for these correlations (Bogaards, 2010; Becher & Basedau, 2008: 23; Moroff, 2010). However, they did not manage to conduct an in-depth case study to trace to specific mechanisms through which party bans affect conflict and

Table 1. Party bans 1991-2007 in Africa with conflict and democratization levels over 5 years.

Country	Date	Party	Confl orig	Confl +1	Confl +2	Confl +3	Confl +4	Confl +5	Dem. orig	Dem +1	Dem +2	Dem +3	Dem +4	Dem +5	Rules/Law	Add. Reg
Angola	2007	19	0	3	6	na	na	na	11	11	11	11	11	11	na	Yes
CAR	1995	No name	0	0	0	5	5	6	7	8	8	7	7	7	new	No
	1998	NDUCAP	0	5	255	152	4	4	7	7	7	10	10	12	na	No
Equa.Guin	1994	MAIB	na	na	na	na	na	na	14	14	14	14	14	14	old	Yes
Kenya	1992	IPK	159	287	60	170	212	212	9	11	12	13	13	12	old	No
Mauritania	1991	Oumma	0	0	0	0	0	0	13	13	13	14	12	12	old	No
	2002	AC	0	0	24	0	0	0	10	11	11	10	9	8	new	No
		CC	0	0	24	0	0	0							new	No
	2004	PCD	0	24	0	14	1	1	11	10	9	8	11	11	old	No
	2005	PCD	24	0	14	1	1	1	10	9	8	11	11	11	old	No
Namibia	2006	UDP	0	0	0	0	0	0	4	4	4	4	4	4	na	No
Nigeria	1996	13	82	251	1010	665	633	633	13	13	10	7	8	9	old	Yes
	1998	23	269	1010	633	485	840	840	10	7	8	9	9	8	old	Yes
	2002	21	485	840	2045	184	26	26	9	8	8	8	8	8	old	Yes
Tanzania	1992		1	0	0	0	0	10	11	11	12	10	10	10	old	Yes
	1993	DP	0	0	0	10	10	0	11	12	10	10	10	9	old	Yes
	2005		0	0	3	0	0	0	7	7	7	7	7	6	old	Yes
Zambia	1993	No name	1	0	0	0	0	0	7	7	7	9	9	9	old	No
Uganda	1993	UIRP	0	160	537	1354	1354	1220	11	10	9	8	8	8	new	Yes
Burundi	1997		1573	1398	1012	2071	1253	1576	14	13	12	12	12	11	new	Yes
Burundi	1992	Palipehutu	61	5	56	1547	2673	1573	11	14	13	13	14	14	old	Yes
Rwanda	1994	MRND	155217	4141	278	4668	1737	29	14	13	13	13	13	13	new	Yes
		CDR													new	Yes
	2003	MDR	0	16	0	0	0	0	11	11	11	11	11	11	new	Yes
Rwanda	2001	PDR-Ubunyanja	2044	0	14	0	0	0	13	12	11	11	11	11	old	Yes
Uganda	2004	K.Y.	2011	922	334	156	32	60	9	9	9	9	9	9	na	yes

democratization. For this thesis I used the data collected during these studies, removed any of the non-ethnic party bans and collected additional data for the level of conflict and democratization. The result is displayed in table 1.

Table 1 summarizes the most important party bans in Africa between 1990 and 2007. It displays the level of conflict and level of democratization in the year of each ban and the 5 subsequent years after the ban. The level of conflict is measured as the number of casualties during any type of organized violence per geographical area as measured by the Uppsala Conflict Data Program (UCDP). In the UCDP data it was not specified whether the conflicts were ethnicity-related, therefore a direct link in the quantitative data cannot be shown yet. However in the case studies below the distinction between ethnic and non-ethnic violence has been made and the majority of the conflict in these countries was ethnic violence. The democracy level was derived from the Freedom House Index (2014), adding up the level of civil liberties and political rights to a scale reaching from 2 (most democratic) to 14 (least democratic). The final two columns in the table state whether the party ban was based on new or old regulation and whether additional regulations were in place to cross-cut ethnic cleavages and/or promote inter-ethnic cooperation.

There are a few things to notice from this data. Mauritania and Nigeria, but also Rwanda have experienced different cases of party bans after which sometimes conflict and democratization levels went down, and sometimes went up. Because of the differences within these countries, these cases are the most interesting for the first hypothesis comparing the effect of old and new regulation. As for our second hypothesis it is important to notice that while Nigeria has multiple additional regulations to promote cross-cutting political cleavages, Mauritania has none. This might be the reason that Nigeria seems to have experienced greater progress in both conflict and democratization levels than Mauritania.

Rwanda proves to be the exception to the rule in which the conflict level has suddenly gone down and the democratization level up, while the bans on the MRND and CDR were based on new regulations and not accompanied by any incentives for inter-ethnic cooperation. As we stated before, this result can be explained by the fact that banning the parties was a reaction to the end of the Rwandan genocide in which the banned parties were guilty of the previous war crimes that were committed. Through this data collection I selected the most appropriate case studies to show the mechanism that takes place when a

party ban effects conflict, the bans of the *Action pour le Changement* (AC) and *Parti pour la Convergence Démocratique* (PCD) in Mauritania and the bans of 2002 and 2007 in Nigeria. Comparing two different cases within both countries has the advantage that most other factors unrelated to this thesis' hypotheses, will be alike. Of course the different periods in time might affect the different situations, but the most influential factors, such as institutional design or even the ruling party, have not changed. There is an additional problem comparing the cases Mauritania and Nigeria, since they differ on more levels than just their institutional engineering. Whether these additional differences have influenced the results of this research will be discussed in the analysis.

Figure 1 shows the model including the two hypotheses and four cases. Keeping this model in mind the cases of party bans in Nigeria and Mauritania will be discussed in more detail to find the mechanisms which cause party bans to either decrease or increase conflict and democratization, or when they have no effect at all.

Figure 1. Research Model and Cases

	Additional Incentives	No Additional Incentives
Based on new rules	Same level of conflict *(Nigeria 2007)**	Higher level of conflict *Mauritania AC*
Based on existing law	Lower level of conflict *Nigeria 2002*	Same level of conflict *Mauritania PCD*

*no party ban, but several individual bans instead

Mauritania

The History: Unnecessary oppression

Mauritania is one of the poorest countries in the world and one of the newest oil producers in Africa (BBC, 2014). In 1991, the head-of-state of Mauritania, Colonel Maawiya Ould Sid'Ahmed Taya, responded to demands from both inside and outside of the country against authoritarian control exerted by the Bidhan and black African elites. The formal democratization took place that same year and a new constitution was adopted which guaranteed basic human rights for everyone and created a multi-party system. The Second Republic was born and Ould Taya was elected president, although many opponents spoke of

fraud. The government in Mauritania's Second Republic (1992-2005) was quite successful in adapting exclusionary politics to conform to the implemented democratic rules (Jourde, 2005: 421-2). Ould Taya's party, *Parti Républicain Démocratique et Social* (PRDS), controlled 100 % of the seats in the National Assembly in 1992, and would not loose many in the following elections. The party made extensive and systematic use of intimidation, banning opposition parties and arresting party leaders to maintain their dominant position in the country (Girod & Walters, 2012: 184; Hartman & Kemmerzell, 2010: 656). One could reckon this oppression was not even necessary, since the opposition parties have constantly had trouble organizing among themselves, while Ould Taya used the inclusion of members from most tribes in his party and control of state resources to reinforce his position (Marty, 2002: 94).

Figure 2. Timeline of Important Events Mauritania
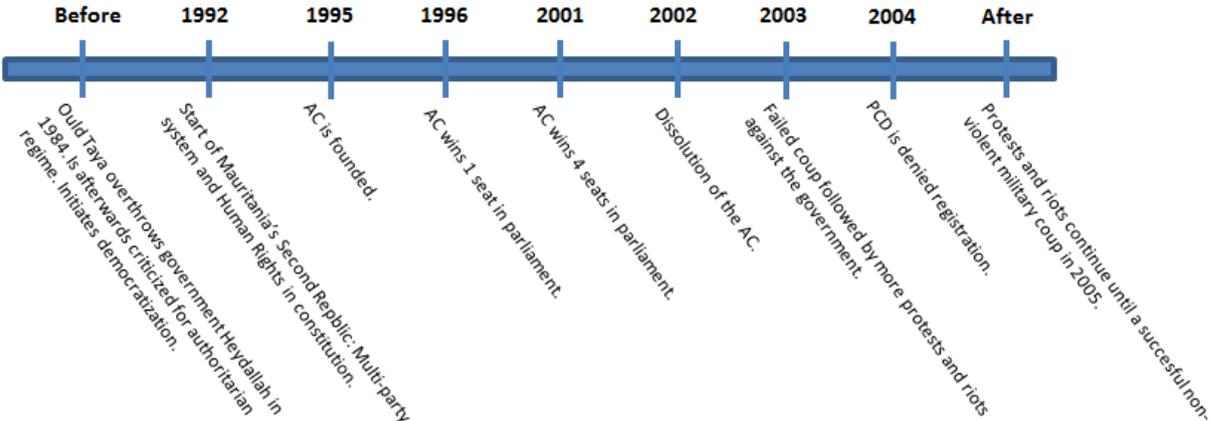
As in most African countries ethnicity and tribalism determine many of the social and political cleavages in Mauritania. The largest cultural contrast is between the Arab-Berber population in the north, about 70% of the population, and the black Africans in the south, 30% (BBC, 2014; Jourde, 2005). In the 1980s this ethnic division was extremely politicized, mostly over issues as language policy, foreign policy and land reforms (Jourde, 2005: 426). The Arab-Berber community is the largest group in the population and divided in tribes on the one hand, and on the other hand recognized as Bidhan (30%) or Haratin (40%). Bidhans are the whites and Haratins are descendants of the Black Africans who have served as slaves, even until today, and have suffered enormous losses in the late eighties when they were

hunted down and killed by security officers of the Bidhan government (Jourde, 2005: 426). The black Africans in the south are also divided in several groups such as the Soninkes, Wolofs and Bambaras (Marty, 2002: 92). Since the 1990s the division between Bidhan and Haratin has become very important in Mauritanian politics. The black African elites from the south have steadily joined the Bidhans' political course and eventually the PRDS, blurring this ethnic divide at the elite-level and also making it again more difficult for the opposition to form a stronger front (Jourde, 2005: 427-8). The first party ban to be discussed in this study is the ban of the *Action pour le Changement* (AC) in 2002, an opposition party mostly representing the Haratins.

Action pour le Changement (AC)

The AC was founded in 1995 and quickly became the most broadly based opposition party. It was led by Messaoud Ould Boulkheir, a Haratin and former member of the Union des Forces Démocratique (UFD), and the party included former members from the UFD, the Union pour la Democratie et Progres (UDP), and the FLAM movement, a Black African nationalist movement (Pazzanita, 2008; EIU, 2002). Through the creation of this party the opposition fragmented even more and a third force, representing Haratin needs, entered the electoral competition (Marty, 2002: 99). In 1996 the AC won its first seat at the national elections, receiving the only opposition seat against the ruling party PRDS. In 1997 some AC members, including Messaoud Ould Boulkheir, were arrested for having relations with El-Qhadaffi in Libya. Although the members were quickly freed, a formation of opposition parties organized demonstrations in April 1997 against these and other confiscations of civil and political right used by the PRDS (Marty, 2002; Pazzanita, 2008). During this time President Ould Taya's rule seemed to become more challenged and in 2001 the AC received even more support in the elections leading to four seats in government. It seems that he felt that this was enough reason to eliminate the competition.

In December 2001 a speech was held in parliament by Prime Minister Cheick el-Avia Ould Mohamed Khouna in which he blamed the AC for a list of crimes and crises including the Senegal-Mauritania crisis, without actually mentioning the party's name, but sparking enough resentment to have the four AC-members leave the room. In January 2002 the party was officially banned, although the party members could keep their seats as independents (Pazzanita, 2008). The reasons for dissolution of the party were claims that the party's

discourses were violent and racist, endangered national unity (Marty, 2002), and they were called extremists (EIU, 2003), while the party only seemed to be criticizing the situation of the Haratins and the Black African population, without the use of violence (Moroff, 2010: 631).

After banishment the party leaders tried to appeal to the courts, but this was denied, and they tried to register the new party *Convention pour le Changement* (CC), which was denied as well, based on the grounds that it was an ethnic party undermining national unity and sowing hatred and discord (Pazzanita, 2008). Most party leaders went on to join the *Alliance Populaire Progressiste* (APP) (EIU, 2003).

Why banning the AC increased conflict

According to Basedau and Moroff, neither the Haratins, the black African minorities, or the AC itself had been involved in violent conflict during the Second Republic (2011: 215). Following the party ban in 2002 and many other oppressions by the leading party, there were several uprisings in Mauritania. The largest was 8 June 2003 when a failed coup led to 15 deaths and 68 injured. By the end of 2003 the government had arrested and oppressed so many party members that the crowd turned their protests against the government's exclusionary politics (Table 2; ACLED, 2014). In the meantime, many Haratins and black African minorities within the country and mostly in the refugee camps in Senegal openly supported the Forces de Liberation Africaine de Mauritanie (FLAM)[5], a political movement which advocates that the only road to securing their rights is armed struggle against the government (BBC, 2001). Although the party itself had until this day not yet been involved in a large and violent uprising, the ban of the AC added up to the anger of many Haratins and black African minorities. A few months before the party ban a refugee member in Senegal already stated he was opposed to violence, but Mauritanians seem to have no other choice: "I think one thing. If in Mauritania, the black man does not behave like in South Africa, we will never have our freedom, our liberty, our independence" (BBC, 2001). After the ban Messaoud Ould Belkheir agreed with the Haratin people's anger and told foreign press that the ban was unjustified and "a typical example of the absence of democracy under a dictatorial regime that does not tolerate opinions opposed to its own" (BBC, 2002).

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[5] FLAM members were responsible for a major violent uprising in the late eighties, after which major killings of Haritan civilians, by the Bidhan government started and thousands sought refuge in Senegal.

Table 2. Occasions of (non)violent conflict in Mauritania 2002-2003.

DATE	TYPE	DETAIL	FATAL.
31 March 2002	Riots/Protests	Protesters demonstrated against Israeli abuses in Palestine. Police responded by firing teargas into the crowd.	0
2 April 2002	Riots/Protests	During Pro-Palestine demonstrations, an Islamic activist was beaten to death by police. Demonstrators set tires on fire during the riots.	1
18 April 2002	Riots/Protests	At a pro-Palestine protest, police intervened and beat political figures and human rights activists participating in the protest.	0
7 March 2003	Non-violent activity	Knights of Change announce military wing.	0
22 March 2003	Riots/Protests	Approximately 40,000 Mauritanian Protesters march to the US embassy in protest of the invasion of Iraq.	0
6 June 2003	Battle	Coup attempt. Took place in and around Presidential palace in Nouakchott.	9
8 June 2003	Battle	Rebel soldiers overtook the presidential palace because of the Presidents pro-Israel, pro-US stance in international relations. President Taya's regime had arrested people suspected to have ties to Islamist extremists and Sadaam Hussein.	0
9 June 2003	Battle	Continuation of 8 June 2003	9
9 June 2003	Violence against civilians	Mutinous soldiers overtook the presidential palace because of the Presidents pro-Israel, pro-US stance in international relations. President Taya's regime had arrested people suspected to have ties to Islamist extremists and Sadaam Hussein.	6
15 June 2003	Violence against civilians	One of the leaders of the coup that happened in early June 2003, died while in police custody from torture.	1
16 July 2003	Riots/Protests	Security forces dispel mosque protest using tear gas and batons.	0
17 August 2003	Violence against civilians	Police beat a 17 year old boy to death and tortured a pregnant woman to the point that she miscarried.	1
2 Nov. 2003	Riots/Protests	Protests and arrests of the opposition party.	0
3 Nov. 2003	Riots/Protests	During protests, police arrested opposition leaders and their children.	0
5 Nov. 2003	Non-violent activity	Opposition leader Mohamed Khouna Ould Haidalla arrested on the eve of the elections.	0
5 Nov. 2003	Riots/Protests	Protesters demonstrated against police raids of opposition at opponents homes. Police responded by firing teargas into the crowd and threatening protesters with batons. Presidential elections were set for 7 November (two days ahead of the demonstration).	0

Note: Summarized data from ACLED, 2014

In the years to follow the party ban the PRDS regime became increasingly unstable, with two more failed coup attempts in 2003 and 2004, and was therefore also increasingly oppressive until the government was finally ousted in 2005 (Girod & Walters, 2012: 185). It seems that the ban on the AC and other exclusionary behavior of the government only increased violence in Mauritania at that time, as we would expect from a ban which was based on newly created regulations based on false accusations in a country where no additional regulations exist to cross-cut ethnic cleavages. However, the violence did not erupt to the large extent we would predict. How can this be explained?

Since the AC ban was a dissolution in the midst of their existence, it was a newly created ban and therefore more conflict is expected. Although it was not just the party ban,

but also other forms of oppression by the government, which caused the number of protests and riots to increase, banning the AC also increased violence in the country and therefore worsened the stability for democratization. Furthermore, since there are no additional regulations in Mauritania to try and promote cross-cutting cleavages to overcome ethnic divisions, the exclusionary politics cannot have a positive effect on the country by decreasing violence. But the ban had less impact than we would expect from a ban based on newly created regulation in a country where no other institutional arrangement promote non-ethnic parties. This can be explained by the presence of other political parties representing the group and the traditional hierarchical structure of the caste system in Mauritania.

First of all the AC was not the only political tool available to Haratins and black African minorities. There were more parties that existed, or came into existence, which represented the needs of these groups, such as the *Alliance populaire progressiste* (APP). Many Haratins followed former AC party members to the APP, created by former AC leader Mesaoud Ould Boulkheir. Through this new channel he kept on taking action against the still persisting slavery and fighting for minority rights (EIU, 2003b). Furthermore the PRDS also included some Haratins and black African minorities as party members as part of their inclusionary party politics, and Sahair Ould M´Bareck even became the first Haratin Prime Minister in July 2003 (EIU, 2003). These actions are in some way comparable two the second hypothesis in this thesis. Additional regulations to promote cross-cutting cleavages among the ethnically divided country are not in Mauritania's constitution. But the party politics of the PRDS trying to include as many ethnicities in the party as possible to win the electoral majority and stay in power seems to have that same effect but to a lesser extent.

Finally the hierarchical nature of the caste system amongst black African's might also explain the decreased effect of the AC banning. The traditional communities are organized into a very strong social hierarchy in which the groups the AC represents are stuck at the bottom (Marty, 2002). This robs them from the tools to take serious action against their situation, which they are discouraged to do from the cradle onwards anyway. This shrinks the opportunity structure for black Africans, which will be discussed in the analysis.

Parti pour la Convergence Démocratique (PCD)

A very different situation was the ban of the *Parti pour la Convergence Démocratique* (PCD). This ban was based on a very different cleavage within Mauritanian politics, the one

between moderate and conservative Muslims (Moroff & Basedau, 2010: 673). Mauritania is an Islamic republic and has therefore always denied parties that campaign against principles of the Islam. However, it also outlaws parties "that claim a monopoly over the Islam" (Basedau & Moroff, 2011: 215). Therefore many moderate and less moderate Islamist parties have been denied registration during the Second Republic. The PCD was such a party. On 7 April 2004 former President Ould Heydallah requested certification for the PCD, also known as *El-Hamd*[6].This request was denied on 13 April (Pazzanita, 2008). Although the PCD was not the only party which had been refused because of religion, it was the first to be accused of being involved in terrorist activities and for having never proved relations with Al-Quaida (Basedau & Moroff, 2011: 215).

What the PCD has in common with the AC is that the leader of the PCD Ould Heydallah, was creating a strong opposition to the PRDS and Ould Taya's rule. Ould Heydallah was overthrown in 1984 in a coup led by Ould Taya, but came back in the 2003 Presidential elections where he became a major opponent to Ould Taya. During these elections the PRDS accused Heydallah and other Islamists for plotting the last failed coup in June. A few days before the elections opposition rallies were being smashed down and Heydallah himself was harassed and victimized: policemen came to his home, trashed the place and arrested him, his sons and several of his campaign partners (Owen, 2004). They were released a few weeks later, but at the time when the PCD tried to register, many of Heydallah's supporters were still in prison, accused of plotting the coup (Irin, 2004).

The PCD's possible supporters were mostly Islamists, Islamic radicals and many prominent black Africans, representing about a third of Mauritania's population. They have condemned the government's diplomatic relations with Israel and the US, something the majority of the population condemns, and could probably count on quite some support in elections or as an opposition party (Girod & Walters, 2012: 189). Yet, the PRDS managed to have the registration of the PCD denied, temporarily safe-guarding their own dominant position.

Why denying the PCD registration did not change conflict levels

There had been protests backed by Islamists against the government and its relations with Israel and the US before and after the denial of registration (Table 3). Most of the

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[6] The translation of El-Hamd is Praise Allah

protests and riots in 2002 and 2003 had to do with the Israel-Palestine conflict and the war in Iraq, and therefore the ties of the Mauritanian government with Israel and the US. The ban did not have much effect on this conflict in Mauritania most of the conflict that seemed to increase in the years following the ban had more to do with interstate issues and the increasing famine.

Table 3. Occasions of (non)violent conflict in Mauritania 2004-2006.

DATE	TYPE	DETAIL	FATAL.
13 Feb. 2004	Non-violent activity	5 members of Al Qaeda arrested in Nouakchott.	0
22 March 2004	Riots/Protests	Protests at the American embassy lead to heightened security.	0
16 Nov. 2004	Riots/Protests	Protests outside of prison gates for the release of Islamist leaders are dispersed by police with batons and tear gas.	0
10 April 2005	Violence against civilians	Mosque ambushed; Al Qaeda ties feared.	0
23 April 2005	Violence against civilians	20 women injured and arrested during raid of mosque.	0
26 April 2005	Riots/Protests	Students protest against visit of Israel's FM.	0
3 May 2005	Riots/Protests	Students protest visit of Israel's FM. Dispersed with batons and tear gas.	0
1 Aug. 2005	Non-violent transfer of territory	Nouakchott. Successful military coup.	0
6 Jan. 2006	Riots/Protests	Protesters demanded the release of opposition leader, Ahmed Ould Daddah. Police responded with tear gas and beat protesters. 14 people were injured.	0
2 July 2006	Riots/Protests	Demonstration in front of prison gates dispersed with tear gas and batons.	0
24 Dec. 2006	Riots/Protests	University riot dispersed with teargas and batons.	0
13 March 2007	Battle	Occurred outside of the office of Kaihadi state governor after polling closed in first round of Presidential elections.	1
7 July 2007	Riots/Protests	Nouakchott. Prison riot.	0
20 Nov. 2007	Riots/Protests	Food riots.	1

Note: Summarized data from ACLED, 2014

The reason this ban did not result in an increase of conflict has to do with the fact that it was based on an old, existing law and that supporters had other non-violent tools to represent their needs. Islamist parties had been denied registration since the beginning of the Second Republic, based on existing law that parties which claim monopoly over the Islam cannot participate in Mauritanian politics. This means this denial of registration did not come unsuspected and did not lead supporters into increasing the use of violent means of political expression, but perhaps looking for another legitimate entry into the political field.

For the supporters of the PCD more possible political tools became available, even though most Islamist based parties had been banned. In 2006 two Islamist parties managed to get registered, *Rassemblement National pour la Réforme et le Développement* and Al

Fadila, including former members of the PCD (Moroff, 2010). Furthermore Islamist movements exist in the form of charitable associations, missionary organizations and political groupings, which often receive financial support from outside the country (ICG, 2005).

Nigeria

The History: Diversity in Unity

"Diversity in unity" has been the principle of Nigerian state organization, as formulated by the Nigerian political elite, reflecting the way the institutions deal with the 374 ethnic groups in the country (Jinadu, 2002). British colonialism came to an end in 1960 and left the country struggling with civil war, military coups and massive ethnic conflict. But in 1999 Nigeria experienced a turning point when General Abubakar was forced through internal and external pressure to start the democratic transition (Kura, 2008: 80). Although the transition has not been completed, Nigeria has had its longest run of civilian rule until now. Nigeria attempts to avoid the dangers of ethnic divisions through its institutional arrangements. Nigeria has a long history of institutional engineering in which the goal was creating incentives for national parties to transcend ethnicity-based differences by stimulating the building of multi-ethnic parties. The Nigerian constitution has stated, since the start of the Second Republic in 1979, that political parties need to reflect the federal character of Nigeria. From this moment on party bans were applied systematically to any party seemingly reflecting a certain ethnicity. Until now at least 64 parties have been denied registration, because they failed to reflect the "national" perspective that was required (Bogaards, et al., 2010: 609).

As for the parties that have not (yet) been banned, they need to hold themselves to a vast number of requirements, although regulation has become less strict in recent years. The Nigerian constitution requires parties to include members from at least two-thirds of all the states in their executive council and they have to win at least five per cent of the local vote, before they are allowed to be elected nationally (Reilly, 2006: 820). The name, motto and emblem of the party cannot have any affiliation with ethnicity or region. These requirements are tested and decided upon by the Independent Nigerian Electoral Commission (INEC). In

actuality the INEC is a puppet to the ruling party, People's Democratic Party (PDP), which is constantly said to strive for single-party rule (Kura, 2008: 87).

In general, political parties are encouraged to move outside their usual circles finding political support to be able to control national government. Most political parties which are now multi-ethnic have origins based in ethno-cultural movements. But even though the three major parties in Nigeria, the PDP, the All People's Party (APP) and the Action Congress (AC) are known to be originally linked to cultural movements of respectively the Hausa/Fulani, the Yoruba and Ibo ethnic groups, they were forced to cross-cut ethnic ties creating national alliances and appealing to the electorate through broad ideologies and programs (Jinadu, 2002). Although it is difficult to say that all 64 party bans were justifiable, and the effects on conflict differ in different years, it cannot be denied that Nigeria scores a lot better on the Freedom House Index than most Sub-Saharan African countries, and it seems to be democratizing even further (Becher & Basedau, 2008: 18). The bans in Nigeria took place in waves of many party bans before an election. I will not discuss the party bans of 1998, preceding the elections of 1999, because so much political unrest occurred during the transition to a democratic regime that it is almost impossible to trace the effects of the party bans. Therefore we use the bans which preceded the elections in 2003 and 2007 and try to find out what their effects were.

The bans of 2002

In 1999 nine parties were originally allowed to run in the elections, but only three passed the 5% electoral threshold regulation. In 2002 the Supreme Court decided the rules were too strict and INEC loosened the requirements, but still several parties were denied registration (Moroff & Basedau, 2010: 678). The number of registered parties grew from three to about thirty. Although all thirty parties participated in the pre-elections, not many met the final requirements, and even if they did the ruling PDP supposedly won a large majority of votes.

Figure 3: Graphical display of conflict and democratization levels in Nigeria

Conflict and Democratization in Nigeria 1997-2008
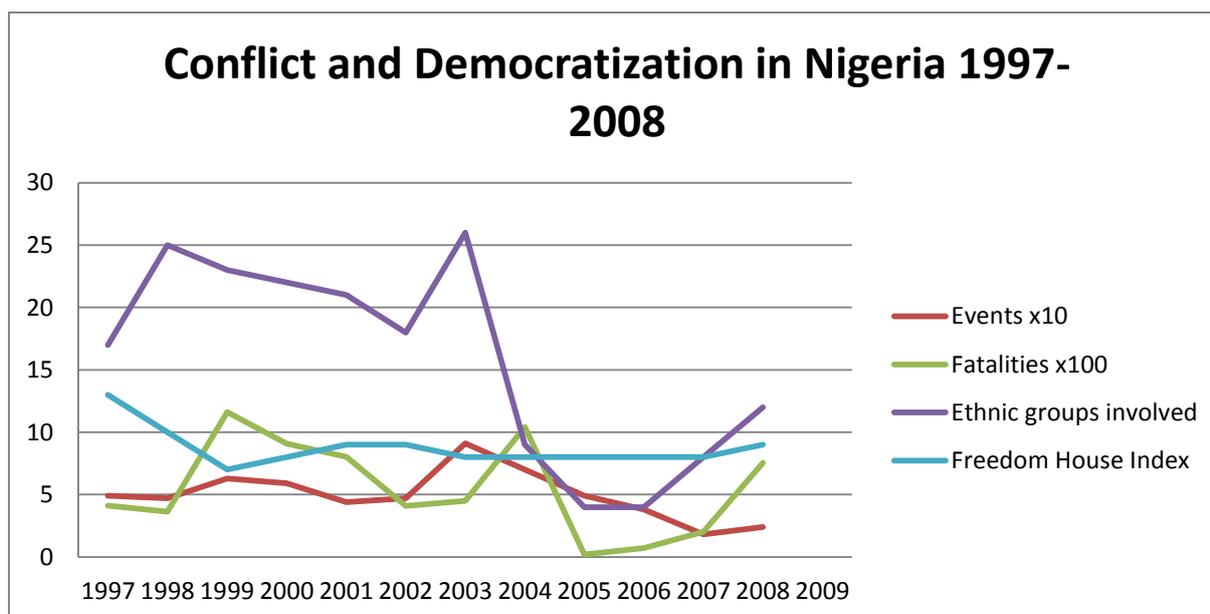
Note. Only conflicts which involved either ethnic groups or political organizations were included

In the meantime there was a growing tension between Christians and Muslims in Nigeria. Twelve states adopted the Shari'a in criminal law in 2000, which left Christians feeling threatened (Falola & Genova, 2009: xli). Ethnic violence was at a relatively high point in the years until the bans of 2002 (Figure 3). The year of the elections, 2003, marked the largest number of conflicts involving ethnic groups or political parties, involving the highest number of different ethnic groups. After this year the number of events and groups involved decreased rapidly, although 2004 marked the highest number of fatalities, due to one particular Muslim-Christian outburst which cost 1,000 militants and civilians their lives within one week of conflict. Although the most persisting ethnic conflicts between the larger

Table 4. Conflicts which involved either ethnic groups or political organizations in Nigeria 1997-2008

Year	Events	Fatalities	Ethnic groups and parties/organizations involved
1997	*49*	*412*	*Ekori, Ijaw, Urhobo, Ife, Modakeke, Itsekiri, Gindiri, Panyam, Berom, Hausa, Fulani, Oke-Ogbo, Kuteb, Chamba, Bassa, Ebira, Ikpokpo* *CNC, NADECO*
1998	*47*	*364*	*Jukun-Chamba, Kutep, Fulani, Yoruba, Ebowa-Bakpa, Ita, Iju, Ife, Modakeke, Urhobo, Igbo, Oboro, Bassa, Ebira, Matiasine, Ijaw, Itsekiri, Bini, Ilajes, Benekuku, Utagbaogbe, Isoko, Tiv, Igbo, Ilajes* *UAD, OPC, AD, APP, PDP*
1999	*63*	*1162*	*Ijaw, Yoruba, Itsekiri, Aguleri, Umuleri, Okrika, Ogoni, Kirikasama, Fulani, Uvwie, Udu, Kaningkon, Fansuwa, Hausa, Ilajes, Ukum, Chanchangi, Kuteb, Yukun, Koluama, Deleugbene, Oleh, Olomoro* *PDP, OPC, AD*
2000	*59*	*907*	*Ife, Modakeke, Hausa, Igbo, Iheagwa, Ijaw, Itsekiri, Ilogo, Araromi, Saro-wiwa, Ogoni, Udu, Uvwie, Ibeno, Yoruba, Ile-Ife, Saki, Okrika, Eleme,*

			Evwrene, Fulani, Kanberi
			MASSOB, PDP, MOSOP
2001	*44*	*804*	*Ke, Bille, Fulani, Deyor, Deken, Tiv, Kwala, Agege, Odimodi, Kundum, Nyeswe, Odimodi, Ogulagha, Ukan, Ipaav, Lafia, Odukpani, Oko-Igboko, Okrika, Okodia, Biseni,*
			OPC, PDP, ANPP
2002	*47*	*410*	*Mambilla, Fulani, Hausa, Owo, Yoruba, Ijaw, Miango, Berom, Olowo, Ehinogbe, Isongujero, Esenasawo, Ado, Okpe, Otuo, Urhobo, Itsekiri, Riyom*
			OPC, PDP, AD, APP
2003	*91*	*450*	*Biro, Fulani, Urhobo, Itsekiri, Wukari, Ijaw, Ayele, Iggah, Onogboko, Yugur, Biafra, Ifijayong-Usuk, Mbiakong, Okitipupa, Oniko, Etti, Ogoni, Igbo, Inyimagu, Agbaja, Ekpedo, Ogori, Tarok, Amadi, Ama-Okrika, Obgunabali-Ikwewe*
			OPC, AP, ANPP, PDP, NCP, MASSOB, PRP
2004	*70*	*1041*	*Ijaw, Itsekiri, Kalabari, Fulani, Tiv, Tarok, Imorere, Ibanuha, Kalo-Kato*
			PRP, PDP, OPC, AD, ANPP, MASSOB
2005	*49*	*21*	*Igbo, Ukele, Hausa, Kurama*
			OPC, ANPP, PDP, AD, MASSOB
2006	*38*	*72*	*Ogboji, Onicha,Ekingbo, Afiesere*
			OPC, MASSOB, ANPP, PDP
2007	*18*	*203*	*Ezza, Ezillo, Udu, Uvwie, Iselegu, Ibabu, Jukun, Kutep*
			ANPP, AC, PDP
2008	*24*	*755*	*Amai, Ezionum, Umuode, Oruku, Jukun, Kutep, Boko Haram, Awori, Owu, Kogi-Header, Udeni-Gida*
			PDP, ANPP, AC

ACLED, 2014

communities, such as Hausa, Fulani, Igbo and Tiv, still go on, one particularly interesting group which has stayed out of the picture since the elections is the Yoruba ethnic group (Table 4). Although it might be difficult to claim that conflict has decreased after the party bans and elections, since the death-toll first sky-rocketed, the number of events and especially the number of ethnic groups involved have gone down (Figure 3). This means that even though the events that did happen were sometimes more severe than before, less and less ethnic groups have resorted to violent manners against other groups. At first sight it seems that ethnicity has become less important, although the religious tension still exists. The next question is whether this is, partly, the result of the executed party bans.

Why the 2002 bans decreased conflict

First of all, what is noticeable about the 2002 Nigerian case is the use of previously existing bans, which means that a party has not been denied registration or banned from political participation far after it had been brought into existence. Also, in contrast to both Mauritanian cases, the regulations concerning party bans are accompanied by other forms

of institutional engineering, such as electoral laws on proportional representation, and the promotion of cross-cutting ideologies as a leading view for political parties (Moroff & Basedau, 2010). Forcing parties to harmonize across ethnicities to accomplish common goals, is assumed to have stabilizing effect in the short run since non-ethnic interests will overlap, such as economic and social interests, and might decrease ethnic importance in politics and promote political integration in the long run. According to this research' model, conflict should decrease after the 2002 Nigerian party bans.

Research in the past has actually used the Nigerian case as an example to show how giving incentives to create national parties transcending ethnic diversity can book some success (Bogaards, et al., 2010: 609-10; Horowitz, 1985; 1993). Party laws in combination with electoral laws in Nigeria had increased political integration, because they discouraged parties to focus on certain ethnic or regional groups (Moroff & Basedau, 2010: 675). And as a consequence it seems that these incentives that were in place during the 2003 elections have helped decrease the number of groups involved in ethnic violence. But it is difficult to state whether banning parties had something to do with this. It is possible to state the fears in the country when 22 political parties were suddenly allowed to register for the elections. As response to this news "a review of the voters' register …[signaled alarm] amid palpable fears and tension across the country" (Omotola, 2010: 545). At the same time the Economist Intelligence Unit (2002) warned about the likelihood of increasing unrest following the entrance of the 22 political parties, because it will increase the chaos and disorganization surrounding the polls. This reasoning leads us to believe that many think that in this case it would have been better to ban some of the parties, because having 28 parties compete in elections at this moment in time would create more conflict. Furthermore, parties that openly contested the party bans were not involved in ethnic conflict after the 2002 bans. Senator Abrham Adesanya of the APP and leader of the pan-Yoruba organization threatened to lead a mass protest if the ruling PDP does not retract its "acts programmed to turn Nigeria into a one-party state" (All Africa, 2002). But as stated before, no Yoruba conflict has been noted in the years following the ban.

The bans of 2007

Before the elections of 2007 Olusegun Obasanjo, leader of the PDP and second term President of Nigeria, tried everything in his power to stay in power. He offered a

constitutional amendment to allow him to become elected as President for the third time in a row. This amendment was overruled by the Senate (Falola & Genova, 2009: xxviii). Later on Obansanjo declared that the elections were going to be "a do or die affair" for him and the PDP (Adejomobi , 2007: 14-5), which obviously increased the tension. The entire elections were tainted by fraud and corruption and ended in a PDP victory with Alhaji Umaru Yar'Adua as President. One tool that had not been used to influence the elections was the use of party bans. The PDP had been working so hard to make it seem they were liberalizing the multi-party system that they did not dare ban another party (All Africa, 2007a). Furthermore, the judicial system was getting a foothold in Nigeria and courts started meddling with the extensive use of party bans. The party bans had been previously decided on by INEC, strongly influenced by the PDP, but the lack of room to enforce party bans pushed the leading party to another form of exclusion.

INEC started screening candidates of the election and disqualifying many, even arresting some, simply to conscript the political space for opposition parties (Kura, 2008: 89). Among the most important politicians that were arrested were the AC governorship candidate in Osun, the AC party leader in Oyo, two members of the House of Representatives, five members of the House of Assembly of Ekiti, and the ANPP chairman in Katsina. The disqualification which sparked most unrest was the prevention of Alhaji Atiku Abubakar, Vice-President and AC leader, to run for President (Omotola, 2010: 548). The total list of disqualified candidates in February included 135 names (Agence France Presse, 2007), but the Supreme Court allowed many, including Abubakar, back on the list by April (SBS, 2007).

No party bans, same conflict in 2007

There were protests against both the individual bans and the election results, but most of them were non-violent, such as the 1,250 petitions which took place. However in a few south-western states, such as Osun, Oyo, Ekiti and Ondo, there was much electoral violence in the form of killings and destruction of public and private properties (Omotola, 2010: 549-51). After a state of emergency was declared in those states, many questions were raised about who was responsible for the violence. AC representatives stated that the PDP had killed 400 Nigerians on April 14th to "steal all the votes" (All Africa, 2007b), while militants were trying to kidnap the PDP's candidate for vice-president, and the police kept on

opening fire during election protests (LA Times, 2007), while gunman torched a police headquarters in north Nigeria (Associated Press Newswires, 2007). The electoral violence seemed to get so out of hand that former military dictator Muhammadu Buhari claimed it was "the worst election in Nigerian History"(LA Times, 2007).

But was it the worst election in Nigerian History? If we look at figure 3 it is clear that violence related to ethnicity or politics increased in recent years, but did not come close to the level of violence in the nineties. During the elections 18 opposition parties, including the AC and All Nigeria People's Party (ANPP), signed a statement which demanded the annulment of these sham elections and called on Nigerians to specifically "protest in a non-violent manner" (Associated Press Newswires, 2007). Apart from the more south-western states, the country fared reasonably well during the elections when we count ethnicity or politics related events and deaths and compare it to earlier elections (with the exception of 2003). And even though figure 3 shows an increase in violence, a more detailed look to the facts shows us that the events were short-lasted but extremely violent responses to either election results or individual bans. After the elections ethnic violence declined somewhat towards the level it was before the elections and even below that, until a major clash between Muslim- and Christian militants causing hundreds of people their lives (ACLED, 2014), which explains the upwards slope in the figure.

Even though the 2007 case does not entirely fit the profile as a party ban based on new rules in a country with additional regulations promoting crosscutting cleavages, it still shows the possible effects such a situation would create. In 2007 no parties were banned in Nigeria, but something new did happen: an extensive number of individual politicians were banned based on new regulations and questionable acquisitionsEXPLAIN. The bans were perhaps not applied to specific parties, but to specific individuals who formed a challenge to the PDP's rule and were often not of the ruling party's ethnic base: Hausa or Fulani. According to our reasoning on party bans there should therefore be an increase in violence, because the bans were based on new, unexpected regulations. However, the additional regulations hypothesis states that Nigeria should experience a decrease in ethnic violence. It seems that the 'diversity in unity' regulations have some effect on the composition of parliament, since it has had a politically more diverse membership than ever before (Ugochukwu, 2012: 540). This should have the effect that ethnic violence will decrease. The 2007 case therefore also reflects the expected outcome: individual bans sparked quite some

ethnic and political violence, but this toned down quite quickly after the year of the elections, leaving the level of conflict at the same level as before. Again, we leave out the major dispute between Muslim and Christian militants by the end of 2008, because this dispute was based on state politics and a religious divide between aggregated ethnicities BETTER ARGUMENTATION, IS NOW CONTRADICTION. This one event caused many causalities, but the number of events concerning inter-ethnic conflict kept decreasing.

A Government's Guide to Party Banning

The analyses of the cases show that there is a relationship between how ethnic party bans are executed and conflict levels. They confirm the expectations stated in the hypotheses, thereby expanding on existing literature which merely described differences, not explain them. When the AC in Mauritania was banned based on new rules concerning parties that threaten national unity through racism, without any other institutional arrangements to give incentives for inter-ethnic cooperation, ethnic conflict increased in the following years. A few years later the PCD was also denied registration, without any additional regulations to promote cross-cutting cleavages, but the ban was expected since Islamist-based parties had been denied for decades. Therefore conflict did not increase in the years to follow. In Nigeria many additional regulations have existed for years to overcome ethnic cleavages in politics and decrease ethnic conflict in the country. In this scenario the 2003 elections form a relatively good example of how denying some parties, based on existing, though recently loosened law, will help decrease violence. However, when there were no party-bans in 2007 and the government resorted to individual candidate bans instead, this newly invented way of oppressing the opposition sparked the political conflict enough to remain at the same level of conflict as before the elections.

There is an exception to the conclusions stated above, which have been mentioned before. The party bans in Rwanda. Even when a ban is executed which was based on new laws or regulations in a country without additional regulations promoting inter-ethnic cooperation, a ban can still lead to less conflict if it is perceived as legitimate and justified by the majority of a country. This is the case when the party's ban is based on justifications such as previous war crimes committed by the party or its anti-democratic or racist sentiments (Niesen, 2010; Rosenblum, 2007). If the banned party is generally perceived as immediately threatening to democratization, or prone to increase hatred among particular groups, then

people will accept a party ban as democratically legitimate. This is what happened after the Rwandan genocide in 1994, when the Hutu parties held responsible for the genocide, the MRND and CDR, were banned.

Although the cases in Nigeria and Mauritania were chosen to be as much alike as possible to try and keep most other factors constant while explaining the mechanism between party ban and conflict, this is quite impossible without an experimental environment and therefore I came across certain other explanatory factors which should be mentioned. First of all there is a major difference between Nigeria and Mauritania, namely their economic situation and growth. While Mauritania is one of the poorest countries in Africa, Nigeria, as biggest oil exporter, is one of the richest (Sunday Independent, 2007). This can mean one out of two things. On the one hand, repeating Horowitz' arguments (1985; 1993), a country with lower per capita income, will have a higher chance of ethnic conflict. In this case Nigeria's general decline in conflict can be attributed to their economic growth.

On the other hand a country with extremely low per capita income will most likely have less ethnic conflict in general, because the population does not have the opportunities, or the means to involve in conflict. This opportunity argument does not only depend on income of the population, but also the inequality of income, created by for example a hierarchical structure, or a strong state (Fearon & Laitin, 2003: 76). In Mauritania, all three of these factors exist and have created a minimal opportunity structure for rebels, opposition by Islamists or the black Africans or anyone else of the population to stand up against government. So even when the signs described in this thesis showed that a conflict outburst should have occurred after the AC was banned, only a small increase was noted, but an increase nonetheless.

Conclusion

This thesis has tried to make clear that knowing how and when ethnic party bans can be used, or even should be used, is extremely relevant since the democratization process, and more importantly, the lives of citizens depend on it. Previous research had already shown that ethnic party bans are sometimes needed, because ethnic parties tend to polarize politics and widen cleavages between ethnic groups, leading to ethnic conflict and therefore threatening stable democratization. Through this thesis I have added to existing literature that party bans only work if they are either justified because of previous war crimes

committed by the party, or when the ban is based on old, already existing laws or rules and are accompanied by other forms of institutional engineering creating incentives for inter-ethnic cooperation and promoting cross-cutting cleavages in politics. Of course ethnic groups, or majorities and minorities are not simply made or unmade (Horowitz, 1993: 28-9). So some might say that there is no use in trying to cross-cut ethnic political divides, because ethnicity has such deep historical roots and cannot be changed. But then many of the authors discussed in this thesis do believe that the existence of ethnic parties deepens cleavages between ethnic groups, so therefore it is within reason to state that trying to overcome political ethnic divisions will also lighten the ethnic cleavages in society, therefore decrease conflict, save lives, and finally stabilize democratization until the transition is complete.

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