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**Engineering the Immobilization of Ethnic Parties in Sub-Saharan Africa**

**The Enforcement and Effect of Particularistic Party Bans**

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This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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## *Abstract*

Many developing democracies have attempted to systematically engineer the party system in order to help reduce the salience of particularistic identities. In Sub-Saharan Africa, government intervention in political party development has been often been concerned with countering the political mobilization of ethnic, racial, and/or religious identities. This concern has led at least 19 Sub-Saharan African nations to design legislation to ban political parties based on ethnicity, race, tribe, religion, region or any other particularistic identity. This paper employs two measures to determine the particularistic nature of parties and compares the results across countries with particularistic party bans which have been enforced, those with bans which have not been enforced and countries without a ban.

The paper argues that particularistic party bans do not consistently accomplish their intended effects. However, it is clear that particularistic identities are not primordial and do indeed react to political forces. If particularistic party bans are executed with oppression, the results can be detrimental to reducing the salience of ethnicity. On the contrary, if particularistic party bans are enforced or employed in a fair-handed manner the effects may be beneficial to the consolidation of democracy in divided societies. More important are the political and social contexts of a nation which either reinforce non particularistic politics or undermine it.

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# 1. Introduction

## Problem

The third wave of democratization has ushered in many new democracies in Sub-Saharan Africa. This trend has reintroduced competitive multiparty elections as an important part of democratic consolidation. Consequently, many developing democracies have attempted to systematically engineer the party system in order to help reduce the salience of particularistic identities and consequently, as it has been argued, aid in democratic consolidation. In Sub-Saharan Africa, government intervention in political party development has been often been concerned with countering the political mobilization of ethnic, racial, and/or religious identities. This concern has led at least 19 Sub-Saharan African nations to design legislation to ban any political party that is “composed of, seeks the support of, and acts on behalf or in the interest of a particular ethnic or particularistic identity group.”<sup>1</sup> The intention of these bans in the context of Sub-Saharan Africa has been to reduce the politicization of ethnicity, religion and region, and by doing so, reduce the chance of fractionalized political conflict. But while these ‘particularistic party bans’ have been imposed by many countries, little research has measured the effect they have on the construction of parties and party systems.

## Research Questions

This research project asks two questions: (1) are particularistic party bans effectively enforced? And (2) do they achieve their most basic intended effects on government and society? Although countries in Sub-Saharan Africa with particularistic party bans have been identified by previous research there has been no conclusive research on the degree of enforcement or deterrent effect. It has yet to be determined if particularistic party bans have a strong preventative effect in discouraging the formation of ethnic parties. Do particularistic party bans actually reduce the predictability of party affiliation along ethnic lines? Are parties in countries with the bans

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<sup>1</sup> Becher, Anika and Matthias Basedau. “Promoting Peace and Democracy through Party Regulation? Ethnic Party Bans in Africa,” *German Institute of Global and Area Studies Research Programme: Violence, Power and Security*, No. 66. Jan 2008: 6.

more likely to receive support from a wide range of groups in society? The answers to these questions may help determine if particularistic party bans are able to actually reduce or eliminate particularistic parties.

In cases where party bans are enforced, there need to be more explanatory questions to test the effectiveness of the bans. Particularistic party bans are justified by policy makers as legislation that promotes ethnic, religious and regional harmony, political stability and democratic stability. However, a simpler question must be answered before these indirect effects can be determined. Do particularistic party bans have the ability to reduce the politicization of particularistic group characteristics and identities? Do parties make fewer appeals of particularistic nature? Has political discourse on ethnic, religious, or regional identities reduced in countries with the bans?

### **Significance of Study**

The research on particularistic party bans is surprisingly underdeveloped. Preliminary research has provided some insight into the bans, how they are enforced, their widespread adoption in Sub-Saharan Africa and the potential positive or negative effects of implemented bans. I build upon this limited literature and attempt to determine the direct effect of the bans, on their ability to reduce particularistic parties and to reduce the politicization of ethnicity.

Developing democracies have a difficult task in fostering democratic principles and consolidation. This task is amplified by common challenges of poverty, exploitation, and violence which are present in many of these countries. As particularistic identity cleavages are a relevant and difficult concern, any insight into relieving these tensions in multiparty democracies is significant. If ethnic party bans are an effective way to depoliticize ethnicity, attempts to re-orient or re-engineer party systems might be justifiable. However, if party bans are shown to be ineffective in their aim, then the unnecessary infringement on political expression may not be necessary.

## 2. Background

### Political Systems Based on Particularistic Identities

Sartori (1976) describes party systems based on particularistic identities as systems that promote divisive policy and do not attempt to find middle ground, but rather benefit only their prescribed group of supporters causing a “centrifugal” game.<sup>1</sup> Unlike party systems based on voter identity other than particularistic characteristics, such as class, which base the ideal competition of political parties on the assumption that parties will strive for the support of ‘swing voters.’ Swing voters create incentives for parties to keep appeals general, however, particularistic parties only look to “harden and mobilize” their existing electoral base.<sup>2</sup> There simply are no ‘swing’ or median voters in a party system based on particularistic identities, to the contrary, research has suggested that due to its politicization and rivalry, particularistic parties may limit a voter’s ability to choose viable candidates.<sup>3</sup> Although one may consider supporting a candidate or party that is not consistent with their own particularistic identity Sisk (1996) and Horowitz (1991) argue they may be harassed or otherwise discouraged by others in the community to vote with the group.

Posner (2004) presents another concern which he describes as “an ethnic crowding out effect” which occurs when a few ethnic groups have been established as parties and in an attempt to secure resources, other ethnic groups mobilize the same way.<sup>4</sup> This leads to an additional concern, as smaller ethnic groups may not be large enough to compete for power, causing the “political, social, cultural and economic suppression and

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<sup>1</sup> Party systems based on voter identity other than particularistic characteristics, such as class, base the ideal competition of political parties on the assumption that parties will strive for the support of ‘swing voters,’ whose political ideologies exist somewhere in between those of competing parties, or in the ‘middle ground.’ However, particularistic parties in divided societies rarely follow this model, because the support of the party is not based on the ever changing ideals of the public but rather on predetermined particularistic aspects of an individual or group (Downs, Anthony. “An Economic Theory of Political Action in a Democracy,” *The Journal of Political Economy*, Vol. 65, No. 2, Apr 1957, pg. 135-150.)

<sup>2</sup> Diamond, Larry and Richard Gunther. *Political Parties and Democracy*. Baltimore: JHU Press, 2001: 23.

<sup>3</sup> Sisk, Timothy. *Power Sharing and International Mediation in Ethnic Conflicts*. Washington, DC: United States Institute of Peace, 1996;. Horowitz, Donald L. “Structure and Strategy in Ethnic Conflict,” *Paper prepared for the Annual World Bank Conference on Development Economics*, Washington, D.C., April 1998.

<sup>4</sup> Wantchekon, Leonard. “Clientelism And Voting Behavior: Evidence From A Field Experiment In Benin,” *World Politics*, Vol. 55, No. 4, Apr 2003, pg. 399–422.

exclusion of minorities.”<sup>5</sup> It logically follows then, that with diminishing prospects of successfully fulfilling their interests through peaceful political means, minority groups sometimes resort to non-democratic means of defending their interests.<sup>6</sup> However, if appeals are made towards the common good, the party system is not based on rigid particularistic identities, and minorities feel that they are able to effectively participate in the political system then the interests of all citizens can be considered and the system may gain legitimacy.

The rhetoric surrounding party systems based on particularistic identities is “likely to raise the stakes in the political game,” by exacerbating deep seeded emotions and provoking prejudices that will unsettle societal harmony and stability.<sup>7</sup> In order to solidify the party’s base, political elites may make “powerful emotional appeals to issues of identity, history, and survival” in order to place emphasis on the importance of solidarity within one’s own community.<sup>8</sup> As differences between groups and individuals are noted and exacerbated among elite speech, the result is often a greater recognition of differences among the general public. The very electoral logic of ethnically based parties, as described by Gunther and Diamond (2001), is to “harden and mobilize” its supporters, and not gain support from any outside group.<sup>9</sup> Thus, the appropriate appeals tend to be polarizing, in reference to competition with other groups. The more each group sees the other as competitors and threats in the political arena, the more likely they are to see them that way in more common societal interactions.

### **Particularistic Party Bans**

Previous research regarding the effects of particularistic party bans in Sub-Saharan Africa has been inconclusive. Most has focused on identifying the basic characteristics of the bans and the frequency of their implementation. Attempts have also been made towards the classification of party bans. As far as casual research however, no conclusive correlation has been found between the implementation of particularistic party bans and

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<sup>5</sup> Basedau, Matthais, Matthijs Bogaards, Christof Hartmann and Peter Niesen. “Ethnic Party Bans in Africa: A Research Agenda,” *German Law Journal*, Vol. 8 No. 6. 1 Jun 2007: 620-621.

<sup>6</sup> Basedau et al., “Ethnic Party Bans in Africa,” 2007: 620-621; Bogaards, Matthijs. “Electoral Systems, Party Systems, and Ethnicity in Africa,” in *Votes, Money and Violence: Political Parties and Elections in Africa*, Uppsala: Nordic Africa Institute, 2007, pg. 168-193.; Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008: 9.

<sup>7</sup> Ibid.

<sup>8</sup> Reilly, Benjamin. “Political Engineering and Party Politics in Conflict-Prone Societies,” *Democratization*, Vol.13, No.5, Dec 2006: 811–827.

<sup>9</sup> Gunther and Diamond, *Political Parties and Democracy*, 2001: 23.

the consolidation of democracy, or the reduction of violent ethnic conflict. Recently, Becher and Basedau (2008) found a significant correlation between “party bans and variables that could be conceptualized as causes of their implementation.”<sup>10</sup> However this provides little evidence to the ban’s intended casual effects. Although that does not necessarily indicate that none exists.

Nineteen Sub-Saharan African countries have adopted legislation that may ban, refuse registration, or otherwise disallow particularistic political parties: Benin, Burkina Faso, Burundi, Cape Verde, the Central African Republic, the Democratic Republic of Congo, Equatorial Guinea, Ghana, Guinea, Kenya, Liberia, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Tanzania, Togo and Uganda.<sup>11</sup> Although less explicit, and so not included in this list, the countries of Angola, Cameroon, Chad, Gabon, Madagascar, and Mozambique also have legislation that may allow particularistic parties to be banned.<sup>12</sup> Although each of these countries has the ability to ban particularistic parties, the degree of implementation varies significantly.

Bogaards (2008) has conducted preliminary research to determine specific cases where the bans have been implemented and has revealed a number of cases where “parties were officially banned because of a formal ban on ethnic and religious parties.”<sup>13</sup> He found that 57 parties have been prevented from registering, the vast majority (54) occurring in Nigeria and Tanzania because they did not meet requirements for ‘national presence and representation.’ One party was denied registration in Burundi because it was determined to be ‘ethnic,’ one party in Tanzania for pursuing ‘regional secessionist goals,’ and one party in Kenya because it was Islamic in nature. In addition, six operating parties have been banned or had their registration revoked under the legislation. Two parties were banned for their religious nature in the Central African Republic and Uganda, and four were banned based on their ethnic appeals in Equatorial Guinea and Rwanda.

Although this might seem to be a large number of cases of implementation a far greater number of countries with the potential to ban or suspend the registration of particularistic parties have not. In explaining the

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<sup>10</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008: 24.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Bogaards, “Electoral Systems, Party Systems, and Ethnicity in Africa,” 2008: 10-11.

frequency and variance of implementation, Bogaards (2008) observes that “no parties were denied registration, suspended or banned in any country designated as free by Freedom House.”<sup>14</sup> We need a clearer picture to explain why some countries are so willing or able to implement the bans and others are not.

Previous research has provided some attempts to theorize what the intentions of particularistic party bans were upon implementation. If one assumes a functionalist perspective, then it follows that the political parties are the most important intermediaries between the voters and their representatives.<sup>15</sup> By holding this function, parties “should articulate and aggregate societal interests, transforming them into political programmes and, once a particular party has been successful at the ballot box, government policies.”<sup>16</sup> It follows that if particularistic party bans can effectively block the aggregation of social interest by particularistic identities, then they can block their politicization in the system.<sup>17</sup> This may occur either by the mere existence of the legislation or once parties have been routinely blocked, denied registration, or disbanded through a deterrent effect.<sup>18</sup> If these attempts are successful, parties will have to find new avenues or identities to divide the political interests of the public, whether by ideology, class, values, or other appeals.<sup>19</sup> In theory the bans can transform the organization of the party system away from particularistic politicization and towards the aggregation of interests in a more harmonious way for fragilely divided societies.

Several other justifications are given for the implementation of particularistic party bans. Bogaards (2008) lists five major appeals that political elites, political engineers, and advocates use to justify this type of legislation:

- 1) Appeals to abstract or specific dangers of a (re-)lapse into autocratic government, e.g. dictatorship, Islamist regime or structural ethnic majorities
- 2) Appeals to the good of national unity and peaceful inter-ethnic relations as against separatism and secessionist strife
- 3) Appeals to equal, respectful, non-contemptuous relations among citizens as a precondition for democratic practices
- 4) Appeals to the expected performance of stable democratic government such as insuring human rights, democratic peace, or the absence of famine, including appeals to

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<sup>14</sup> Ibid.

<sup>15</sup> Sartori, Giovanni. *Parties and Party Systems: A Framework for Analysis*, Cambridge: Cambridge University Press, 1976: ix.

<sup>16</sup> Basedau, “Do Party Systems Matter for Democracy?” 2007: 108-112.

<sup>17</sup> Ibid, 176-180.

<sup>18</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008: 9.

<sup>19</sup> Ibid.

international credibility 5) Appeals to overcoming a particular history of war, genocide, colonial domination, or apartheid.<sup>20</sup>

Obviously these do not cover every appeal made in the name of particularistic party bans, however, it provides a way to classify the given motives for the legislation. These appeals can help researchers understand the intent, and therefore evaluate the effectiveness of the bans.

However, there are also a number of potentially negative aspects of particularistic party bans. Becher and Basedau (2008) identify three potential adverse impacts of the bans on particularistic fractionalization and democratic consolidation. Perhaps the most obvious is the potential for the bans to irreversibly block the aggregation of certain valuable interests onto the national political agenda. It could be that the only viable way for a group to organize themselves and their interests is by bonding together on a local or particularistic level. Without the ability to do so, their interests may be lost without an alternative way to express them in a cohesive and organized manner. Particularistic party bans also have the potential to reduce the legitimacy of the democratic system as a whole. If particularistic groups do not feel their interests are being represented in the larger political sphere, the legitimacy of the system as a whole may come under siege. As Schedler (2002) warns, such legislation may be part of the 'menu of manipulation' for political elites who wish to enforce it in their favour. They may use the legislation to block political parties who pose a threat to their own power and control.

Becher and Basedau (2008) also point out that it is very possible that the bans have little or no effect at all on some of the stated motivations for their existence, either when legally possible or actively implemented.<sup>21</sup> They identify the multifaceted nature of stable and consolidated democracies, as well as inter-communal peace and cooperation: "risk factors for democracy and peace in Africa include abject poverty, prior conflict, dysfunctional formal and informal institutions, and the lack of wise and responsible leadership, not to mention specific path dependent and contingent historical developments."<sup>22</sup> Against such a backdrop, it is very possible that

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<sup>20</sup> Bogaards, "Electoral Systems, Party Systems, and Ethnicity in Africa," 2008: 7-8.

<sup>21</sup> Becher and Basedau, "Promoting Peace and Democracy through Party Regulation?" 2008: 9-10.

<sup>22</sup> Ibid.

particularistic party bans may have little or no effect on larger societal trends.<sup>23</sup> Regardless of the complicated nature of the challenges the bans aim to remedy, it is well within the realm of possibility that even well regulated and implemented bans could be circumvented by shrewd parties.<sup>24</sup> However, no research has determined whether particularistic party bans are successful in their intentions, if they are inconsequential, or if they are simply used by elites to manipulate the political agenda.

### **Engineering Political Parties**

While existing research on particularistic party bans in Sub-Saharan Africa is scarce, there has been a large amount of research concerning other ways of engineering political parties in ethnically divided societies. Lijphart (1977) offers the ‘consociational approach’ in which ethnically divided politics is encouraged, but contained.<sup>25</sup> Horowitz (1991) presents an alternative theory of ‘centripetalism’ which attempts to shift the concentration away from the particularistic divides. For Horowitz, the solution lies in creating incentives for accommodation and cooperation between conflicting groups.<sup>26</sup> Other theories concentrate more deliberately on parties and party systems. Perhaps the most popular method of institutionally engineering parties in divided societies is ‘constraintment,’ which tries to reduce the use of particularistic identities in political appeals by

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid, 9-10.

<sup>25</sup> Consociationalism stresses the “need for divided societies to develop mechanisms for elite power-sharing” if deeply divided societies are to truly participate peacefully in the democratic system while maintaining meaningful representation of all groups. Lijphart identifies four main features of this approach: a “grand coalition” government in which each particularistic group is represented, proportional representation of these groups in the legislature and bureaucracy, some sort of individual autonomy through federalism or a similar mechanism, and veto power over major resolutions by minority groups. This approach assumes ethnic conflict throughout society, and leaves negotiations and cooperation up to political elites. It may have little relevance in Sub-Saharan Africa as it was developed in reference to continental European countries, and there is discrepancy over the usefulness of this approach in developing countries (Reilly Political Engineering and Party Politics in Conflict-Prone Societies,” 2006: 814).

<sup>26</sup> Reilly, Benjamin. “Democracy in Divided Societies: Electoral Engineering for Conflict Management,” *Theories of Institutional Design*. Cambridge: Cambridge University Press, 2001: 6-7.

blocking or subverting them.<sup>27</sup> Reilly (2003) has proposed three other designs of party engineering including closed party-lists<sup>28</sup>, vote thresholds<sup>29</sup>, or ‘top down’ approaches.<sup>30</sup>

The many different theories on how political engineering takes place are followed by the divergence of opinion among scholars regarding their value. Some believe the engineering is “impotent or even harmful interferences with the democratic process,” and others believe they are “potentially important mechanisms for muting ethnic conflict and ensuring the election of broad, pan-ethnic presidents.”<sup>31</sup> The evidence provided by research on the subject echoes the disagreement in theoretical arguments.<sup>32</sup> No conclusive evidence supports one, or all, of the options.

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<sup>27</sup> These efforts include regulations which “govern [parties’] formation, registration, and behaviour... [which] may ban ethnic parties outright; make it difficult for small or regionally-based parties to be registered; or require parties to demonstrate a cross-regional or cross-ethnic composition as a pre-condition for competing in elections,” (Reilly, “Political Engineering and Party Politics in Conflict-Prone Societies,” 2006: 816- 817).

<sup>28</sup> This includes requiring a party to select a list of candidates, each major ethnic group being represented (Reilly, “Political Engineering of Parties and Party Systems,” 2003: 13-14).

<sup>29</sup> This includes attempts at creating ‘national parties’ by requiring parties represent a certain percentage of each regional area, ethnic group, religious group, etc. (Reilly, “Political Engineering of Parties and Party Systems,” 2003: 13-14).

<sup>30</sup> This includes attempts by political elites to “increase party discipline” thereby reducing instability in the overall party system. (Reilly, “Political Engineering of Parties and Party Systems,” 2003: 15).

<sup>31</sup> Reilly, “Political Engineering of Parties and Party Systems,” 2003: 821.

<sup>32</sup> Ibid.

### 3. Research Design

This analysis applies individual level data to a comparative case study which attempts to measure the effect of particularistic party bans on the nature of political parties and the politicization of ethnicity at a macro level.

#### The Data

The data used in this research to determine the effects of particularistic party bans on the politicization of particularistic identities and composition of political party support is obtained from the Afrobarometer project, specifically, from Round 2, conducted in 2002/2003. Afrobarometer carries out face to face interviews with a random representative (national sample) stratified area-probability cluster sample of at least 1200 respondents in each country. From Round 2 of the survey, a total random sample of 14,454 is included in the research. This data has been routinely used for political research of Sub-Saharan Africa, and has been determined to be valid and reliable. Although the Afrobarometer project is somewhat biased, as the sample of countries with available data are fairly stable and liberalizing.<sup>1</sup> The data excludes countries that are in conflict, have authoritarian regimes or do not use English as an official language.<sup>2</sup>

The major advantage of this data is that it has been collected on the individual level. Previous studies on particularistic party bans have not utilized individual level data, which may embody valuable information on the subject. Individual level data allows for the composition of political parties to be reliably measured. It also allows the respondent to identify their own particularistic identities and party affiliation directly. Previous research has “been forced to infer conclusions by comparing census data with the geographical distribution of electoral support to indicate whether parties are recruiting support from a broad or narrow ethnic base,”<sup>3</sup> which seems to lack precision and therefore some validity. The use of micro level data will be aggregated to the country level,

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<sup>1</sup> Reilly, Benjamin. “Political Engineering and Party Politics in Conflict-Prone Societies,” *Democratization*, Vol.13, No.5, Dec 2006, pg 811–827.

<sup>2</sup> Ibid.

<sup>3</sup> Cheeseman, Nicholas and Robert Ford. “Ethnicity as a Political Cleavage,” *Afrobarometer Working Paper No. 83*, Nov 2007: 6.

reflecting the desire to measure the effects of particularistic party bans on national party systems, while retaining important information from the individual level.

## Cases

At least nineteen Sub-Saharan African countries have been determined to have particularistic party bans since the 1950s. However, I will only look at twelve countries in the years 2002 and 2003. This is limited by countries included in the Afrobarometer data and an attempt to utilize a most similar systems design. This analysis includes those countries which are consolidating democracies with a population diverse in particularistic identities. Among the countries included in Round 2 of the Afrobarometer, Cape Verde, Botswana and Lesotho have little diversity in particularistic identities which decreases the relevance of particularistic party bans significantly and renders their analysis with the measures used in this study insignificant.<sup>4</sup> South Africa is not included, as it is quite unique to the other cases in regards to economic conditions, level of democratic consolidation, etc. This leaves Nigeria, Uganda, Kenya, Tanzania, Ghana, Namibia, Senegal, Mozambique, Malawi, Mali, Zambia and Zimbabwe as suitable cases for analysis.

The twelve cases will be categorized according to whether the existence (or non existence) of particularistic party bans and instances of enforcement have been consistently cited in previous research for the countries included in this study. The first category will concern only cases with particularistic party bans that have been 'enforced,' or implemented by banning or refusing registration of at least one party (Nigeria, Uganda, Kenya and Tanzania). The second category is comprised of three countries which have particularistic party bans but no known cases of enforcement (Ghana, Namibia, Senegal and Mozambique). The third category will be used as the control group, and includes three countries with no specific law banning particularistic political parties (Malawi, Mali, Zambia and Zimbabwe). This categorization, as well as the pieces of legislation in which the particularistic party bans are embodied and years of enforcement, are shown below in Table 1

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<sup>4</sup> Ibid, 3.

Table 1: Existence and Enforcement of Particularistic Party Bans			
		<b>Legislation (in effect during data collection)</b>	<b>Year(s) of Enforcement</b>
Enforced Ban:	<b>Nigeria</b>	Constitution, Chapter 2 (1999)	1998, 2002
		Electoral Act (2002)	
		Electoral Act (2006)	
	<b>Uganda</b>	Constitution (1993)	1993
		Constitution, Article 71 (1995)	
		Political Organizations Act (2002)	
<b>Kenya</b>	Societies Act (1997)	1992	
<b>Tanzania</b>	Political Parties Act No 5 (1992)	1992, 2005	
Unenforced Ban:	<b>Ghana</b>	Constitution, Chapter 7 (1992)	
		Political Parties Act (574) (2000)	
	<b>Namibia</b>	Electoral Act (1992)	
	<b>Senegal</b>	Constitution, Title 1 (2001)	
	<b>Mozambique</b>	Constitution, Chapter 3 (1990)	
Law N° 7 (1991)			
No Ban:	<b>Malawi</b>	-	
	<b>Mali</b>	-	
	<b>Zambia</b>	-	
	<b>Zimbabwe</b>	-	
Source: Authors' compilation, based on project			

Table 2 is a summary of the socio economic and political measures of each country. The table shows significant diversity in population size, from 1.8 million people in Namibia to 113.9 million people in Nigeria. The countries with enforced particularistic party bans generally have a higher population than the other categories. However, population size is controlled for in the measures utilized in this study. GDP per capita ranges from \$523 USD in Tanzania to \$6431 USD in Namibia. The GDP per capita is relatively low for countries with enforced bans and relatively high for countries with unenforced bans. This may have an impact on the results of the study and will be discussed further.

The Human Development Index, which considers life expectancy, adult literacy rates, enrolment ratios for various levels of education, and GDP per capita places all countries included here between 0.3 and 0.5, with the exception of Namibia, which scores a relatively high 0.69 in the index. This indicates rather low development in relation to all countries, but fairly average for Sub-Saharan Africa. The percent of the population living in urban

areas ranges from 14.2 in Uganda to 47.4 in Senegal. Literacy ranges from 41.5 percent in Senegal to 88.7 percent in Zimbabwe. The ban status categories do not vary significantly on these measures.

		Socio Economic Indicators				Political Indicators		
		Population (2000)	% Urban Population (2000)	GDP Per Capita (\$)	Human Development Index	Year of Independence	Freedom House Political Rights Score (2002)	Freedom House Civil Liberties Score (2002)
Enforced Ban:	<b>Nigeria</b>	113.9	44.1	896	0.462	1960	4	5
	<b>Uganda</b>	23.3	14.2	1208	0.42	1991	6	5
	<b>Kenya</b>	30.7	33.4	1022	0.513	1963	6	5
	<b>Tanzania</b>	35.1	32.3	523	0.44	1938	4	4
Unenforced Ban:	<b>Ghana</b>	12.6	36.1	1964	0.548	1957	2	3
	<b>Namibia</b>	1.8	30.9	6431	0.69	1990	2	3
	<b>Senegal</b>	9.4	47.4	1510	0.45	1960	3	4
	<b>Mozambique</b>	18.3	32.1	854	0.322	1975	3	4
No Ban:	<b>Malawi</b>	11.3	14.7	615	0.4	1964	4	3
	<b>Mali</b>	11.4	30.2	797	0.386	1960	2	3
	<b>Zambia</b>	10.4	39.6	780	0.433	1980	5	4
	<b>Zimbabwe</b>	12.6	35.3	2635	0.551	1980	6	6

\*Socio Economic Indicators taken from the United Nation's Development Project, *Human Development Report (2002)*

\*The Human Development Index is a measure of life expectancy, adult literacy rate, gross enrolment ratio for primary, secondary and tertiary levels of education, and GDP per capita (PPP US \$).

\*Freedom House Scores taken from Freedom House's *Freedom of the World Report (2002)*.

\*The Civil Liberties Score measures and compares "electoral processes, political pluralism and participation, and functioning of government."

\*The Political Rights Score measures and compares "freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights."

\*Colonial Power and Year of Independence taken from the *Central Intelligence Agency's World Factbook 2009*.

Political indicators show that all countries included in the study gained independence at least 10 years before Afrobarometer Round 2 data collection. The Freedom House Political Rights scores are particularly low for the unenforced ban category, where countries received scores between 2 and 3, indicating high levels of political rights. These are contrasted with the other categories where all other scores were fairly high, with the exception of Zambia, which also received a low score for political rights. The level of political rights will be discussed further in Chapter 5 which considers the national experiences with particularistic party bans. The Freedom House civil liberties score does not vary between categories significantly. Overall these cases represent a wide range of social, political and economic contexts which may be expanded to represent Sub-Saharan Africa as a whole.

## Concepts

### *Ethnicity as a Political Cleavage*

The very existence of particularistic party bans relies on the assumption that there is a relationship between particularistic identities and party affiliation in Sub-Saharan Africa. This study must also rely on this assumption to stay within the context of the issue. Exactly how a relationship between the two variables might be represented is less clear. However, Horowitz (1995, 1993) provides a concept of ethnicity as a political cleavage that is both theoretically sound and measurable through public opinion data. Horowitz argues that this cleavage is “expressed by the extent to which ethnic groups give all their support to one particular party, and the extent to which parties recruit all of their support from one particular ethnic group.”<sup>5</sup> The logic here is that the exclusiveness of political parties based on ethnic identities can be a direct result of how strong ethnicity is as a political cleavage.

### *Ethnic Group*

Bulmer (1986) defines an ethnic group as “a collectivity within a larger society having real or putative common ancestry, memories of a shared past, and a cultural focus on one or more symbolic elements which define the group’s identity, such as kinship, religion, language, shared territory, nationality or physical appearance.”<sup>6</sup> As “ethnic group” and “ethnicity” can encompass a variety of characteristics that make a person or group distinct, I use the term particularistic (following previous researchers on the subject i.e. Almond and Coleman 1960; Bogaards 2007; and Becher and Basedau 2008), to refer to the variety of possibilities that politicians may use to identify and delineate people and their interests. These identities can be seen as both ascriptive characterizations, which are a result of “self-ascriptio<sup>n</sup>” or attribution by the larger society<sup>7</sup> or as

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<sup>5</sup> Ibid, 7.

<sup>6</sup> Bulmer, Martin. “Race & Ethnicity,” in *Key Variables in Social Investigation*. Ed. Robert G. Burgess. London: Routledge & Kegan Paul, 1986: 54.

<sup>7</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008.

“instrumental opportunistic adaptation” used by political elites to carve out opportunities for power within the political sphere.<sup>8</sup>

### *Particularistic Party*

The term, ‘particularistic parties’ was first ascribed by Almond and Coleman (1960) who defined this type of party as “organizations concerned in a separatist fashion with selected ethnic groups or regions and including some form of secession among their statements of political objectives.”<sup>9</sup> Gunther and Diamond (2001) define a similar ‘ethnic-based party’ by their unique political and electoral ‘logics’ which aim to “promote the interests of a particular ethnic group, or coalitions of groups,” and not to promote more collective interests.<sup>10</sup> To further define this type of party, they go on to describe the general characteristics of ethnic parties. Such as, low ideological lucidity, under developed structure, absent of ‘functional interests,’ and gaining nearly all its support from pre-existing groups in a divided society.<sup>11</sup> The goal of this type of party is to solidify the base by making exclusive appeals to the wellbeing of the group. They do not attempt to reach new party members outside the prescribed group.<sup>12</sup> However, Almond (2005 [1956]) provides the most concise definition as a party which is “limited in its aggregative potential by being identified completely with the interests of a particular ethnic or religious group.”<sup>13</sup> This will serve as the working definition of particularistic parties throughout this research.

### *Particularistic Party Bans*

A particularistic party ban is “a highly restrictive official legal sanction that aims at prohibiting the existence or activity of a political party which is composed of, seeks the support of, and acts on behalf or in the interest of a particular ethnic or particularistic identity group.”<sup>14</sup> The aim of these bans in Sub-Saharan Africa has been to

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<sup>8</sup> Reilly, “Democracy in Divided Societies,” 2001: 4.

<sup>9</sup> Almond, Gabriel and James Coleman. *The Politics of the Developing Areas*. Princeton: Princeton University Press, 1960: 486.

<sup>10</sup> Gunther and Diamond, *Political Parties and Democracy*, 2001: 22-23.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid, 23.

<sup>13</sup> Almond, Gabriel A. “Comparative Political Systems,” *The Journal of Politics*, Vol. 18, 1956, 391-409, in *Comparative Politics: History, Theory and Concepts*. Howard J. Wiarda (ed.) New York: Taylor and Francis, 2005: 193.

<sup>14</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?”, 2008: 6-7.

reduce the politicization of ethnicity and reduce the chance for fractionalized conflict.<sup>15</sup> Particularistic party bans may include “ 1) the banning and dissolution of an already existing party; 2) a temporary ban, that is, suspension; or 3) the denial of registration to a group that wants to transform into a political party.”<sup>16</sup>

### *A Typology for Particularistic Party Bans*

A number of different types of bans can be identified. To describe and understand particularistic party bans in Sub-Saharan Africa, several researchers (Bogaards 2008; Basedau et al. 2007) have developed a typology based on three factors, “1) the legal form of the party ban; 2) the proscribed facet(s) of party-political organization; 3) the proscribed social basis/cleavage.”<sup>17</sup> The ‘social basis of prohibition’ regards which groups are specifically addressed in the ban. In Sub-Saharan Africa, these can span from groups as wide as, “brotherhood, clan, community, ethnicity, faith, gender, language, region, race, sect, section, tribe, and even gender and professional group,” and even this is not an exhaustive list that the bans encompass.<sup>18</sup>

The ‘legal form’ refers to bans found in “a country’s constitution, electoral law, law on political parties, or law on voluntary associations, [or] administered by administrative decree and/or review by a judicial process.”<sup>19</sup> The legal form is enforced by courts, electoral commissions, Ministry of Home Affairs, or alternative bodies.<sup>20</sup> In most Sub-Saharan African countries, particularistic party bans were written into law in the new constitutions of the third wave or in electoral law.<sup>21</sup> A distinction may also be made between provisions that allow for the dissolution, the registration of parties, or both.

The ‘proscribed facets of party political organization’ refers to the target of the ban, the “party program, party symbols, party organization, and membership, either in combination or separately.”<sup>22</sup> In most of the cases of Sub-

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<sup>15</sup> Bogaards, “Electoral Systems, Party Systems, and Ethnicity in Africa,” 2008: 3.

<sup>16</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?”, 2008: 7.

<sup>17</sup> Bogaards, “Electoral Systems, Party Systems, and Ethnicity in Africa,” 2008:8-9.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008: 7-8.

<sup>21</sup> Basedau et al. “Ethnic Party Bans in Africa,” 2007: 628-630.

<sup>22</sup> Bogaards, “Electoral Systems, Party Systems, and Ethnicity in Africa,” 2008:8-9.

Saharan Africa, the bans are broad and general.<sup>23</sup> Article 22 of the Constitution of the Democratic Republic of Congo prohibits any party whose identification is based on one race, ethnicity, sex, religion, sect, language, or province, but it does not explain how a party such as this should display itself or be determined to have these characteristics in practice.<sup>24</sup> However, Article 35(5) of the Constitution of Sierra Leone denies particularistic party registration by restricting parties which are “formed for the sole purpose of securing or advancing the interests and welfare of a particular tribal or ethnic group, community, geographical area or religious faith,” in the case where “the name, symbol, colour or motto of the party has exclusive or particular significance or connotation to members of any particular tribal or ethnic group or religious faith,” when “the party does not have a registered office in each of the Provincial Headquarter towns and the Western Area” or when “membership or leadership of the party is restricted to members of any particular tribal or ethnic groups or religious faith.”<sup>25</sup> Sierra Leone’s provisions against particularistic party bans include all of the targeted ways the previous research has identified.

## Measurement

### *Variable: Party Affiliation*

Partisan identification, defined by “an attachment to a party that helps the citizen locate him/herself and others on the political landscape,”<sup>26</sup> was measured in Afrobarometer Round 2 by the question, “*Do you feel close to any particular political party or political organization? If so, which party or organization is that?*” Because this study is being conducted at a macro level, for the purposes of gauging wide national trends, and to reduce the probability of skewed results, Cheeseman and Ford (2007) recommend focusing on parties that with which 5 percent or more of respondents identify, due to the measures of ethnic voting which are “sensitive to small changes in the distribution of the support base of political parties”<sup>27</sup> The 5 percent threshold is appropriate for the use of this study as well. Using this threshold for the Round 2 data provides a useful spread of effective

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<sup>23</sup> Basedau et al. “Ethnic Party Bans in Africa,” 2007: 628-630.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Campbell, James E., Mary Munro, John R. Alford, and Bruce A. Campbell. “Partisanship and Voting,” in *Research in Micropolitics*, Samuel Long (ed.) Greenwich: JAI Press, 1986.: 100.

<sup>27</sup> Cheeseman and Ford, “Ethnicity as a Political Cleavage,” 2007, 3.

‘dominant’ and ‘opposition’ parties. The dominant party is defined as the party which receives the highest percentage of support in the data. This is followed by the opposition party which is defined as any additional parties with more than 5 percent support in the data. This results in one opposition party for Nigeria, Uganda, Kenya, Tanzania, Ghana, Malawi, Zambia and Zimbabwe, two opposition parties for Namibia, Senegal and Mali and no opposition party for Mozambique.

		No Party Affiliation	Dominant Party	Opposition Parties	
Enforced Ban:	<b>Nigeria</b>	No Party	PDP	ANPP	
	<i>% within Country</i>	49.7	24.2	16.6	
	<b>Uganda</b>	No Party	NRM	UPC	
	<i>% within Country</i>	51.3	35	5	
	<b>Kenya</b>	No Party	NARC	LDP	
	<i>% within Country</i>	32.1	51.8	5.1	
	<b>Tanzania</b>	No Party	CCM	CUF	
	<i>% within Country</i>	28.5	56.5	7.7	
Unenforced Ban:	<b>Ghana</b>	No Party	NPP	NDC	
	<i>% within Country</i>	33.7	43.8	14.9	
	<b>Namibia</b>	No Party	SWAPO	COD	DTA
	<i>% within Country</i>	20.8	61.3	6.8	5
	<b>Senegal</b>	No Party	PDS	PS	AFP
	<i>% within Country</i>	45.3	36.3	8.6	5.2
	<b>Mozambique</b>	No Party	FRELIMO	**	
	<i>% within Country</i>	33.5	54.9		
No Ban:	<b>Malawi</b>	No Party	UDF	MCP	
	<i>% within Country</i>	33.1	43.6	14.9	
	<b>Mali</b>	No Party	ADEMA	RPM/ IBK	Citoyen
	<i>% within Country</i>	41.1	20.2	14.3	13.1
	<b>Zambia</b>	No Party	MMD	UPND	
	<i>% within Country</i>	60.7	25	7.3	
	<b>Zimbabwe</b>	No Party	ZANU-PF	MDC	
	<i>% within Country</i>	51.4	29.8	9.7	
Source: Afro-barometer Round 2 (2002/2003)					

The distribution of support for the political parties in the twelve countries, as well as their classification as dominant or opposition, is shown in Table 3. The Table illustrates a high percentage of respondents in each country reporting that they do not feel close to any political party, with figures as high as 60.7 percent in Zambia.

Opposition parties in Uganda, Namibia and Senegal receive just over 5 percent support, while the ANPP in Nigeria is represented by 16.6 percent. Variance in dominant party support is also significant, 61.3 percent of Namibian's support SWAPO, while only 20.2 percent of Malians support ADEMA.

*Variable: Particularistic Identities*

To measure a country's diversity of particularistic identities I will focus on the three most common legal bases for the bans cited in the literature, ethno-linguistic identity, region and religion. For all of these variables, only those particularistic characteristics that are claimed by more than 3 percent of respondents will be included in the analyses. As substantial debate surrounds the ability to ascribe ethnicity, either by oneself or by researchers and data collectors, linguistic identifications are often used as an important measure of ethnic identities.<sup>28</sup> To measure ethno-linguistic identity in Afrobarometer Round 2, the question was asked, "*Which language is your home language?*" The data collected from this research should yield a clear picture of ethnic divisions within each case.

However, it should be noted that although an attempt has been made to reflect truly significant ethno-linguistic categories, any implementation of categories on Sub-Saharan African populations is likely to generalize either too much or not enough. If ethnic-linguistic categories are too narrow, analysis may be repetitive and misrepresent the true levels of diversity within a political party.<sup>29</sup> However, if ethnic categories are too broad, important trends of affiliation may not be represented. This is a particularly large concern for the purposes of this study, where statistical measures are highly reactive to the number and size of groups.<sup>30</sup> Therefore, Cheeseman and Ford (2007) only include ethnicities that are represented by 3 percent or more of the respondents within the country, reducing the effect of very small groups that may skew the data, a threshold that will be used in this analysis as well. The ethno-linguistic groups included in this study are shown on the following page in Table 4.

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<sup>28</sup> Norris, Pippa and Robert Mattes. "Does Ethnicity Determine Support for the Governing Party?" *Afrobarometer Working Paper No. 26*, Mar 2003: 8.

<sup>29</sup> Cheeseman and Ford, "Ethnicity as a Political Cleavage," 2007, 4.

<sup>30</sup> Ibid.

Enforced Ban:	<b>Nigeria</b>	Hausa	Yoruba	Igbo	Ijaw	Kanuri								
	% within Country	22.1	20.8	16.6	6.7	3.7								
	<b>Uganda</b>	Luganda	Runyan-kole	Luo	Lusoga	Rukiga	Ateso	Lugbara	Lambasaba	Alur	Rutoro	Other Eastern	Runyoro	Samia-Lugwe
	% within Country	16.8	11.4	11.3	9.3	7.5	5.8	5.5	5	4.1	3.9	3.7	3.2	3
	<b>Kenya</b>	Kikuyu	Luhya	Luo	Kalejin	Kamba	Kisii	Meru	Somali	Miji-kenda				
	% within Country	18.8	14.8	11.8	11.7	11.3	5.6	5.5	5	4.4				
	<b>Tanzania</b>	Kiswahili												
% within Country	95.5													
Unenforced Ban:	<b>Ghana</b>	Akan	Ewe	Ga	Dagbani									
	% within Country	56.2	11.2	6.7	3.7									
	<b>Namibia</b>	Ouvambo	Nama/Damara	Afrikaans	Herero	Kavango	Caprivi							
	% within Country	48.9	13.3	11.4	10.4	8	5.4							
	<b>Senegal</b>	Wolof	Pulaar	Serer	Mandinka	Diola								
	% within Country	43	26.8	13.4	5.3	4.7								
	<b>Mozambique</b>	Emakhuwa	Xichangana	Cisena	Cindau	Citshwa	Gitonga	Xirhonga	Cinyanja	Cinyungwe	Portuguse	Echuwabu		
% within Country	24.6	22.8	9.7	5	4.8	4	3.8	3.4	3.4	3.3	3.2			
No Ban:	<b>Malawi</b>	Chewa	Tumbuka	Yao	Lomwe	Mang'anja								
	% within Country	52.8	10.5	13.6	8.5	5								
	<b>Mali</b>	Bambara	Soninke	Peuhl	Dogon	Sonrhai	Malinke	Mianka	Tamasheg	Senufo				
	% within Country	37.2	10.7	9.5	8.6	6.8	6.2	5.8	4.8	3.3				
	<b>Zambia</b>	Bemba	Tonga	Lozi	Chewa	Kaonde	Nyanja	Senega	Ngoni					
	% within Country	34.6	13.2	7.8	6.1	5	4.5	3.7	3					
	<b>Zimbabwe</b>	Shona	Ndebele											
% within Country	77.4	16.6												

Source: Afro-barometer, Round 2 (2002/2003)

Nearly all countries included in the study are ethnically diverse, with the exception of Tanzania, which is not included in the ethnic polarization or diversity tests. The dominant ethno-linguistic groups in Ghana, Namibia, Malawi and Zimbabwe reach almost 50 percent, or over, of all respondents. This may indicate one dominant ethno-linguistic group in these countries, which may have interesting implications for the purposes of this research. Countries within the enforced ban category have more equality among many ethno-linguistic groups, indicating greater plurality.



*themselves in economic terms such as working class, middle class, or a farmer. Besides being [national identity], which specific group do you feel you belong to first and foremost?"* This question allows the respondent to choose their primary identity, and by doing so, indicate which is most salient to themselves and the society that surrounds them. Although this variable results in a large number of different responses, figures are reduced into two simple categories where, language, tribe, ethnic group, race, religion, gender, and marginalized group responses are included in a 'particularistic' category and all other responses are included in the 'non-particularistic' category. The full list of response categories is represented in Tables 16 and 17. The frequencies for each category can then be compared across countries and ban categories. The effect of the particularistic party bans should be the reduction of the politicization of particularistic identities and therefore, reduction in the identification of oneself by particularistic characteristics.

## **Ethnic Polarization and Ethnic Diversity**

### *Ethnic Voting*

In order to determine the level of particularistic parties in each case, I will follow previous research by Cheeseman and Ford (2007). In their study of ethnicity and political cleavages in Sub-Saharan Africa they have created two measures of ethnic voting, 'ethnic polarization' and 'ethnic diversity' which together capture the degree of interaction between ethnicity and political party affiliation. These measures stemmed from Horowitz's (1985) theoretical argument that ethnicity is an important political cleavage when a political party receives support primarily from one particular ethnic group and when the members of a particular ethnic group give virtually all support to one particular political party.<sup>31</sup>

The ethnic polarization measure is defined as "the extent to which support for a given party varies between a country's ethnic groups,"<sup>32</sup> and stems from measures that have been previously been utilized to analyze the significance of economic class in determining political party affiliation in the United States and other

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<sup>31</sup> Ibid, 7.

<sup>32</sup> Ibid.

developed democracies. By replacing categories of ‘class’ with categories of ethnic groups this measure allows for the analysis of the association between ethnicity and party affiliation.<sup>33</sup> The ethnic diversity level is defined as “the range of ethnic groups represented within any one party”<sup>34</sup> and stems from frequently used Ethno-Linguistic Fractionalization Index (ELF). It is measured by reducing ELF from the macro level (country) down to the meso (political party) level. This allows for the analysis of individual party levels of ethno-linguistic fractionalization that can be compared with the overall level of ethno-linguistic fractionalization, allowing for the analysis of each party’s ethno-linguistic uniformity or diversity.

Ethnic polarization differs from ethnic diversity quite significantly and both are necessary to create an accurate description of the significance of ethnicity to political party affiliation. For example, the National Rainbow Coalition of Kenya (NARC) is a coalition party which draws support from many ethnic groups. NARC also draws support from a vast majority of the population within these ethnic groups. This would result in high polarization and diversity scores because although supporters of NARC range in ethnicity, the members of those ethnic groups do not generally range in support for other parties. On the contrary, an ethnic group may spilt its support between two parties, while constituting the majority of support for one and only a small fraction for the other. This would result in high diversity scores and low polarization scores for the party of which the ethnic group represents only a fraction and low diversity and low polarization scores for the other. Therefore, using only one measure does not provide enough information on its own, and both are necessary to draw an appropriate conclusion on the overall salience of ethnicity as a political cleavage within a party system.<sup>35</sup>

By utilizing these measures together, Cheeseman and Ford (2007) “develop a model which illustrates how ethnic representative ruling parties are across Africa,” which is highly useful and relevant to the aims of this analysis.<sup>36</sup> Cheeseman and Ford (2007) use both measures of ethnic polarization and diversity to create a classification of parties which are determined to be ‘polarized’ and diverse, ‘polarized’ and homogeneous, ‘not

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<sup>33</sup> Ibid, 1.

<sup>34</sup> Ibid, 7.

<sup>35</sup> Ibid, 8.

<sup>36</sup> Ibid, 2.

polarized' and diverse, or 'not polarized' and homogeneous.<sup>37</sup> For the purposes of this analysis, ethnic diversity and polarization scores will not be judged within the researchers' classification system but rather the raw figures will be compared across particularistic party ban status categories.

Through their study, and the use of the measures of ethnic polarization and ethnic diversity, Cheeseman and Ford (2007) attempt to determine the ethnically representativeness of ruling parties, opposition parties, and party systems in a number of Sub-Saharan African countries. Previous research has suggested that the representation or exclusion of ethnic groups in party systems influences "regime legitimacy, trust, and ultimately political stability," all imperative issues for consolidating democracy in Sub-Saharan Africa.<sup>38</sup> Commenting on the importance of diverse representation of ethnicity in the party system, Cheeseman and Ford conclude that "other things being equal, this should help to minimize ethnic competition over spoils, prevent minority groups from becoming disaffected, and, in the long-run, reduce the salience of ethnicity as a political cleavage."<sup>39</sup> In the context of this study, however, all things are not equal. Some countries may have an advantage based on institutional engineering that allows the government to coerce political parties to be more representative, or face consequences. The consequences are also not applied equally, based on the variation in frequency and severity of enforcement.

By utilizing the same measures of ethnic diversity and polarization to determine the uniformity or diversity of political parties with varying degrees of implementation and enforcement, one should be able to determine their contribution to the benefit or detriment of developing party systems. If particularistic party bans are also contributing to their stated purpose, by institutionally engineering more representative parties, then the scores for the tests should reflect this.

### *Ethnic Polarization*

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<sup>37</sup> Ibid, 21.

<sup>38</sup> Ibid, 2.

<sup>39</sup> Ibid, 20.

As previously stated, ethnic polarization is defined as “the extent to which support for a given party varies between a country’s ethnic groups.”<sup>40</sup> However, this is a particularly hard concept to measure because support for parties on a national level and within particularistic groups can vary significantly based on party popularity. Therefore, Cheeseman and Ford (2007) have utilized a measure developed by Manza, Hout and Brookes (1995) referred to as the ‘kappa index’ which was originally developed to measure the “role of class divisions in U.S. politics.”<sup>41</sup>

The measure applies logistic regression to predict the probability of party support, with class categories as the explanatory variable, by fitting the data to a logistic curve. Each variable for party support is coded as a binary variable, where cases are defined as either supporters of a party or not. Once the coefficients from the logistic regression test have been calculated for each ethnic group within the defined party, their standard deviation is calculated from the overall mean, resulting in the ‘kappa score’ for the party. This method controls for different sizes of ethnic groups and party popularity, allowing the scores to be compared throughout time and among cases.

Cheeseman and Ford (2007) calculated the measure the same way, apart from replacing the categories of class with categories of ethnic groups. Put simply, it is calculated “by taking the standard deviation of the ethnic differences in party affiliation at a given time point, as measured by the logistic regression method.”<sup>42</sup> The researchers calculated a polarization index for each country’s “ruling party, opposition parties and overall party system.”<sup>43</sup> For the purposes of their study, each individual case was compared through time to gauge any change in ethnic group representation in the party system.

The adaptations of Cheeseman and Ford’s ‘ethnic polarization’ score for this study are minor. This analysis will produce ethnic, religious and regional polarization indices for the dominant party and opposition party or parties. The ruling party figures for each country are calculated as a categorical binomial variable, with

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<sup>40</sup> Ibid, 7.

<sup>41</sup> Hout, Micheal, Clem Brooks & Jeff Manza . “The Democratic Class Struggle in the United States,” *American Sociological Review*, Vol. 60, No. 6, Dec 1995: 905.

<sup>42</sup> Cheeseman and Ford, *Ethnicity as a Political Cleavage*, 2007: 7.

<sup>43</sup> Ibid.

cases being defined as either supporters of the party or those who support another party. The figures for opposition parties are calculated in the same way, except in the cases of Namibia and Mali, where the figure is a combination of two opposition parties.

To help generalize and interpret information, the ‘mean party score’ is calculated by taking the mean of dominant and opposition polarization scores in each country and by particularistic ban category. To aide in the interpretation of the data I also report the statistical significance, eta and eta<sup>2</sup> as measures of the analysis of variance. This method will also be used with the other explanatory variables of particularistic identities, religion and region, and concerns the data retrieved from Afrobarometer questions which directly ask for the respondent to identify their ethnic identity, religious beliefs, and regional location, as well as the question concerning party affiliation.

### *Ethnic Diversity*

Ethnic diversity is defined as “the extent to which support for a given party varies between a country’s ethnic groups.”<sup>44</sup> Cheeseman and Ford (2007) calculate this measure by modifying the ethno-linguistic fragmentation index, which commonly is measured by calculating the degree of diversity in a population. I utilize Afrobarometer data as a substitute for census data regularly used in traditional ELF indexes, only include ethnic groups with larger than 3 percent representation in the data, and calculate the index at the party level. It is important to note that the modified ELF does not measure an association between ethnicity and political party, but rather, the level of diversity which “reflects both the share of a party’s support held by one ethnic group and the number and size of smaller ethnic groups the party draws support from.”<sup>45</sup>

Cheeseman and Ford’s (2007) modified ELF index is calculated by “as one minus the Herfindahl index of ethno-linguistic group shares, and represents the probability that two randomly selected individuals belong to different ethnic groups.” Mathematically, this measure is represented by the formula below:

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<sup>44</sup> Ibid, 7.

<sup>45</sup>Ibid, 16.

$$ELF = 1 - \sum_{i=1}^n \left( \frac{n_i}{N} \right) \left( \frac{n_i - 1}{N - 1} \right)$$

where  $n_i$  represents the frequency of members of a single particularistic group and  $N$  represents the total population of the party, party system, or country population. This measure allows for a way to identify and compare the degree of uniformity or diversity of the supporters of any given political party between individual parties and between countries.<sup>46</sup> Important to the considerations of this study, the modified ELF “reflects both the share of a party’s support held by one ethnic group and the number and size of smaller ethnic groups the party draws support from.”<sup>47</sup>

Cheeseman and Ford (2007) also suggest comparing ELF scores of political parties and the party system with the ELF scores of the national population to consider the degree of diversity of individual parties relative to the fractionalization in the population.<sup>48</sup> This provides a more consistent and comparable measure of ethnic diversity between countries and “control[s] for the ethnic diversity within the wider population.”<sup>49</sup> This prevents an incorrect assumption that parties are inclusive of the population if the level of ethnic diversity is significant but still considerably less than the national population.<sup>50</sup> This measure is calculated by subtracting the individual country ELF score from the party specific ELF score. A party that is more representative of the national population is a positive figure, and a party that is less representative of the national population is a negative figure.

Following Cheeseman and Ford (2007) this analysis uses the ELF index at the party level and the overall population. This score will be calculated for those who support dominant parties, opposition parties and the fractionalization in the country overall. Mean party scores have also been calculated for each country by taking the mean of the dominant and opposition party figures. The ban category scores are calculated by taking the mean scores in each party category for the countries within the respective ban category. To measure the variables of

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid, 16.

<sup>48</sup> Ibid, 8.

<sup>49</sup> Ibid, 16.

<sup>50</sup> Ibid, 8.

religion and region, the same method will be used, replacing ethno-linguistic identities with the alternatives. The ELF difference score is also calculated in this analysis, not only for each individual party, but also between the mean party scores within each particularistic party ban category. Finally, the data is summarized through an analysis of variance between ban status categories by eta and eta<sup>2</sup>.

### **Saliency of Particularistic Identities**

Measures of ethnic polarization and diversity provide evidence for or against the ability of particularistic party bans to encourage parties to develop diverse support. However, another measure is needed to determine if particularistic party bans actually reduce the politicization of ethnicity. Policy makers and constitutional engineers justify this type of legislation by arguing that it contributes to ethnic, religious and regional harmony, and democratic stability, on the grounds that without the ability to campaign or organize around particularistic identities, the cost of particularistic appeals will be too high and politicization will decrease.

Perhaps the most direct way to measure the degree to which particularistic identities are politicized would be to measure the appeals used by political elites. However, this approach is not practical across the large number of cases being analyzed. An alternative approach is to determine the effect of particularistic appeals on the voters by measuring the degree to which voters identify themselves primarily by particularistic identities. This may be the most direct way to measure the effects of the politicization of ethnicity and will be utilized for the purposes of this study. Of course, many have shown social, historical, economic, linguistic and other contextual factors may shape the identities individuals choose.<sup>51</sup> But other things being equal party bans should reduce the saliency of ethnicity in the political realm, and thus reduce its saliency in society overall.

Eifert, Miguel and Posner (2007) demonstrate the influence of politics on self-ascribed identity. They found that for every month that passed following an election the probability that an individual would identify

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<sup>51</sup> Posner, Daniel. "Measuring Ethnic Fractionalization in Africa," *American Journal of Political Science*, Vol. 48, No. 4, Oct 2004; Bates, R. *Essays on the Political Economy of Rural Africa*. Cambridge, MA: Cambridge University Press, 1983; Reilly, *Institutions and Ethnic Politics in Africa*, 2001; Reynolds, Andrew. *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*. Oxford: Oxford University Press, 2002.

themselves in ethnic terms decreased by 2 percent when the elections were won by a small margin of victory.<sup>52</sup> In cases where the election was not close the impact on self ascribed identification is smaller or non-existent.<sup>53</sup> The authors explained this pattern as a result of “politicians mobiliz[ing] voters along ethnic lines at election time” and that the “importance that voters attach to their ethnic identities is affected by these mobilization efforts.”<sup>54</sup> This concept of analyzing the primary identity individuals choose to express in order to determine the salience of particularistic identities in the political sphere, and thus the larger society as a whole, is also utilized here.

For the purposes of this analysis, simple cross tabulations are constructed for individual countries and self identification responses (e.g. gender, ethnicity, occupation, etc). The same cross tabulation is constructed for ban status cluster and categories of self identification. The responses are then compiled into two categories where language, tribe, ethnic group, race, religion, gender, and marginalized group responses are included in a ‘particularistic’ category and all other responses are included in the ‘non-particularistic’ category. The full list of response categories is represented in Tables 16 and 17. For these calculations, a high percentage of non-particularistic identities and low percentage of particularistic identities represents low salience of ethnicity and vice versa. The effect of the particularistic party bans should be the reduction in the salience of ethnicity.

## **Limitations**

The availability of data throughout time presents a major limitation. While it would be ideal to compare data about the frequency of particularistic parties and the politicization of ethnicity before the bans were enacted, and again after they should be institutionalised, the availability of data is limited. Many particularistic party bans were implemented at the time of the ratification of a new constitution, at potentially unstable times in a country’s history, when party systems may have not been institutionalized. Therefore evaluating the effect of the ban before and after its implementation is nearly impossible.

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<sup>52</sup> Eifert, Ben, Edward Miguel, Daniel N. Posner. “Political Sources of Ethnic Identification in Africa,” *Afrobarometer Working Paper No. 89*, Dec 2007: 1.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

The complexity of identity also presents an additional limitation. Because respondents of the survey are asked to proscribe their own identity, there is a possibility of bias towards the research. If societal contexts have suppressed the ability to speak freely about ethnicity, a respondent may not be willing to respond that it is their most important identity, although it may be.<sup>55</sup> However, considerable attention by Afrobarometer researchers has been paid to controlling for the aspects of bias that can be controlled for. This combined with the number of cases and comparison between ban categories should provide for reliable results.

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<sup>55</sup> Ibid, 3.

## 4. Results and Discussion

### Ethnic, Religious and Regional Diversity

The particularistic diversity measure represents the diversity of ethnic, religious or regional groups represented within a political party.<sup>1</sup> The figures are on a scale from 0 to 1, where 0 would represent no diversity and 1 would represent total diversity. It has been calculated for dominant and opposition parties. The results of the diversity test, along with a total country diversity score and the mean party score are represented in Tables 7, 9, and 11. The diversity scores listed in Tables 8, 10, and 12 have been subtracted by the country diversity score to consider the degree of diversity of individual parties and the mean party score relative to the fractionalization in the population, controlling for the different levels of ethnic diversity across countries.<sup>2</sup> A party that is more representative of the national population is a positive figure, and a party that is less representative of the national population is a negative figure. These figures allow for comparison between individual parties and among countries.

		Country Score	Dominant Party	Opposition Parties	Mean Party Score
Enforced Ban:	<b>Nigeria</b>	0.706	0.750	0.642	0.696
	<b>Uganda</b>	0.898	0.870	0.458	0.664
	<b>Kenya</b>	0.876	0.856	0.517	0.686
	<b>Tanzania</b>	**	**	**	**
	<b>Mean</b>	0.827	0.825	0.539	0.682
Unenforced Ban:	<b>Ghana</b>	0.447	0.246	0.642	0.444
	<b>Namibia</b>	0.696	0.534	0.784	0.659
	<b>Senegal</b>	0.678	0.678	0.682	0.680
	<b>Mozambique</b>	0.827	0.822	**	0.822
	<b>Mean</b>	0.662	0.570	0.702	0.636
No Ban:	<b>Malawi</b>	0.612	0.627	0.337	0.482
	<b>Mali</b>	0.790	0.825	0.827	0.826
	<b>Zambia</b>	0.747	0.596	0.695	0.645
	<b>Zimbabwe</b>	0.291	0.193	0.328	0.261
	<b>Mean</b>	0.610	0.560	0.547	0.553

Source: Afro-barometer Round 2 (2002/2003)

<sup>1</sup> Eifert, Miguel and Posner, "Political Sources of Ethnic Identification in Africa," 2007: 3.

<sup>2</sup> Ibid, 8.

Table 8: Differences in Ethnic Diversity (by Party, by Country, and Type of Ban Status)

		Dominant Party	Opposition Parties	Mean Party Score
Enforced Ban:	Nigeria	0.043	-0.064	-0.011
	Uganda	-0.029	-0.440	-0.234
	Kenya	-0.021	-0.360	-0.190
	Tanzania	**	**	**
	Mean	-0.002	-0.288	-0.145
Unenforced Ban:	Ghana	-0.202	0.195	-0.004
	Namibia	-0.161	0.088	-0.037
	Senegal	-0.001	0.004	0.001
	Mozambique	-0.005	**	-0.005
	Mean	-0.092	0.095	0.002
No Ban:	Malawi	0.015	-0.274	-0.130
	Mali	0.034	0.037	0.035
	Zambia	-0.152	-0.053	-0.102
	Zimbabwe	-0.098	0.037	-0.030
	Mean	-0.050	-0.063	-0.057
	Eta:	0.434	0.762	0.637
	Eta <sup>2</sup> :	0.188	0.581	0.406
	Sig.:	0.434	0.048	0.124

Source: Afro-barometer Round 2 (2002/2003)

Table 9: Religious Diversity (by Party, by Country, and Type of Ban Status)

		Country Score	Dominant Party	Opposition Parties	Mean Party Score
Enforced Ban:	Nigeria	0.709	0.714	0.455	0.585
	Uganda	0.661	0.639	0.689	0.664
	Kenya	0.750	0.741	0.759	0.750
	Tanzania	0.723	0.710	0.286	0.498
	Mean	0.711	0.701	0.547	0.624
Unenforced Ban:	Ghana	0.796	0.771	0.826	0.798
	Namibia	0.547	0.529	0.557	0.543
	Senegal	**	**	**	**
	Mozambique	0.787	0.775	**	0.775
	Mean	0.710	0.692	0.691	0.692
No Ban:	Malawi	0.784	0.779	0.715	0.747
	Mali	**	**	**	**
	Zambia	0.680	0.685	0.669	0.677
	Zimbabwe	0.812	0.821	0.805	0.813
	Mean	0.759	0.762	0.730	0.746

Source: Afro-barometer Round 2 (2002/2003)

Table 10: Differences in Religious Diversity (by Party, by Country, and Type of Ban Status)

		Dominant Party	Opposition Parties	Mean Party Score
Enforced Ban:	Nigeria	0.005	-0.254	-0.125
	Uganda	-0.022	0.028	0.003
	Kenya	-0.009	0.009	0.000
	Tanzania	-0.013	-0.437	-0.225
	Mean	-0.010	-0.164	-0.087
Unenforced Ban:	Ghana	-0.025	0.030	0.002
	Namibia	-0.179	0.010	-0.085
	Senegal	**	**	**
	Mozambique	-0.012	**	-0.012
	Mean	-0.072	0.020	-0.026
No Ban:	Malawi	-0.005	-0.069	-0.037
	Mali	**	**	**
	Zambia	0.005	-0.011	-0.003
	Zimbabwe	0.009	-0.007	0.001
	Mean	0.003	-0.029	-0.013
	Eta:	0.599	0.518	0.450
	Eta <sup>2</sup> :	0.358	0.268	0.202
	Sig.:	0.212	0.392	0.454

		Country Score	Dominant Party	Opposition Parties	Mean Party Score
Enforced Ban:	<b>Nigeria</b>	0.843	0.830	0.729	0.779
	<b>Uganda</b>	0.769	0.670	0.405	0.538
	<b>Kenya</b>	0.850	0.839	0.756	0.798
	<b>Tanzania</b>	0.952	0.947	0.928	0.938
	<b>Mean</b>	0.853	0.822	0.704	0.763
Unenforced Ban:	<b>Ghana</b>	0.881	0.859	0.871	0.865
	<b>Namibia</b>	0.907	0.896	0.859	0.877
	<b>Senegal</b>	0.865	0.886	0.869	0.877
	<b>Mozambique</b>	0.910	0.908	**	0.908
	<b>Mean</b>	0.891	0.887	0.866	0.877
No Ban:	<b>Malawi</b>	0.601	0.521	0.367	0.444
	<b>Mali</b>	0.864	0.860	0.851	0.856
	<b>Zambia</b>	0.880	0.879	0.720	0.799
	<b>Zimbabwe</b>	0.878	0.865	0.863	0.864
	<b>Mean</b>	0.806	0.781	0.700	0.741

Source: Afro-barometer Round 2 (2002/2003)

		Dominant Party	Opposition Parties	Mean Party Score
Enforced Ban:	<b>Nigeria</b>	-0.013	-0.115	-0.064
	<b>Uganda</b>	-0.099	-0.364	-0.232
	<b>Kenya</b>	-0.011	-0.093	-0.052
	<b>Tanzania</b>	-0.004	-0.024	-0.014
	<b>Mean</b>	-0.032	-0.149	-0.090
Unenforced Ban:	<b>Ghana</b>	-0.022	-0.011	-0.016
	<b>Namibia</b>	-0.011	-0.048	-0.029
	<b>Senegal</b>	0.021	0.004	0.012
	<b>Mozambique</b>	-0.002	**	-0.002
	<b>Mean</b>	-0.004	-0.018	-0.011
No Ban:	<b>Malawi</b>	-0.080	-0.235	-0.157
	<b>Mali</b>	-0.004	-0.013	-0.008
	<b>Zambia</b>	-0.002	-0.161	-0.081
	<b>Zimbabwe</b>	-0.013	-0.015	-0.014
	<b>Mean</b>	-0.025	-0.106	-0.065
	<b>Eta:</b>	0.366	0.471	0.493
	<b>Eta<sup>2</sup>:</b>	0.134	0.222	0.243
	<b>Sig.:</b>	0.524	0.367	0.285

Source: Afro-barometer Round 2 (2002/2003)

To gain an overall picture of the influence of the ban on the diversity figures, analysis of variance was measured through eta and eta<sup>2</sup>. The analysis of variance tests did not indicate statistically significant differences in mean party diversity scores between countries with enforced, unenforced or no ban. However, the test did indicate a statistically significant difference between ban status categories for opposition party ethnic diversity scores. Eta<sup>2</sup> indicates that 58 percent of the variation in means can be explained through the particularistic party ban. Clearly, the bans have an influential impact on the range of ethnic groups represented within opposition parties.

The countries within the enforced ban category generally produced low opposition and high dominant party scores. The mean figures for opposition parties in the enforced ban category are the lowest in the ethnic, religious and regional tests. The opposition parties in both Uganda and Kenya produced exceptionally low ethnic diversity figures, indicating that the Uganda Peoples Congress (UPC) and the Liberal Democratic Party (LDP) of Kenya receive support from a limited number of ethnic groups. The opposition parties in Nigeria and Tanzania produced very low religious diversity scores indicating that the All Nigeria Peoples Party (ANPP) and the Civic United Front (CUF) of Tanzania are supported by a narrow range of religious groups. The Uganda Peoples Congress also produced the lowest figure for regional diversity, again indicating the particularistic nature of the party's support.

However, the dominant party diversity scores for countries with enforced particularistic party bans are more varied. Compared to the other ban categories, the mean figures for the enforced ban category are the highest for ethnic and moderate for the religious diversity tests. None of the regional diversity figures produced by the dominant parties in any ban category are exceptionally high or low. Nigeria's dominant party, the People's Democratic Party (PDP) produced exceptionally high ethnic and religious diversity figures, indicating that the party's support is represented by a wide range of particularistic groups. All other figures for the dominant parties in the enforced ban category are moderate.

The countries with unenforced particularistic party bans produced the opposite trend. The opposition parties produced some of the highest category means for the ethnic, religious and regional diversity tests, while the dominant parties produced lowest ethnic and religious means. The dominant South West Africa Peoples Organisation (SWAPO) party in Namibia and New Patriotic Party (NPP) in Ghana produced the lowest ethnic and religious diversity scores of any dominant parties in the analysis. This indicates that both parties receive support from a narrow range of ethnic and religious groups. However, the National Democratic Congress (NDC) in Ghana as well as the Congress of Democrats (COD) and Democratic Turnhalle Alliance (DTA) in Namibia produced the highest ethnic diversity scores of any opposition parties in the analysis. Ghana's COD also produced the highest

religious diversity score, while Senegal's Socialist Party (PS) and Alliance of the Forces of Progress (AFP) parties produced the highest regional scores.

Countries with no particularistic party bans produced consistently moderate figures for all diversity tests. Parties in Zambia and Malawi are the only exceptions. The dominant Movement for Multi-Party Democracy (MDC) in Zambia produced a low ethnic diversity figure while the opposition United Party for National Development (UPND) produced a low regional figure. This indicates that the major parties in Zambia have particularistic basis for support. The opposition party in Malawi, the Malawi Congress Party (MDC) produced low ethnic and regional figures, an indication that this party receives support from a small number of particularistic groups.

Overall, diversity of particularistic groups seems to be low for the opposition parties, but high for the dominant parties in countries with enforced particularistic party bans. Contrarily, in countries with unenforced bans, the diversity tests produced indicators of low levels of diversity for dominant parties and high levels in opposition parties. The statistical significance of the analysis of variance and  $\eta^2$  score for the opposition clearly confirms that enforcing a particularistic party ban has a negative effect on the diversity of opposition parties. However, this effect was not indicated for dominant parties.

The variance of scores within each ban category leaves many questions to the precise impact of particularistic party bans. Of course, every country, regardless of ban status, has a unique experience with ethnic, religious and regional groups as well as their role in the party system. The polarization and self identification tests should help paint a clearer picture as well as a discussion of the context within which the relationships between particularistic identities and political parties for each individual country.

### **Ethnic, Religious and Regional Polarization**

The particularistic polarization measure represents the variety of political party support between particularistic groups. This measure isolates the relationship between particularistic group and party affiliation

and allows it to be compared across countries and ban status. It has been calculated for dominant and opposition parties, as well as their mean. The results of the ethnic, religious and regional polarization test are represented in Tables 13, 14, and 15 respectively. These results are not scaled and range widely between 0.203 for the religious polarization of the dominant party in Nigeria and 14.057 for the religious polarization of the opposition party in Tanzania. Here, a large figure represents more particularistic group polarization in party support while a smaller figure represents less particularistic group polarization.

Table 13: Ethnic Polarization Scores (by Party, by Country, and Type of Ban Status)

		<b>Dominant Party</b>	<b>Opposition Parties</b>	<b>Mean Party Score</b>
Enforced Ban:	<b>Nigeria</b>	0.239	3.106	1.672
	<b>Uganda</b>	1.368	8.406	4.887
	<b>Kenya</b>	6.558	13.081	9.819
	<b>Tanzania</b>	**	**	**
	<b>Mean</b>	2.722	8.198	5.460
Unenforced Ban:	<b>Ghana</b>	0.982	0.788	0.885
	<b>Namibia</b>	1.541	1.417	1.479
	<b>Senegal</b>	0.228	0.414	0.321
	<b>Mozambique</b>	0.693	**	0.693
	<b>Mean</b>	0.861	0.873	0.867
No Ban:	<b>Malawi</b>	1.216	1.170	1.193
	<b>Mali</b>	1.206	0.602	0.904
	<b>Zambia</b>	0.753	7.172	3.963
	<b>Zimbabwe</b>	0.669	0.272	0.471
	<b>Mean</b>	1.058	2.981	2.020
	<b>Eta:</b>	0.481	0.727	.699
	<b>Eta<sup>2</sup>:</b>	0.231	0.529	.489
	<b>Sig.:</b>	0.350	0.072	0.068

Source: Afro-barometer Round 2 (2002/2003)

Table 14: Religious Polarization Scores (by Party, by Country, and Type of Ban Status)

		<b>Dominant Party</b>	<b>Opposition Parties</b>	<b>Mean Party Score</b>
Enforced Ban:	<b>Nigeria</b>	0.203	1.013	0.608
	<b>Uganda</b>	0.756	1.014	0.885
	<b>Kenya</b>	0.206	0.230	0.218
	<b>Tanzania</b>	7.712	14.057	10.885
	<b>Mean</b>	2.219	4.078	3.149
Unenforced Ban:	<b>Ghana</b>	0.452	0.422	0.437
	<b>Namibia</b>	0.576	0.610	0.593
	<b>Senegal</b>	**	**	**
	<b>Mozambique</b>	0.736	**	0.736
	<b>Mean</b>	0.588	0.516	0.552
No Ban:	<b>Malawi</b>	0.948	1.319	1.133
	<b>Mali</b>	**	**	**
	<b>Zambia</b>	0.451	0.541	0.496
	<b>Zimbabwe</b>	1.024	0.641	0.832
	<b>Mean</b>	0.808	0.833	0.821
	<b>Eta:</b>	0.349	0.400	.390
	<b>Eta<sup>2</sup>:</b>	0.122	0.160	.152
	<b>Sig.:</b>	0.635	0.593	0.561

Source: Afro-barometer Round 2 (2002/2003)

		<b>Dominant Party</b>	<b>Opposition Parties</b>	<b>Mean Party Score</b>
Enforced Ban:	<b>Nigeria</b>	1.017	2.356	1.687
	<b>Uganda</b>	2.983	3.346	3.164
	<b>Kenya</b>	0.487	1.158	0.823
	<b>Tanzania</b>	3.994	1.876	2.935
	<b>Mean</b>	2.120	2.184	2.152
Unenforced Bar	<b>Ghana</b>	0.895	0.943	0.919
	<b>Namibia</b>	1.303	1.465	1.384
	<b>Senegal</b>	0.437	0.638	0.538
	<b>Mozambique</b>	1.442	**	1.442
	<b>Mean</b>	1.019	1.015	1.017
No Ban:	<b>Malawi</b>	2.178	1.144	1.661
	<b>Mali</b>	1.082	0.836	0.959
	<b>Zambia</b>	0.749	6.922	3.835
	<b>Zimbabwe</b>	1.391	6.627	4.009
	<b>Mean</b>	1.350	3.882	2.616
	<b>Eta:</b>	0.453	0.536	.556
	<b>Eta<sup>2</sup>:</b>	0.205	0.287	.309
	<b>Sig.:</b>	0.355	0.259	0.189

Source: Afro-barometer Round 2 (2002/2003)

Some generalizations about the overall effect of the ban can be made through utilizing the analysis of variance by eta and eta<sup>2</sup>. There was no indication of significant differences in mean party diversity scores between counties with enforced, unenforced or no ban in the religious or regional tests. However, there is strong statistical significance between ban status categories for the mean party scores in ethnic diversity. Eta<sup>2</sup> indicates that 49 percent of the variation in means can be explained through the particularistic party ban. This score was most likely influenced by the opposition party scores, which also showed statistical significance and an eta<sup>2</sup> of 53 percent. Again, the figures indicate that the bans have an influential impact on the range of opposition party support between ethnic groups.

Both dominant and opposition parties within the countries which have enforced particularistic party bans generally produced high figures for ethnic, religious and regional polarization tests. Both Kenyan parties included in the analysis, KANU and the LDP, produced the highest scores of all countries for ethnic polarization. This indicates that ethnic groups in Kenya tend to vote in blocs. However, both Kenyan parties produced relatively low

religious polarization figures, indicating that religious groups are more fluid in party affiliation. Uganda's opposition party, the UPC produced very high figures for both ethnic and religious polarization. The UPC and dominant Ugandan party, the NRM, also produced high regional polarization scores. Overall Ugandan parties have produced some of the strongest indicators of particularistic politics.

The dominant and opposition parties of Tanzania produced exceptionally high religious polarization figures, indicating that religious identities and political party affiliation have a strong relationship in Tanzania. The dominant Chama Cha Mapinduzi (CCM) party also produced fairly high regional polarization scores indicating that support for the ruling party is concentrated in one region. Nigeria's ANPP opposition party produced a high religious figure. This is consistent with the low religious diversity score produced by the same party. Taken together, the figures indicate supporters of the ANPP tend to be of a limited number of religious groups, and the vast majority of the party's support stems from these groups. However, the dominant PDP in Nigeria received low polarization scores, again indicating that this party draws support from a wide range of ethnic groups. With the exception of this party, polarization scores were exceptionally high in countries with enforced bans.

Conversely, countries with unenforced particularistic party bans generally produced the lowest polarization scores. Senegal produced some of the lowest polarization figures of any country in the analysis, indicating that support for the PS, AFP and the Senegalese Democratic Party (PDS) is distributed fairly evenly across particularistic groups. Namibian parties were the only exception to the low scores, producing slightly higher figures for the ethnic polarization test, however, the scores were not extreme.

As with the diversity test, countries with no particularistic party ban produced moderate figures for all polarization tests. Zimbabwe produced mixed results, both dominant and opposition parties produced low ethnic figures. However, the dominant party Zimbabwe African National Union – Patriotic Front (ZANU-PF) produced a high religious figure and the opposition party, Movement for Democratic Change (MDC) produced an extremely high regional polarization figure. The Malawian opposition, MCP produced high religious figures and

the dominant party, United Democratic Front (UDF) produced high regional polarization figures. The opposition parties in Mali, Rally for Mali (RPM/ IBK) and the Citizens' Party for Revival (Citoyen) produced high ethnic polarization scores. Finally, the UNPD in Zambia produced the highest regional polarization figure of any country. While overall the countries without particularistic party bans produced relatively moderate means, there is a wide range of polarization scores within the group. This once again illustrates the specific nature of each country's party system and the importance of national experiences.

The eta and eta<sup>2</sup> results were significant in the opposition party scores for both ethnic polarization and diversity tests. An analysis of the individual country opposition party scores seems to indicate an effect in the same direction. The salience of particularistic identities in opposition party affiliation seems to be exacerbated by enforced bans. Opposition parties in the enforced ban category receive support from a small number of ethnic groups and most of the support comes from these specific groups. In general, countries in the enforced ban category produced the highest polarization figures and countries in the unenforced ban category produced the lowest. It is unclear if the unenforced bans are simply more effective, or if the natural tendency in the countries which have not felt a need to enforce the ban are more conducive to non particularistic politics. Nevertheless, there seems to be a clear advantage to not enforcing the bans. As with the diversity tests, countries without any ban produced fairly moderate figures in the polarization tests as well. That said, there were exceptions to the generally high scores in the enforced and low scores in the unenforced ban categories. There is clearly more influencing the salience of particularistic identities in political party support than the legislation itself.

### **Salience of Particularistic Identities**

The salience of particularistic identities test measures the politicization of ethnicity by considering the degree to which voters identify themselves primarily by particularistic identities. Policy makers and constitutional engineers justify particularistic party bans by arguing that the legislation reduces the ability to campaign or organize around particularistic identities. The cost of particularistic appeals becomes too high and politicization will decrease. If this is indeed the case, then the percentage of individuals identifying themselves with

particularistic identities should be lower in countries with particularistic party bans and especially in those which are enforced.

The results of this analysis are represented by country in Table 16 and by ban category in Table 17. The percentage of individuals choosing a non-particularistic identity is indeed the highest in the enforced ban category (61.6 percent). However, the category of countries with particularistic party bans which are not enforced have the lowest percentage of respondents who choose non-particularistic identities (37.3 percent). The percentage of respondents choosing a non-particularistic identity fell in the middle for the category of countries without a ban (55.4 percent).

Among all respondents in the analysis, the most popular expression of self-identification was by occupation, a non-particularistic identity. However, the figures were not even across all categories. Occupation was indeed the most popular form of self identification for respondents in countries with an enforced ban and countries with no ban (36 percent and 33.1 percent respectively). Yet for the respondents in the unenforced particularistic party ban category, occupation represented only 18.9 percent of reported self-identities. Instead, language, tribe or ethnicity, a particularistic identity, was most popular in this category, with 28.9 percent of

	Enforced Ban	Non-Enforced Ban	No Ban
<b>Can't Explain</b>	0.3	0.4	1.1
<b>Language/Tribe/Ethnic Group</b>	24.2	28.9	17.6
<b>Race</b>	0.1	2.4	2.6
<b>Region</b>	0.4	0.8	0.5
<b>Religion</b>	10.2	22	18.5
<b>Occupation</b>	36.4	18.9	30.9
<b>Class</b>	4.6	4.4	13.4
<b>Gender</b>	3.6	8.9	5.1
<b>Individual/personal</b>	0.1	0.3	0.8
<b>National Identity</b>	15.5	9.4	5.9
<b>Traditional leader</b>	0.2	0.2	0.1
<b>Age-related</b>	0.5	0.5	0.2
<b>African/Pan African</b>	0.2	0.6	0.1
<b>Family/Relationship-Based</b>	1.1	0.8	0.3
<b>Marginalized Group</b>	0.2	0.1	0
<b>Don't Know</b>	2.7	1.8	2.6
<b>Total Particularistic</b>	38.7	63.1	44.3
<b>Total Non-Particularistic</b>	61.6	37.3	55.4

Source: Afro-barometer Round 2 (2002/2003)

Table 17: Self-Identification by Country (%)

	Enforced Ban				Unenforced Ban				No Ban			
	Nigeria	Uganda	Kenya	Tanzania	Ghana	Namibia	Senegal	Mozambique	Malawi	Mali	Zambia	Zimbabwe
Can't Explain	0	0.2	0.5	0.5	1.2	0	0.3	0	0	0	0	4.4
Language/Tribe/Ethnic Group	48.1	18.5	13.5	16.5	38.1	18.7	32.2	26.4	14	36	12.1	8.4
Race	0.4	0	0.1	0	0.5	5.7	0.8	2.4	5.8	0.3	0.4	3.8
Region	0.4	0.1	0.1	1	1.1	0.7	0.6	0.7	0.2	0.5	0.6	0.8
Religion	19	8.2	6.5	7	33	3.4	45.4	6.3	8.1	23.7	22.2	19.9
Occupation	16.5	53.6	39.2	36.4	19.1	16.7	12.4	27.3	37.9	32.5	36.3	16.8
Class	4	6.4	5.7	2.1	1.8	7.3	5.6	2.7	20.4	3	17.9	12.3
Gender	3.2	6.5	2.1	2.4	2.9	29.6	1.4	1.8	3.9	2.8	1.9	11.7
Individual/personal	0.1	0	0	0.1	0.3	0.7	0.1	0	0.4	0	0.8	2.1
National Identity	4.7	4.4	28.2	24.8	0.8	10	0.9	25.8	7.4	0.5	0.4	15.4
Traditional leader	0.1	0	0.3	0.2	0	0	0.1	0.6	0.3	0.1	0	0.0
Age-related	0	0.8	0.8	0.2	0	0.8	0	1	0	0.2	0.6	0.0
African/Pan African	0.1	0.1	0.5	0.2	0	1	0.1	1.1	0	0.1	0	0.2
Family/Relationship-Based	2	0.7	1.3	0.4	0	3.2	0	0	0	0	0	1.1
Marginalized Group	0.2	0.2	0.1	0.1	0	0.5	0	0	0	0	0	0.0
Don't Know	1.2	0.2	1.1	8.1	1.1	1.9	0.3	3.8	1.6	0.2	6.6	2.0
Total Particularistic	71.3	33.5	22.4	27.0	75.6	58.6	80.4	37.6	32	63.3	37.2	44.6
Total Non-Particularistic	28.7	66.4	77.6	73.0	24.3	41.6	19.8	62.3	68	36.6	62.6	54.3

Source: Afro-barometer Round 2 (2002/2003)

respondents identifying this element as their primary identity. The same identification category was the second most popular response in countries with an enforced ban and countries without a ban, at 24.2 and 17.6 percent respectively.

Overall, religious identities were also a very popular category for self-identification. This was most popular in countries with particularistic party bans which have not been enforced, where 22 percent of respondents in this category identified themselves this way. Among the countries themselves, the percentage of respondents choosing religious identities varied widely, as high as 44.8 percent in Senegal to as low as 3.4 percent in Namibia.

Countries with enforced particularistic party bans have the lowest percentage of respondents who identified themselves with particularistic identities. While 61.6 percent of respondents choose non-particularistic identities, a significantly smaller portion of the population, 38.7 percent, choose particularistic identities in this ban category. This suggests the bans have indeed influenced a reduction of appeals to particularistic identities, reducing the politicization of these identities and thereby reducing the importance of particularistic identities for many members of the community. However, Nigeria is an important exception in this cluster. More than 71 percent of Nigerians choose particularistic identities. This figure is highly influenced by the 48 percent of

respondents in the country who choose to identify themselves by ethnicity, language, or tribe, the highest figure among all countries in the analysis. This indicates that despite an enforced ban, Nigerians still primarily identify themselves ethnic terms.

Countries with particularistic party bans which have not been enforced are represented by figures which indicate a much higher level of the politicization of particularistic identities than in countries without a ban at all. This trend indicates that unenforced particularistic party bans have little or no effect on reducing the politicization of these identities. Once again, those countries without a ban received fairly moderate scores. However, the high percentage of respondents choosing a non-particularistic identity most likely indicates the lack of importance of particularistic identities in these countries, and not a reduction effect due to the lack of a party ban.

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## 5. National Experiences with Particularistic Party Bans

We have now begun to determine a few trends through the examination of the statistical analysis utilized in this study. However, the inconsistency of the figures both within and between the categories must be explained by factors that cannot be adequately represented through numbers alone. In reality, each country has had its own experience with particularistic identities and multi party democracy. In kind, the phrasing, focus, and enforcement of particularistic party bans are highly individual to the country. These details have an enormous effect on the effectiveness of the ban and will now be examined in greater detail. This chapter will focus on the larger context of particularistic party bans in each country. It will examine the salience of different particularistic identities, the details of particularistic party legislation, and national programs aimed at reducing or inflaming the salience of ethnicity.

### Countries with Enforced Particularistic Party Bans

#### *Uganda*

Since Uganda's independence, attempts to engineer the party system away from ethnic divisions have been extensively utilized. As early as 1969, under the leadership of President Milton Obote, opposition parties have been suspended because of their "traditional symbols."<sup>1</sup> Restricting the development of multi-party politics has been a common feature in Uganda. The quest for national unity has often provided elites with a viable argument to exercise strict regulations. The democratic history of the country is saturated with rhetoric and legislation that has emphasized the danger of ethnic fractionalization.

Directly after Uganda's current President, Yoweri Museveni and his National Resistance Army (Movement) party came to power in 1986, all opposition political party activity was severely restricted by Legal

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<sup>1</sup> Onoria, Henry. "The Role of State in Regulating Political Parties: The Legal and Societal Framework for the Formation and Operation of Political Parties in Uganda," Paper presented at the Regional Conference on Political Parties and Democratisation in East Africa, Aug 2009: 3.

Notice No. 1.<sup>2</sup> This legislation was the first step towards Museveni's 'movement' system, an alternative to multi party democracy which Museveni claimed was the basis for "violence and sectarianism of Uganda's politics."<sup>3</sup> The movement system was highly restrictive towards political opposition, but also included programs which focused on creating a national identity for both elites and the public.

Under Museveni, the government promoted the notion that all candidates in the movement system were representatives of every Ugandan and candidates would be elected "based on their personal merit" rather than ethnic, regional, religious or other party affiliation.<sup>4</sup> Although the number of official parties participating in elections was reduced to one, political activity was promulgated by both Museveni and his opposition. Museveni attempted to create support for the movement by establishing councils on both the national and local level to encourage grassroots involvement.<sup>5</sup> Those who opposed Museveni's system had few political and civil rights, and were often met with violence when they publically expressed their dissatisfaction with the current system.<sup>6</sup> This was coupled with "a deliberate campaign by some pro-government activists to castigate parties as devilish" by "portray[ing] them as factionalist, divisive, and narrow based."<sup>7</sup> These intense public appeals for national unity attempting to persuade Ugandans were also solidified into law.

The movement system was solidified in the 1995 Constitution of Uganda and was in effect at the time of the data collection for this analysis. As a result of a public referendum, politics returned to a competitive multiparty democracy for national elections in 2005.<sup>8</sup> Although restrictions on political activity have significantly liberalized since then, the aspects of the particularistic party bans embodied in the Constitution and Political

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<sup>2</sup> The Legal Notice No. 1 of 1986 claimed that political parties were not banned, however, "the law barred parties from holding delegates' conferences, opening party branches, sponsoring candidates, recruiting of membership and displaying of party colours," obviously the results was the effective banishment of all opposition parties. (Makara, Sabiti. "The Challenge of Building Strong Political Parties for Democratic Governance in Uganda: Does multiparty politics have a future?" *Les Cahiers d'Afrique de l'Est*, No. 4, 2009: 62).

<sup>3</sup> Human Rights Watch. *State of Pain: Torture in Uganda*. 28 Mar. 2004. Web. 28 Sept. 2009.  
<<http://www.hrw.org/en/node/12159/section/1>>: Section 6.

<sup>4</sup> Ibid

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Makara, *The Challenge of Building Strong Political Parties for Democratic Governance in Uganda*, 2009: 45.

<sup>8</sup> Ibid, 62.

Organizations Act of Uganda are the same today as they were in 2003. Article 71 of the 1995 Constitution of Uganda, requires that:

(a) every political party shall have a national character; (b) membership of a political party shall not be based on sex, ethnicity, religion or other sectional division; (c) the internal organisation of a political party shall conform to the democratic principles enshrined in this Constitution; (d) members of the national organs of a political party shall be regularly elected from citizens of Uganda in conformity with the provisions of paragraphs (a) and (b) of this article and with due consideration for gender.<sup>9</sup>

These constitutional requirements are supported by the 2002 Political Organizations Act which serves as a legal guide for the registration of political parties. The Act repeats that political parties may not be based on “sex, race, colour, or ethnic origin, tribe, birth, creed, religion or other similar division” in Section 5(a).<sup>10</sup> In kind, the Act requires that the founding principles, programs and membership of parties are of national character and also provide a legislative framework for enforcing this principle.<sup>11</sup> A party is considered to meet national character standards if its membership includes “at least fifty representatives from each of at least one-third of all the districts of Uganda.”<sup>12</sup> In sections 18 and 19 of the Act, parties are also prohibited from conducting political activity such as rallies, campaigns or establishing offices outside of the capital. The Supreme Court ruled against these restrictions on activity in 2003 in an attempt to allow grassroots mobilization, however, political officials such as the Attorney General and district officials have continued to prohibit such political activity, making it unlikely that this court decision has had much impact on the data included in this analysis.<sup>13</sup>

In legislative and enforcement capacities, the Ugandan particularistic party ban is unique in its severity. Within the typology of particularistic party bans, the Ugandan case regulates the formation of particularistic parties to the fullest extent. The legal form of the ban is included in both the constitution and a subsequent piece of legislation which provides provisions for the enforcement of the ban. The proscribed facets of the ban not only restrict registration but also political activity and mobilization. The social aspect of the ban specifically identifies

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<sup>9</sup> Uganda Constitution, Article 71.

<sup>10</sup> Onoria, “The Role of State in Regulating Political Parties,” 2009: 7.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> *Country Reports on Human Rights Practices: Uganda*. United States Department of State. Bureau of Democracy, Human Rights, and Labor.

“race, colour, or ethnic origin, tribe, birth, creed, religion” as well as any other “similar division” as illegal basis for party membership and program.<sup>14</sup>

Although the legal aspects of the ban are virtually all encompassing, the severity of enforcement makes the Ugandan particularistic party ban even more unique. The Uganda Islamic Revolutionary Party was refused registration by President Museveni in 1993 for being “founded on secretarial grounds”, and is the only party which can definitively determined to be banned under the legislation.<sup>15</sup> However, enforcement of this ban went beyond scope of a single party in reality. Political parties who opposed the government were often met with violent repression.<sup>16</sup> Although they legally existed by name, their operation was completely restricted by Uganda’s constitution and the argument made by elites that contended any operation of dissenting political views would destroy the nation through particularistic divides. Through this logic, no opposition parties could legally operate without being particularistic in nature. Of course, the true motivation behind this repression was the desire of the Movement government to retain power, however, this was legitimized through a particularistic party ban on all opposition. The existence of an opposition party deemed it particularistic by nature. The government regularly referred to any opposition as “sectarian, divisive, and at odds with national unity.”<sup>17</sup>

The statistical results presented in the Chapter 4 suggest that Uganda’s repressive policies, argued to reduce particularistic fractionalization in the party system, have had little success in doing so. Uganda produced some of the most extreme correlations between ethnic and regional identities and party support. The results suggest that the Movement system was more effective in marginalizing weaker regions and ethnic groups than creating a national party that represented every Ugandan. This is illustrated by the extremely low ethnic and regional diversity figures and high ethnic and regional polarization figures for the opposition, Uganda Peoples Congress (UPC), an excluded political party at the time of data collection in 2002/2003. Without the ability to

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<sup>14</sup> Onoria, “The Role of State in Regulating Political Parties,” 2009: 7.

<sup>15</sup> Bogaards, “Ethnic Party Bans in Africa,” 2008: 11 and Beacher and Basedau, “*Promoting Peace and Democracy through Party Regulation?*” 16.

<sup>16</sup> Human Rights Watch, *Hostile to Democracy The Movement System and Political Repression in Uganda*. 1 Oct. 1999, Web. 28 Sept. 2009. <http://www.unhcr.org/refworld/docid/45dad0c02.html>

<sup>17</sup> Ibid.

effectively express dissenting views within the NRM, those with alternative interests may have found it more effective to organize along ethnic and regional ties for organizational support, despite the inability for these organizations to be effective as a traditional political party.

Uganda's high diversity and polarization scores are contrasted by the relatively high numbers of Ugandans who chose to identify themselves by non-particularistic identity in the salience of particularistic identity analysis. Over 66.4 percent of respondents chose non-particularistic identities, the majority of which (53 percent) were occupational. This is compared to only 33.5 percent of respondents referring to themselves by particularistic identity. This suggests that Uganda's concentration on national character, or perhaps more importantly, the inability for politicians to make particularistic appeals, seems to have reduced the politicization of particularistic identities as it is reflected in self identification tests. Uganda's obsession with the psychological aspects of particularistic party ban has been strongly represented in the results of this analysis. However, the repressive and exclusive policy of the Movement system, whose speech is nationalist, but policy is not, has alienated some particularistic groups, as shown in the diversity and polarization figures. This contradictory policy is reflected in the contradictory results.

### *Kenya*

Like Uganda, Kenya also experienced much of its post colonial life as a *de jure* one party state. President Daniel arap Moi of Kenya, like President Museveni in Uganda, justified the movement to a one party state by reference to the assured political instability caused by an ethnically based multi party system. In 1982, President Moi introduced a constitution which legally defined Kenya as a one party state, governed by the Kenya African National Union (KANU).<sup>18</sup> The one party system was often met with violent resistance and international pressure, and after nearly twenty years, the Kenyan parliament was compelled to repeal the sections of the constitution concerning the one party system.<sup>19</sup>

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<sup>18</sup> US Department of State, "Background Note: Kenya," 2009.

<sup>19</sup> Shillington, Kevin. *Encyclopedia of African History: Volume 1 A-G*. New York: Taylor and Francis Group, 2005: 1209

However, Kenyans who had previously been marginalized by the one party state had few existing avenues for organizing and mobilizing support apart from ethnic and regional ties. Divisions between these newly legalized political organizations allowed KANU to stay in power through two multiparty elections in 1992 and 1997.<sup>20</sup> However, following the 1997 elections KANU was forced to engage in a coalition with some minor parties to secure a majority in the legislature.<sup>21</sup> The 2002 elections prompted an alternative coalition of opposition parties which formed the National Rainbow Coalition (NARC) and coalesced enough support to receive a majority in the legislature and control of the presidency.<sup>22</sup>

While coalitions have become characteristic of the Kenyan multi party system, this has not eliminated appeals towards particularistic groups in political campaigning. In fact, the “open use of tribal solidarity arguments” has been prevalent in mobilization campaigns since the return to the multiparty system in 1991.<sup>23</sup> This trend was promulgated by KANU who was accused of “incit[ing] ethnic clashes” before elections in order to cause conflict within opposition coalitions.<sup>24</sup> However this would be a violation of particularistic party bans based in the legislation of many countries in Sub-Saharan Africa, particularistic appeals did not fall in direct violation of the constitution or electoral law in Kenya.

In fact, there is no a particularistic party ban included in any Kenyan legislation, as would qualify in the typology of bans utilized in this analysis. Although, a particularistic party ban in principle has been enforced to refuse the registration of parties.<sup>25</sup> This has been accomplished through the loose interpretation of the constitutions “secular principle” and legalized through the Societies Act (1997) which requires political parties to register through the Registrar of Societies.<sup>26</sup> Sections 11(1) and 11(2) of the Act allow the Registrar to refuse registration or ban associations if:

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<sup>20</sup> US Department of State, “Background Note: Kenya,” 2009.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Posner, Daniel. *Institutions and Ethnic Politics in Africa*, Cambridge, MA: Cambridge University Press, 2005: 268

<sup>24</sup> Ibid, 269.

<sup>25</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008: 13

<sup>26</sup> United States Department of State, “Kenya Human Rights and Practices 1993,” 31 Jan 1994. (accessed 29 Sep

(a) "he has reasonable cause to believe" that the society has among its objects, or is likely to pursue or to be used for, any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare or good order in Kenya, or that the interests of peace, welfare of good order in Kenya would otherwise be likely to suffer prejudice by reason of the registration of the society; or (b) the Minister has, under paragraph (ii) of the proviso to section 4 (i) of this Act, declared it to be a society dangerous to the good government of the Republic; or (c) the terms of the constitution or the rules of the society are in any respect repugnant to or inconsistent with any law

The Attorney General had cited this legislation in defense of his refusal to register 'sectarian parties,' maintaining that that they would "contradict the spirit of the law."<sup>27</sup>

The social basis of the particularistic party ban, although not explicit is "any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare or good order in Kenya," a principle that would be difficult to effectively and consistently identify. The proscribed facets of the ban are also difficult to identify, but it seems party membership and program are concerns of the Electoral Commission when reviewing registration materials.

Identifying the enforcement of the particularistic party ban in Kenya is also difficult, as the legal justifications given for the refusal of political party registration is often unclear. While many parties are referenced as being banned under the Societies Act, the only clear instance of a ban based on the particularistic nature of a party was the Government's refusal to register Islamic Party of Kenya (IPK) based on its violation of the "secular principle" of the Constitution.<sup>28</sup> Many researchers cite additional parties which have been denied registration since the reintroduction of multi party politics in Kenya in 1991, however, the legal justifications for their denials are unclear and cannot be strictly determined to be a result of the particularistic nature of the party, or another interpretation of the legislation.<sup>29</sup>

The foundations of a particularistic party ban are weak in Kenya. The Societies Act does not explicitly state the illegality of a party based on race, ethnicity, religion, region, sex, etc. The justifications given for

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2009) <[http://dosfan.lib.uic.edu/ERC/democracy/1993\\_hrp\\_report/93hrp\\_report\\_africa/Kenya.html](http://dosfan.lib.uic.edu/ERC/democracy/1993_hrp_report/93hrp_report_africa/Kenya.html)>.

<sup>27</sup> Ibid.

<sup>28</sup>Throup, David. and Charles Hornsby. *Multiparty Politics in Kenya*. Athens: Ohio University Press,1998: 243; Bogaards, "Ethnic Party Bans in Africa," 2008; US Department of State, "*Kenya Human Rights and Practices*," 2003; and Becher and Basedau, "Promoting Peace and Democracy through Party Regulation?" 2008.

<sup>29</sup> Bogaards, "Ethnic Party Bans in Africa," 2008: 11.

banning or refusing the registration of political parties are usually the general ‘spirit’ or ‘principle’ of the ‘secular principle’ of the constitution and the requirement that parties not be “prejudicial to or incompatible with peace, welfare or good order in Kenya,” in Section 11 of the Societies Act. It is also generally accepted that the bans were beneficial to the incumbent KANU party “as they hindered the political organization of the two major ethnic groups as political parties.”<sup>30</sup> Clearly the particularistic party ban in Kenya is not entirely consistent or legitimate. Under these conditions, one might expect that the ban yield not entirely consistent results. This is indeed the case.

While the key results of the diversity and polarization tests presented in Chapter 4 do not provide a clear relationship between particularistic identities and party affiliation in Kenya, a few important trends do occur. In order to be competitive on the national scale political parties in Kenya have generally found it necessary to build coalitions. This is reflected by generally moderate, but not especially high, diversity scores which suggest fairly diverse particularistic group representation within the parties. This is with the exception of the very low Liberal Democratic Party (LDP) ethnic diversity score, indicating that this party receives the majority of its support from one ethnic group.

The results from the religious and regional polarization test indicate a low correlation between particularistic identities and political party support. However, ethnic polarization test scores for both dominant and opposition parties were the most significant of any country. These results indicate that ethnicity still plays a key role in determining party support. Although many ethnic groups may support one coalition party, party support does not vary significantly within ethnic groups. A particularistic party ban which is not defined or consistently implemented has not seemed to thwart ethnic appeals or particularistic politics.

The results of the self-identification test further compound the inconsistency of results for Kenya. The facets of the particularistic party ban in Kenya are unclear. There is no direct reference in the legislation to particularistic appeals and this type of campaigning is regularly cited in the literature, especially near elections. However, the results of the salience of particularistic identities analysis for Kenya are low. Over 77.6 percent of

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<sup>30</sup> Ibid, 10.

Kenyan respondents choose to identify themselves with non-particularistic identities, the highest percentage of any case included in the analysis. These results may be attributed to the large coalitions which have come to dominate the Kenyan party system, however, the true motivations behind these results are not clear.

### *Tanzania*

Contemporary Tanzania was created by the 1964 Act of Union between the newly independent colonies of Tanganyika and Zanzibar.<sup>31</sup> From 1965 to 1995, the new united Tanzania was a constitutional one-party state under the control of the Chama Cha Mapinduzi (CCM) party, a union of liberation leader Julius Nyerere's Tanganyika African National Union (TANU) and the Zanzibar Afro-Shirazi Party.<sup>32</sup> The regional separation between the Zanzibar islands and the mainland is one of the most significant particularistic cleavages within the union.<sup>33</sup> However, other particularistic cleavages, namely religious, greatly impact the politics and party system in Tanzania.

Tanzania has traditionally been a peaceful nation. The country has had "no civil wars, no military coups, no state-collapse, no warlords, neither ethnic nor religious, neither political nor social clashes" since independence.<sup>34</sup> Only recently have some religious cleavages come into violent conflict.<sup>35</sup> These conflicts have not become destabilizing cleavages in national politics and appeals towards these identities do not dominate the political atmosphere. The legislative framework concerning political parties in Tanzania, as well as a number of social programs implemented since independence have attempted to reduce the salience of particularistic identities.

Nyerere's seemingly genuine determination to eliminate particularistic politics was influential in the movement towards a peaceful and conciliatory democracy in Tanzania. Although strictly a one-party state,

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<sup>31</sup> Karume, Shumbana. *Dilemmas of Political Transition: Towards Institutionalization of Multiparty Democracy in Tanzania*. no. EISA Research Report No 7. Johannesburg: EISA, 2004:1.

<sup>32</sup> Ahluwalia, Pal, and Abebe Zegeye. "Multiparty Democracy in Tanzania: Crises in the Union." *African Security Review* 10.3 (2001).

<sup>33</sup> Ibid.

<sup>34</sup> Hirscheler, Kurt. *Tanzania in Transition ? Violent Conflicts as a result of political and economic reform*. University of Hamburg, 2004.:

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<sup>35</sup> Ibid.

Nyerere's politics, heavily influenced by socialist values, was inclusive of all groups in the social, political and economic reforms of post-independence.<sup>36</sup> This desire was personally illustrated by Nyerere, a devout Christian, in his appointment of Ali Hassan Mwinyi, a Muslim, as his successor.<sup>37</sup> Nyerere's policies were not a fleeting sentiment but actually demanded in the leadership of the party throughout his administration.

Adherence to principles of non particularistic politics was ensured through illegalizing private campaigning, such as for Parliamentary seats, both in terms of funding and time.<sup>38</sup> For instance, Parliamentary candidates "used public resources for the campaign which they employed jointly...they travelled in one car, addressed the same audience one after the other and took questions one after the other," making it difficult for aspiring politicians to make particularistic appeals.<sup>39</sup> In addition to the tight restrictions of new leadership the CCM also sought to eliminate traditional leadership in order to build support for the nation rather than to allegiances with particularistic groups.<sup>40</sup>

Nyerere's most influential policy was *ujamma*, a Swahili word meaning 'family' or 'familyhood' used to describe Nyerere's "'African socialism' in which traditional African collectivism would combine with a state-led economy to produce development."<sup>41</sup> Socially this idea encouraged Tanzanians to view each other as common community members and as a source of assistance. Although Nyerere and the *ujamma* system did little to progress multi-party politics in Tanzania and was eventually realized to be an economic failure, the program did largely succeed in its goal of nation building.<sup>42</sup>

As Nyerere retired in 1985, declaring *ujamma* to be an economic failure, power was peacefully bestowed to his successor, Mwinyi, who engaged in the transition to multiparty politics. Many were concerned that the advent of multiparty politics in Tanzania would incite ethnic, religious, or regional cleavages which had been

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<sup>36</sup> Ibid, 3-4.

<sup>37</sup> Amani Millanga. "Nyerere, the Devout Catholic." *Julius Kambarage Nyerere: Life, Times, Legacy*. London: FIRST, 2009: 62.

<sup>38</sup> Nyalulke, David. "Ethnicity and Political Competition in Tanzania." *Proc. of ECPR Graduate Conference*, Barcelona.: 10-11.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid, 3-4.

<sup>41</sup> Democracy Coalition Project, "Tanzania," 2.

<sup>42</sup> Karume, "Dilemmas Of Political Transition," 2004: 49

suppressed through national programs and one-party dominance. While it is unclear how much parties in Tanzania rely on particularistic identities in determining party support, there has not been a significant increase in conflict between ethnic, regional or religious groups. This of course, is with the exception of violent protests in Zanzibar after the extraordinarily close 2000 elections<sup>43</sup>. It seems that post-independence policies, which deliberately strayed away from violent particularistic cleavages and heavily concentrated on nation building, have continued to influence the national ethos.

The non-particularistic policies during the Nyerere era have attempted to be continued through the legislation of in the Political Parties Act No 5 of 1992 which prohibits parties to mobilize along particularistic identities. This Act was constructed and passed through Parliament, allowing for a multiparty system following the CCM repeal of the single-party clause in Tanzania's Constitution in February of 1992.<sup>44</sup> The Political Parties Act is complete and specific concerning the aspects included in the typology of particularistic party bans. The legal form of the ban is well documented in Section 7 which outlines the duties of political parties concerning the Registrar of Political Parties:

(2) every political party formed in any part of the United Republic, shall apply to the Registrar in the prescribed manner to be registered as a political party.

(3) No organization shall operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

The Act also provides the Registrar with the procedure for registering parties in Section 8 which explains a process of provisional and full registration. If the Registrar determines that potential political parties meet the conditions for provisional registration outlined in Section 9 and listed below, the party is given "one hundred and eight days from the date of provisional registration [to] apply to the Registrar for full registration."<sup>45</sup> The condition for provisional registration concerning the particularistic nature of the parties is that "its membership is

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<sup>43</sup> Human Rights Watch. "'The Bullets Were Raining': The January 2001 Attack on Peaceful Demonstrators in Zanzibar." 22 Apr. 2002.

<sup>44</sup> Ahluwalia and Zegeye, "Multiparty Democracy in Tanzania," 2001.

<sup>45</sup> Tanzania Political Parties Act No 5 of 1992, Section 8.

voluntary and open to all the citizens of the United Republic without discrimination on account of gender, religious belief, race, tribe, ethnic origin, profession or occupation.”<sup>46</sup>

Section 9 also prohibits provisional registration to political parties if the party:

by its constitution or policy a) aims to advocate or further the interests of (i) any religious belief or group; (ii) any tribal, ethnic or racial group; or (iii) only a specific area within any part of the United Republic; b) it advocates the breaking up of the union constituting the United Republic...d) it advocates or aims to carry on its political activities exclusively in one part of the United Republic

If a party is provisionally registered, it must meet the requirements for full registration within 180 days which include:

b) it has obtained not less than two hundred members who are qualified to be registered as voters for the purpose of parliamentary elections from each of at least ten Regions of the United Republic out of which at least two Regions are in Tanzania Zanzibar being one Region each from Zanzibar and Pemba;

These sections clearly define the proscribed facets of the ban which considers the “aims,” “political activities,” and “membership” of the party.<sup>47</sup> Sections 19 and 20 of the Act provide the Registrar additional power to register or “cancel the registration of any political party which has contravened any of the provisions” if the “Minister has agreed to such cancellation.”<sup>48</sup>

The requirements of the ban and the responsibilities of the Registrar for its enforcement are clearly defined in the legislation. The Registrar of Political Parties has applied the principles to the Act to refuse registration or deregister parties on many occasions, although not always consistently. The Political Parties Act concerns many facets of parties in Tanzania, not all of them regarding the particularistic nature of the party. As reports of registration refusal and deregistration are not always detailed, it is often difficult to determine when a party has been banned based on its particularistic nature and when it has failed to meet some other requirement of the Act. For instance, Chachage (2004) argues that “by 1994, 43 parties applied for provisional registration but

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<sup>46</sup> Ibid, Section 9.

<sup>47</sup> Bogaards, “Electoral Systems, Party Systems, and Ethnicity in Africa,” 2008:8-9.

<sup>48</sup> Section 19, 2. ‘Minister’ is defined as the Minister for the time being responsible for matters relating to political parties.

only 13 managed to get full registration.”<sup>49</sup> Similar numbers have been estimated by other research, but the details of the registration refusal are virtually unknown.<sup>50</sup>

However, there are some clearly documented cases where parties in Tanzania have not been fully registered, or have been deregistered, on account of the particularistic party ban. For instance, the highly prominent Democratic Party, which has been active since the start of multiparty politics in Tanzania, was not registered until 2002 due to its encouragement of “dissolution of the Union Government of Tanzania” and “the separation of the islands of Zanzibar and Pemba from mainland Tanganyika” as well as its failure to “present the requisite number of party members from Zanzibar as required by law”<sup>51</sup> During the party’s long period without registration, leadership was routinely detained and attempts for public rallies were dissipated by police.<sup>52</sup> The Tanzania’s Peoples Congress (TPC) and SOFT party were granted provisional registration in 2004 but “failed to provide proof that they had 200 members in at least 10 of Tanzania’s regions, including Zanzibar and Pemba” resulting in the parties refusal of full registration.<sup>53</sup>

Tanzania’s particularistic party ban and the Registrar of Political Parties have lost some credibility in the inconsistent and sometimes unexplained application of the Political Parties Act. For instance, former Registrar of Political Parties, George Liundi admitted that “all 13 political parties in the country have committed serious political mistakes in one way or another over the last seven years, warranting their removal from the register.”<sup>54</sup> These ‘mistakes,’ or legal infringements, included:

the receipt of assistance in some form from sources outside the country; failure of all parties, including the ruling Chama Cha Mapinduzi (CCM) to submit to the Registrar biannual reports disclosing the sources of their funds and the amount and reason for receiving the funds; failure to conduct periodic meetings and elections in accordance with their constitutions; and the practice of small parties

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<sup>49</sup> Chachage, paper presented by the author to EISA workshop on party financing, 2004. qtd in Shayo, Rose. *Parties and Political Development in Tanzania*. no. EISA Research Report No 24. Johannesburg: EISA, 2005.

<sup>50</sup> For example: Whitehead, Richard. *The Institutionalisation of the Tanzanian Opposition Parties: How Stable are they?* Bergen: Chr. Michelsen Institute, 2003: 25.

<sup>51</sup> United States Bureau of Citizenship and Immigration Services, “Tanzania,” 1998.

<sup>52</sup> Ibid.

<sup>53</sup> Kalley, Jackie, Khabele Matlosa, and Denis Kadima. *Election Update 2005: Tanzania*. EISA, 2005.

<sup>54</sup> Rutinwa, Bonaventure. *Freedom of Association and Assembly: Unions, NGOs and Political Freedom in Sub Saharan Africa*. London: Lancaster House, 2001: 39-40.

maintaining party offices in their residences in obscure areas, contrary to the requirement that parties should have offices located in clearly defined geographical areas.<sup>55</sup>

Liundi concluded that he could not deregister all major parties because of the obvious destabilizing effect it would have. Liundi also announced the suspension on the full registration of some provisionally registered parties in 2005 in order to accommodate for new amendments to the law.<sup>56</sup> However, many accused the government of attempting to control the “mushrooming of shaky political parties,” an action not warranted to the registrar under any electoral legislation.<sup>57</sup> Clearly the enforcement of party bans in Tanzania has been unequally enforced.

Despite the strong incentives for parties to mobilize by alternative means than particularistic cleavages there are indications that these identities may be a substantial source of party support. Whitehead (2000) has observed that “religion has been evoked in varying level, particularly evident during political campaigns.”<sup>58</sup> He notes that in some Christian dominated regions voters were “encouraged” to vote for the NCCR-Mageuzi candidate, rather than the Muslim candidate of the CCM party.<sup>59</sup> Conversely, the CUF opposition party has clearly made appeals to Muslims and is largely supported by Muslim dominated Zanzibar.<sup>60</sup> However, it is uncertain to what degree of CUF’s support is due to religious affiliations, rather than the party’s popularity on the island which happens to be 98 percent Muslim.<sup>61</sup>

Previous research has also identified regional strongholds of the political parties in Tanzania. For example, “over 65 percent of the UDP’s support in the 1995 parliamentary elections originated in Shinyanga and Mwanza [regions].”<sup>62</sup> This is also illustrated by support for the CUF, 30 percent of which was located on the Pemba region of Zanzibar during the 1995 parliamentary elections, accounting for less than two percent of total voters.<sup>63</sup> However, this trend is not clearly a result of regional or ethnic appeals which are not characteristic of Tanzanian campaigns. One explanation may lie in the allegiance of mass support to the origin of party

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<sup>55</sup> "All Political Parties Deserve De-Registration, Says Liundi?." *The Sunday Observer (T)* 9 Jan. 2000.

<sup>56</sup> "Registration of Political Parties Suspended." *The East African* [Nairobi] 11 Apr. 2009.

<sup>57</sup> Ibid.

<sup>58</sup> Whitehead, “The Institutionalisation of the Tanzanian Opposition Parties,” 2003: 10.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid, 11.

<sup>63</sup> Ibid.

leadership.<sup>64</sup> Perhaps the best illustrations of this trend lies in leadership defection, such as Mrema's defection from the NCCR-Mageuzi to the TLP or Cheyo's defection from UMD to UDP and the coinciding in voter defection from one party to another.<sup>65</sup> Here parties which have been accused of "lacking well-defined ideologies and platforms" may rely more on "charisma or quid pro quo transactions" than promoting regional interests specifically.<sup>66</sup>

The results of nearly every diversity and polarization test presented in Chapter 4 strongly support the previous research which cites both religion and region as important sources of party affiliation. Unfortunately, by utilizing linguistic identification as an indicator of ethnic diversity, ethnic diversity and polarization tests are unable to be calculated due to the use of Kiswahili as the primary language of nearly 95 percent of Tanzania's population.<sup>67</sup> The religious diversity score produced by the dominant party was fairly average, indicating that religious groups are well represented in the CCM party. However, this score was exceptionally low for the CUF party, which reflects the significant level of support from Muslims versus other religious groups. Both religious and regional polarization scores were high, indicating that these particularistic groups tend to vote in blocs for one party or another.

The results of the salience of particularistic identities analysis are consistent with the lack of particularistic rhetoric in Tanzanian politics. Exactly 73 percent of Tanzania's choose a non-particularistic self identification compared to only 27 percent who choose to identify themselves by a particularistic characteristic. Over 36 percent of Tanzanians identify themselves through their occupation and almost 25 percent simply identify themselves as 'Tanzanian.' It is evident that particularistic identities do not dominate the political appeals and speech in Tanzania.

Although particularistic appeals are not commonly or consistently used in appeals for party support, which could risk deregistration by the strict requirements of the Political Parties Act, parties in Tanzania still

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<sup>64</sup> Ibid.

<sup>65</sup> Ibid, 12.

<sup>66</sup> Ibid.

<sup>67</sup> United States Bureau of Democracy, Human Rights and Labor, "Tanzania," 2007.

show clear signs of a particularistic nature. Nyerere's ambitious attempts to strike particularistic divides from Tanzanian politics, and the subsequent legislation, has been somewhat successful in reducing rhetoric surrounding such identities. This most certainly has been a contributing factor in the relative internal stability of Tanzania. However, the inconsistent application of the Political Parties Act, especially the leniency for stronger parties, may have weakened the influence of the particularistic party ban.

### *Nigeria*

At least since the Second Republic, Nigeria has placed an emphasis on soothing particularistic cleavages through engineering the constitution. This concentration on 'federal character' and power sharing among the many cultural groups is still prominent in current legislation. Political parties are subject to registration by the INEC, which has often denied party registration because their support was regional. The INEC's operation is in direct adherence to constitutional and electoral law placing great emphasis on the country's particularistic party ban and its regular enforcement.

Nigeria has been described as a deeply divided society which includes ethnic, regional and religious cleavages. Although nearly one third of the population is composed of hundreds of "ethnic minorities" research commonly cites three ethnic and religious groups, "the Muslim Hausa-Fulani in the North, the predominately Christian Igbo in the East, and the religiously bicomunal Yoruba in the West."<sup>68</sup> Democratic consolidation in Nigeria has taken a turbulent path, with six constitutions, four republics, and eleven changes in administration in forty years.<sup>69</sup> Still, political and ethnic violence remains an obstacle to the validity of elections and legitimacy of the government.<sup>70</sup>

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<sup>68</sup> Suberu, Rotimi T. *Federalism and Ethnic Conflict in Nigeria*. Washington: United States Institute of Peace. 2001: 3.

<sup>69</sup> Suberu, Rotimi T. and Larry Diamond. "Institutional Design, Ethnic Conflict Management, and Democracy in Nigeria." in *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy*. Ed. Andrew Reynolds. Oxford: Oxford University Press. (2001): 400.

<sup>70</sup> Bureau of Democracy, Human Rights, and Labor. "Nigeria," in Country Reports on Human Rights Practices 2003. US Department of State. 25 Feb 2004 (accessed on 23 Aug 2009) <<http://www.state.gov/g/drl/rls/hrrpt/2003/27743.htm>>: 37.

Yet, since the inception of democracy in Nigeria, the leadership has retained an emphasis on building federal character and deemphasising sources of ethnic conflict. This has occurred throughout the constitution and subsequent legislation and is generally referenced as the “federal character.” The constitution defines this as “involving ‘the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty, and give every citizen of Nigeria a sense of belonging to the nation.’” Its expression has been in “constitutional modalities for promoting equitable interethnic integration and representation in Nigeria.”<sup>71</sup> This has included Constitutional law which calls for all agencies and levels of government to “reflect the diverse character of the country.”<sup>72</sup> However, the fulfilment of this principle, or lack thereof, has been the source of conflict in the political arena.<sup>73</sup>

Nigeria’s ‘federal character’ has influenced the operation of political parties since at least 1979.<sup>74</sup> Following the relatively free operation of political parties in the First Republic, the military regime of the Second Republic required that political parties register with a new state election management body before they would be eligible to participate in elections.<sup>75</sup> This new institution and “the guidelines for the formation and registration of political parties” that accompanied it were in direct response to the political parties of the First Republic which were accused of being “ethnic pressure groups whose activities divided the country.”<sup>76</sup> Formation and registration guidelines in the Second Republic included “registering the names of officials, open membership, non-sectarian names and logos, situating the party headquarters in the federal capital and establishing party branches in at least two thirds of Nigeria’s states.” This legislation is also highly remnant to law governing the composition and operation of parties in the constitution of the Third Republic which enforced the “nationalness” of parties by membership and organization “at all levels” by requiring detailed documentation of each party member (name,

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<sup>71</sup> Suberu, *Federalism and Ethnic Conflict in Nigeria*, 2001: 112.

<sup>72</sup> Bureau of Democracy, Human Rights, and Labor. “2008 Human Rights Report: Nigeria,” 2008.

<sup>73</sup> Suberu, *Federalism and Ethnic Conflict in Nigeria*, 2001: 111.

<sup>74</sup> Centre for Democracy and Development, *Nigeria Country Report based on Research and Dialogue with Political Parties*, International Institute for Democracy and Electoral Assistance, 2006: 6.

<sup>75</sup> Ibid

<sup>76</sup> Ibid.

address, passports photographs, etc).<sup>77</sup> However, political parties in Nigeria have been disbanded, had their operation halted or their registration refused on occasion for reasons outside of the federal character requirements.<sup>78</sup>

Currently, in Nigeria's Fourth Republic, both the Constitution and Electoral Acts contain legislation which fit within the typology of particularistic party bans outlined by Bogaards (2008). The 1999 Constitution outlines the operation, registration, and financial regulations for political parties in Chapter 2, Part D, Sections 221-229.<sup>79</sup> These rules and regulations for political parties are highly remnant of those in the 1979 Constitution. Among others, the Constitution states that political parties must have open membership to all Nigerians "irrespective of their place of origin, circumstance of birth, sex, religion or ethnic grouping," the name or symbol of the association may not "contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to only a part of the national territory."<sup>80</sup> Under the Constitution parties must also have membership in at least two-thirds of Nigeria's states.<sup>81</sup>

However, the constitution is not the only legislation which directly addresses political parties and particularistic politics. Part V of the Electoral Act of 2006 and Section 97 of the Electoral Act of 2002 also address particularistic parties. Section 82 of the 2006 Act and Section 72 of the 2002 Act both reinforce guidelines for the symbols of political parties restricting any ethnic, tribal or religious connotations.<sup>82</sup> In Section 97 (1) of the Electoral Act of 2006 the legislation focuses on public speech and states that "no political campaign or slogan shall be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings."<sup>83</sup> Similarly, Section 86 (1) of the Electoral Act of 2002 declares that "no political campaign or slogan shall be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or

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<sup>77</sup> Osaghae, *Crippled Giant: Nigeria since Independence*, London: C. Hurst & Co. Publishers. 1998: 217.

<sup>78</sup> For instance, the halting of all political activity after the death of military leader in 1998 when the activities of three existing political parties were suspended with no reference to any legislation concerning particularistic identities.

<sup>79</sup> Centre for Democracy and Development, *Nigeria Country Report based on Research and Dialogue with Political Parties*, 2006: 6.-7.

<sup>80</sup> Ibid.

<sup>81</sup> Bureau of Democracy, Human Rights, and Labor. "2008 Human Rights Report: Nigeria," 2008: Section 3.

<sup>82</sup> Nigeria Electoral Act 2006 (Part V) and Electoral Act 2002

<sup>83</sup> Nigeria Electoral Act 2006 (Part V)

sectional feelings.”<sup>84</sup> The few pieces of legislation highlighted here shows a clear emphasis in Nigerian electoral law to ensuring that parties are not particularistic in nature.

Although legislation which proclaims parties shall not engage in particularistic politics is common in Sub-Saharan Africa, most constitutions and electoral law does not expand from the subjective guidelines for coalitions of particularistic groups. However, Nigeria’s electoral law provides one of the few examples of directly enforceable legislation on particularistic parties in section 105 of the Electoral Act of 2006:

Any candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional bias for the purpose of promoting or opposing a particular political party or the election of a particular candidate, is guilty of an offence under this Act and on conviction shall be liable to a maximum fine of N100,000 or imprisonment for twelve months or to both. (105)

The Electoral Act of 2002, Section 82 (in conjunction with Section 93) presents another clear example of the ability for particularistic party ban enforcement, as it outlines the process under which political parties receive government grants, which are allotted only when the party receives a “minimum of 10 per cent of the total votes cast in the local government elections in at least two-thirds of the States of the Federation.”<sup>85</sup> Beyond these financial penalties, the registration of political parties is subject to the scrutiny of the electoral regulating body, the INEC which has not been shy in refusing registration for political parties.

The legislation outlined thus far clearly fits within the typology of particularistic party bans used in this study. This typology concerns the legal form of the bans, requiring that particularistic party bans to be deemed as such be embodied in the country’s legal system.<sup>86</sup> In the case of Nigeria, particularistic party bans are clearly found throughout the constitution and subsequent Electoral Acts. The typology also concerns the “proscribed facets” of the bans, concerning what exactly the bans target.<sup>87</sup> In Nigeria, the various pieces of legislation concern party programs, symbols, organization and support. Finally, the typology includes the identification of the social

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<sup>84</sup>Nigeria Electoral Act of 2002

<sup>85</sup> Nigeria Electoral Act 2002.

<sup>86</sup> Bogaards, “Ethnic Party Bans in Africa,” 2008:8-9.

<sup>87</sup> Ibid.

cleavage addressed.<sup>88</sup> In Nigeria, legislation consistently cites religious, ethnic, tribal and sectional particularistic identities as those that parties must not use as a basis for organization. The particularistic party bans of Nigeria clearly fit within Bogaard's (2008) typology, in a very complete nature.

Since the launch of democracy in Nigeria political parties have been banned, or had their activity otherwise halted, based on a variety of motivations under the legality of numerous pieces of legislation, or none at all. Although laws that could be deemed particularistic party bans have been on the books and used as a means to control the number and composition of political parties since the second republic, it is nearly impossible, and academically irresponsible to include all instances of banned parties or registration refusal as a result of the bans. The relevant legislation has been significantly altered throughout three republics and constitutions, making the inclusion of instances of the enforcement of the ban since the second republic invalid for this analysis. In order to use consistent basis for measurement to determine cases where parties were banned truly as a result of the particularistic party ban, it is only responsible to begin the analysis with the Fourth Republic.

On July 20, 1998 political activity resumed after months of its prohibition due to the death of the military head of state.<sup>89</sup> Consequently, previously dissolved political parties and nearly 50 new organizations sought to be registered by the INEC and legitimized in the political system.<sup>90</sup> However, of the 29 parties which collected the required information and applied for registration in time, only nine met the INEC specifications and were provisionally approved.<sup>91</sup> Of the nine, only three were eventually granted registration and were able to compete in state and federal elections.<sup>92</sup> The INEC reported that the 6 parties which were provisionally approved but eventually denied registration failed to meet the required 10 percent of the vote in 24 of the 36 Nigerian states in local elections held a month prior.<sup>93</sup> It was widely accepted that the result of the procedures taken by the INEC, under the operation of constitutional requirements and electoral law was to "prevent parties with narrow regional

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<sup>88</sup> Ibid.

<sup>89</sup> Momoh and Thovoethin, "An Overview of the 1998-1999 Democratisation Process in Nigeria," *Development Policy Management Network Bulletin*, Vol 13. 2001: 3

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Bureau of Democracy, Human Rights, and Labor. "1998 Human Rights Report: Nigeria," Section 2.b.

or ethnic bases from competing in state and federal elections, while allowing them to compete in local elections.”<sup>94</sup> In both intention and practice, Nigeria attempted to shape the support for political parties in a multi-ethnic fashion, through particularistic party bans.

In June 2002, the following election season ushered in the applications for the registration of newly created or previously denied registration parties.<sup>95</sup> The INEC again only granted registration to 3 parties, doubling the number since the previous national election, yet denying more than 20 others.<sup>96</sup> Again the INEC referred to the constitutional guideline which requires parties to exhibit the national character.<sup>97</sup>

However, it is highly interesting and relevant to note that the following November those parties that were refused registration took their case to the Supreme Court, arguing that the INEC’s conditions for the national character were too constraining and won.<sup>98</sup> The court struck down requirements for federal character that were used by the INEC but not directly mandated by the constitution, such as requiring party offices in two thirds of Nigerian states and submitting the names and addresses of party officers and candidates, standards that had been lifted from electoral law under previous constitutions.<sup>99</sup> Following this ruling, the next month the INEC registered 24 additional parties previously refused, however, many speculate that their registration was too late to “have a substantial effect on the outcome” of the 2003 elections.<sup>100</sup> After this Supreme Court ruling there has been an influx of political parties registering for elections in Nigeria. While the effects this decision came too late to have had an impact on the analysis in this study, a time series analysis on the effect of more liberal party registration standards may be valuable for future studies.

Although the motives of refusing the registration of parties without national character throughout Nigeria’s political history may not be totally innocent in the name of liberalism, Nigeria’s particularistic party ban

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<sup>94</sup> Ibid.

<sup>95</sup> Bureau of Democracy, Human Rights, and Labor. “Country Reports on Human Rights Practices – 2002,” US Department of State. 2003: 13.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Rotberg, Robert I. *Crafting the New Nigeria: Confronting the Challenges*. Boulder & London: Lynne Rienner Publishers. 2004: 179.

<sup>100</sup> Ibid.

and its enforcement seems to be the best example of this type of legislation that was generally enforced on legitimate grounds, with clear standards and the cooperation of an independent electoral commission. Nigerian politics has also had a clear history of regional, religious and ethnic cleavages complicating the democratic process since its independence. If the true effects of an enforced particularistic party ban on a divided society were to be represented in any case, Nigeria may provide the best indicators.

The diversity and polarization figures for Nigeria indicate few strong relationships between particularistic identity and party support. This trend is especially strong in reference to the dominant party, the PDP, which is represented by some of the highest diversity and lowest polarization scores among all countries included in the analysis. The suggestions drawn from the polarization and diversity tests were not reflected by salience of particularistic identities analysis. Seventy one percent of Nigerians choose to identify themselves by particularistic identity, by far the highest percentage in the enforced ban category. Forty eight percent specifically identified themselves by ethnicity, language, or tribe, the highest percentage of any country included in the analysis. Clearly, the facets of the particularistic party ban in Nigeria have not influenced a reduction in the salience of ethnicity.

This may come as no surprise, considering the methods in which the Nigerian government has utilized to thwart party system divided by particularistic identities. The enforcement of the particularistic party ban in Nigeria occurs after parties have made appeals to constituents and have acquired enough support to send registration applications to the INEC. Parties are simply refused the required registration to compete in national elections. Although public discourse may promote nationalist identities and particularistic group harmony these appeals have rarely been supported by legislation. Likewise, it is not discourse or appeals that render a political party 'particularistic' with the INEC, but rather number and proportions that reflect a sufficient amount of national character. Contrary to Uganda, the Nigerian ban has been more successful in building parties which are not based on particularistic identity, but the salience of particularistic identities is still significant. This may be a result of the procedural, and not psychological, focus of the ban.

## Countries with Unenforced Particularistic Party Bans

### *Ghana*

Ghana has had a long history of legislation and other programs which have been aimed at reducing divisive politics among particularistic groups. The country went through a period of one party rule during the First Republic, justified by a turbulent clash of ethnicities following the country's independence in 1956. In the name of preventing escalating regional and ethnic conflicts, the new CCP government led by Nkrumah had two goals, "the elimination of sectarian or sectional tendencies which militate against the unity of security of the Ghanaian state; and the elimination of the structural basis of the tendency toward national fragmentation."<sup>101</sup> This was legalized through the Avoidance of Discrimination Act of 1957 which prohibited "racial, tribal, regional as well as religious and political organization and propaganda" and was emphasized through Nkrumah's public speeches and discourse on nationalism.<sup>102</sup>

The subsequent constitutions and electoral legislation in Ghana have reflected "an abiding desire to contain fissiparous tendencies and foster national unity in a multi-ethnic and socio-economically unequal nation" since Nkrumah's efforts in the 1950s.<sup>103</sup> A new Constitution in 1969 and again in 1979 liberalized political activities and approved the operation of a multi party system. However, the constitutions also retained specific legislation regarding ethnic divisions in the party system.<sup>104</sup> Similar provisions in the 1992 Constitution serve as the primary basis for the current particularistic party ban in Ghana. Chapter 7, Article 55 (4) of the 1992 Constitution requires that:

- (a) every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions
- (b) the party has branches in all the regions of Ghana and is, in addition, organised in not less than two thirds of the districts of each region; and
- (c) the parties

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<sup>101</sup> Botwe-Asamoah, *Kwame Nkrumah's Politico-Cultural Thought and Policies: An African-Centered Paradigm for the Second Phase of the Africa Revolution*. New York: Routledge, 2005: 123-124.

<sup>102</sup> Ibid.

<sup>103</sup> Asante and Gyimah-Boadi, "Ethnic Structure, Inequality and Governance of the Public Sector in Ghana," *UNRISD Project on Ethnic Structure, Inequality and Governance of the Public Sector*, 2004: 102.

<sup>104</sup> Ibid 102-103.

name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotations or gives the appearance that its activities are confined only to a part of Ghana.

These provisions are supported by the Political Parties Act (574) of 2000 which provides the guidelines for political party registration. These include similar, although a bit more specific requirements as outlined in the constitution, which include the declaration that:

No political party shall be formed (a) on ethnic, gender, religious, regional, professional or other sectional divisions, or (b) which uses words, slogans or symbols which could arouse ethnic, gender, regional, professional or other sectional divisions. 3(1)

where political parties are considered to be such if “its membership or leadership is restricted to members of any particular community, region, ethnic group, gender, religious faith or profession, or if its structure and mode of operation are not national in character.”<sup>105</sup> Although the Act provides the framework for the electoral commission to refuse the registration of a political party based on the failure to meet the criteria in Section 3(1) it is interesting to note that this section address the legal ‘foundation’ of parties and not the criteria for registration. Article 15 (3) addresses the operation of political parties and requires “political parties to establish or maintain a national office or a regional office in every region in the country.”<sup>106</sup>

In the context of the particularistic party ban typology utilized throughout the analysis, the legal, social and facets of the Ghanaian case are clear and well defined. The legal aspects of the ban are embodied in both the constitution and electoral law of the country and the legal enforcement of the ban is given to the electoral commission. The social aspects of the ban are widespread and include “ethnic, gender, religious, regional, professional or other, sectional divisions.”<sup>107</sup> The proscribed facets of the ban are also well defined and widespread, including requirements for the guidelines of the foundation, leadership, membership, program and organization of political parties. These are seen to be mandatory requirements of parties, with clear requirements and procedure for enforcement, yet the electoral commission has never done so.

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<sup>105</sup> Ghana Political Parties Act (574) of 2000.

<sup>106</sup> Asante and Gyimah-Boadi, “Ethnic Structure, Inequality and Governance of the Public Sector in Ghana,” 2004: 104-105.

<sup>107</sup> Ghana Constitution of 1992, Chapter 7, Article 55 (4).

Many researchers praise the Ghanaian multiparty system as successful, in part through party compliance with the requirements of the country's particularistic party ban.<sup>108</sup> However, the results of this analysis are not so definite. The figures for the NPP (New Patriotic Party) produced some of the lowest ethnic and religious diversity scores. This indicates that the NPP receives its support from only a few particularistic groups. On the contrary, the figures representing support for the opposition NDC party showed weak indications of a correlation with particularistic identities. These conflicting results do not enable a clear conclusion on the effectiveness of the ban in Ghana.

The results of the salience of particularistic identities analysis suggest that the relevance of these identities is strong. More than 74 percent of respondents in Ghana choose particularistic identities, with 37.4 percent choosing an ethnic identity and 32.4 percent identifying religiously. Obviously particularistic identities are important to Ghanaians, yet this has not spilled over to widespread political instability or electoral violence in recent history. Despite the high percentage of particularistic self identification these generally kept outside the public arena for national party competition. However, researchers have documented their reappearance in political appeals in some more local debates and competitions, which may account for a slight correlation with party politics.<sup>109</sup>

### *Namibia*

The Namibian party system has been stable since the country's independence in 1990. The result of every free and fair election has been the continued dominance of the South West African People's Association (SWAPO), without serious electoral disputes, violence or the assistance of electoral engineering. Namibia's democracy is generally considered to do well on "policy, governance, and economic performance."<sup>110</sup> However,

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<sup>108</sup> Ninsin, "Political Parties and Political Participation in Ghana," *Konrad Adenauer Foundation*: 14; Asante and Gyimah-Boadi, "Ethnic Structure, Inequality and Governance of the Public Sector in Ghana," 2004.

<sup>109</sup> Ninsin, "Political Parties and Political Participation in Ghana," 9.

<sup>110</sup> Lindeke, "The End of One-Party Dominance in Namibia? Re-spacing Political Parties, State and Society," paper prepared for delivery at the 3rd European Conference on African Studies, Leipzig, Germany, June 4-7 2009.

the democracy has never experienced a peaceful transition of power, and critics find it hard to differentiate between some government and party institutions.

As a part of the program for the country's independence SWAPO attempted to alleviate particularistic identity ties. This was a partly a result of the particularistic nature of the party itself, who, indicative to its former name, the "Ovombo People's Organisation," gained the majority of its support from Oshivambo speakers, the ethno-linguistic majority group in Namibia.<sup>111</sup> In addition to Namibian independence, SWAPO made public their goal for "the unification of all Namibian people" which was "opposed to any form of tribalism."<sup>112</sup> Following independence, SWAPO developed "an awareness of a unitary, national character, in favour of the emancipation of the territory."<sup>113</sup> This rhetoric embedded itself in the Constitution and continues to be prominent in Namibian politics.

The particularistic party ban in Namibia may be seen as primarily rhetoric. The legislation is vague and there is virtually no procedure for determining which parties violate the ban or how enforcement would occur in the case that a party did. The legal dimension of the Namibian case are included within the Electoral Act of 1992, section 39(1) which requires that parties are "not prejudicial to safety of the state, to public welfare or to good order [and] party membership is open to all regardless of sex, race, colour, ethnicity, religion or social or economic status."<sup>114</sup> Section 41 of the Act also mentions that "a party's registration may be cancelled if... The party conducts its activities in a way that discriminates on the basis of race, colour or ethnicity" by the Electoral Commission of Namibia.<sup>115</sup> These passages concern both party membership and program as the facets of the ban.

Although SWAPO and the Namibian Constitution advocate nationalism, the relevance of particularistic identities in political parties and society is still important. SWAPO receives significant support from Oshivambo

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<sup>111</sup> Düsing, Sandra. *Traditional Leadership and Democracy in Sub-Saharan Africa: A Comparative Study of Botswana, Namibia and South Africa*. Munster: Lit Verlag, 2002: 124

<sup>112</sup> Ibid.

<sup>113</sup> Barbosa 1981: 70 qtd in Castro, Josue Tomasini. "What is Your Nation? Nationalist Itineraries in Namibian History," *Vibrant*, Vol.5, No. 2, 216.

<sup>114</sup> Namibia Electoral Act 1992, 39(1)(a).

<sup>115</sup> Ibid.

speakers in the Northern regions of the country. This affiliation between the ethnic group and the dominant party are represented in the diversity scores of the analysis. However the results are not extreme. The opposition party does not show indicators of association with particularistic identities. It is clear that particularistic identities play a significant role in the Namibian party system, however, this role is not extremely pronounced or divisive.

The test of the salience of particularistic identities indicates that these identities are important to the general population. Those who primarily identified with particularistic identities comprised of 58.6 percent of Namibian respondents and non-particularistic identities only 41.6 percent. Namibia's particularistic party ban has never challenged the particularistic nature of a party or the particularistic appeals, therefore, one would not expect it to effect the self-identification scores. While an effect from the broader nationalist rhetoric promoted by SWAPO might be expected, the message may not have permeated past the support base, and minority groups may still find their particularistic identities most important.

While particularistic identities are important in Namibia, which may be expected considering an unenforced particularistic party ban and the lack of a strong nationalist program, their coexistence has not erupted into major political conflicts. This is most likely a result of the dominant ethnic/regional group, which is so proportionately large that this natural particularistic division makes particularistic appeals less useful in the overall party system. Without restricting the political freedoms of Namibian citizens, this natural characteristic reduces the salience of ethnicity in the party system, while retaining the importance of these identities in society.

### *Senegal*

Senegal is a bit of an anomaly in the study of Sub-Saharan African party systems. There is a wide diversity of ethno-linguistic groups and regional identities, however, political divisions between them are fairly accommodative. The vast majority of Senegalese are also Muslim, an important unifying identity in the country. Despite multiple levels of particularistic divisions, the country has experienced relatively few spouts of political

violence since the implementation of Senegal's second democratic constitution in 1963.<sup>116</sup> Since its independence, Senegal has experienced two peaceful transitions of power, albeit not always democratically, and increased levels of participation and democratic consolidation.<sup>117</sup>

There have been few social programs, constitutional or electoral engineering focused on promoting nationalism or cooperation between particularistic groups. Like Namibia, the particularistic party ban in Senegal seems to be quick lip service to the desire for political parties which are not divisive in nature. Title 1, Article 4 of Senegal's 2001 Constitution outlines the ideological requirements of political parties:

Political parties and coalitions of political parties shall contribute to the expression of suffrage. They shall be required to respect the Constitution and thus the principles of national sovereignty and democracy. They are prevented from identifying themselves by race, ethnicity, sex, religion, sect, language or region.

This is the only place where reference to a particular ban is made throughout all legislation governing political parties. The legal aspect of this legislation, in the typology of particularistic party bans, is weak and not well defined. The Constitution gives no guidelines for determining what exactly constitutes a party which is identified by the proscribed social facets, "race, ethnicity, sex, religion, sect, language or region." Somewhat unique to the otherwise completeness of the Code Électoral of Senegal, the Acts under the code make no mention of particularistic parties.

However, under Article 111 the Code does require that some information, such as information on party logo, leadership, etc. is reviewed by the CENA before parties are added to the official roster. Article 10 gives the organization the power to "take the appropriate actions" when parties are in "non-compliance with laws and regulations relating to elections or referenda by an administrative authority." While the power to enforce a particularistic party ban is clearly held by the CENA, the lack of clarity in the legislation regarding the proscribed facets of the ban render the prospects for any actual implementation difficult. Under the Constitution, parties are only prohibited from 'identifying' with particularistic identities, a hard requirement to determine compliance.

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<sup>116</sup> Bureau of African Affairs. "Background Note: Senegal," US Department of State. Sep. 2009 (accessed on 29 Sep 2009) <<http://www.state.gov/r/pa/ei/bgn/2862.htm>>.

<sup>117</sup> Ibid.

An examination of the particularistic party ban in Senegal shows that there is not much concentration put on attempts to orient the party system away from particularistic identities, yet, the system enjoys this with relatively little effort. This is less a result of how the legislation is constructed and carried out and more about the existing civil divisions in Senegal. “Ethnically transcendent” Muslim brotherhoods, some of the most important religious institutions in Senegal, “are ‘embedded’ in local neo-traditions in a way which transcends historic ethnic and religious communities, providing an institutionalized, experiential basis for the idea of national citizenship and cross-cultural tolerance, identification and trust.”<sup>118</sup> Similar to the Namibian experience, where the stable dominance of Ovambo ethnic group forces the party system to find alternative divisions to particularistic identities, cross cutting religious identities in Senegal render ethnic and regional division less clear and therefore less attractive for politicization.<sup>119</sup>

Despite never enforcing the particularistic party ban, or paying much mind to it at all, the Senegalese political parties show the lowest indicators of particularistic basis for support on the ethnic and regional diversity and polarization tests out of any cases in this analysis. This trend is not only reflected in the figures for these tests, but it has widely noted by related studies that “ethnic differences have not been a major feature of Senegal’s political discourse.”<sup>120</sup> Unfortunately, diversity and polarization scores could not be calculated for religion in this case, as over 93 percent of Senegalese respondents identified themselves as Muslim. A study which differentiates these respondents by brotherhood may provide additional valuable information about the composition of political parties in Senegal.

The Muslim brotherhoods in Senegal also reduced the need for government programs and legislation to concern particularistic identities. Organic incentives to build interlaced identities and groups within the society precluded any need for legislation or campaigns to do so. Obviously, this has aided in figures of this analysis

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<sup>118</sup> Galvan, Dennis. “Democracy without Ethnic Conflict: Embedded Parties, Transcendent Social Capital & Non-Violent Pluralism in Senegal and Indonesia,” paper presented at the 97th Annual Meeting of the American Political Science Association, San Francisco, CA, September 2001: 6

<sup>119</sup> Ibid.

<sup>120</sup> Sappleton, Shan. “Towards Explaining Variations in Ethnic Politicization in Sub-Saharan Africa: A Comparative Study of Senegal and Côte d’Ivoire,” *Midwest Political Science Association on Ethnicity and Identity in Africa*, Apr 2007: 6.

indicating the lack of association between particularistic identities and political parties. However, the figures from the salience of particularistic identities analysis reflect the void of government programs and legislation aimed at ‘national character.’ Over 80.4 percent of respondents in Senegal choose to identify primarily with particularistic identities, and only 19.8 percent with non-particularistic identities. However, this may not necessarily be negative, but perhaps another example of how particularistic identities may remain important without serving as a politicized societal division.

### *Mozambique*

Mozambique is a unique case from the other countries in the unenforced ban category due to the prolonged conflict following its independence from Portugal in June 1975.<sup>121</sup> The Lusaka Accord handed power from the Portuguese government to FRELIMO (the organization which led the liberation struggle in Mozambique) nearly unconditionally after a brief transition period.<sup>122</sup> After independence, FRELIMO began to build the governing mechanisms of a new independent Mozambique, and did so without much semblance to democracy. Rather, the increasingly elitist organization swiftly implemented its Marxist-Leninist ideology and the separation between party and state was all but eliminated.

The advent of a one-party state after independence was the experience of many African nations, however, rather than experiencing a fairly stable period during this time, the atmosphere in Mozambique continued to be extremely conflictual.<sup>123</sup> The Marxist-Leninist ideology of FRELIMO’s leaders influenced the organization to support liberation in other countries in the region, namely, Zimbabwe (then Rhodesia) and apartheid South Africa.<sup>124</sup> This was met with backlash in the form of the creation of the Resistência Nacional de Moçambicana (RENAMO), composed of “Mozambican malcontents as well as ex-Portuguese army officers” and supported by

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<sup>121</sup> Newitt, M. D. D. *History of Mozambique*. Bloomington: Indiana UP, 1995.: 541.

<sup>122</sup> Ibid.

<sup>123</sup> *EISA Regional Observer Mission: Mozambique Parliamentary and Presidential Elections*, 1-2 December 2004. Johannesburg: EISA, 2005: 2.

<sup>124</sup> Ibid

both Rhodesia and South Africa which engaged in a brutal, guerilla style civil war against FRELIMO and the newly independent Mozambique.<sup>125</sup>

By the early 1990's both sides had come to realize that the resources for war could no longer be sustained and negotiations resulted in a new Constitution, establishing a multi-party democracy in 1990, and the signing of the General Peace Agreement, ending the civil war in 1992.<sup>126</sup> These actions were followed by the first multi-party Parliamentary and Presidential elections held in 1994.<sup>127</sup> The conflict between FRELIMO and RENAMO transitioned to a more peaceful and political nature in an election that was determined to be generally "free and fair" by international election observing organizations.<sup>128</sup> FRELIMO continued to dominate the political system and RENAMO became the chief opposition force in parliament.<sup>129</sup>

While Mozambique certainly has a tumultuous history, conflicts have not principally concerned particularistic identities. However, one important division has been consistently cited by previous literature. This is between the Northern and Southern regions of the country, which experienced significantly different political, economic and social trajectories of development under both colonial and post colonial rule.<sup>130</sup> The UNHCR describes the history between the two regions as "uneven processes of underdevelopment" where "northerners suffered greater disadvantage."<sup>131</sup>

Despite unequal development there have been few overt programs to reduce the salience of particularistic identities in Mozambican politics. Following independence, FRELIMO attributed the identification of particularistic differences as a result of divide and conquer policies of the Portuguese colonists.<sup>132</sup> From 1975 FRELIMO attempted to build national unity through "'people's power' [or] the organized form of administration

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<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Siteo, Eduardo J., Zefanias Matsimbe, and Amilcar Pereira. *Parties and Political Development in Mozambique*. no. EISA Research Report 2002. Johannesburg: EISA, 2005.6-7.

<sup>128</sup> *EISA Observer Mission Report*, 2005: 4.

<sup>129</sup> Siteo et. al., *Parties and Political Development in Mozambique*, 2005: 7.

<sup>130</sup> Minority Rights Group International, "World Directory of Minorities and Indigenous Peoples – Mozambique," 2007.

<sup>131</sup> Ibid.

<sup>132</sup> Newitt, *A History of Mozambique*, 1995: 544.

for the masses [which] overcomes and destroys regional, racial and religious divisions and is not divisible by ethnic and racial groups, by regions or provinces.”<sup>133</sup> In turn, FRELIMO espoused an ideology which considered allegations of particularistic discrimination as “not serious issues” or mere distractions from the goal of a Marxist, secular nation and contended that “those who raise these issues are themselves suspect, virtually by definition.”<sup>134</sup> This approach to national unity turned discussion of particularistic identities into ‘taboo’ subjects.<sup>135</sup>

FRELIMO attempted to implement this ideal in practice by promoting slogans such as “‘Only One People, Only One Nation’” and including Article Two of the first post-independence bylaw (1977) which stated “the party will fight tirelessly against tribalism, regionalism, racism and division, as fundamental enemies of the unity of our People, of independence and of national consciousness.”<sup>136</sup> Although many outside of the FRELIMO regime see the party as dominated by the Southern region of the country, the party’s internal leadership has simply refused to recognize it as such.<sup>137</sup>

In conjunction with considering diversity as a fundamentally irrelevant social construction, FRELIMO also aggressively promoted “national policies and programs which had little regard for minority group interests.” As explained previously, in the name of modernization, the ruling party actively suppressed local cultural differences following independence. For instance, while less than two percent of Mozambicans used Portuguese as their first language, it was declared “the official language of instruction at all levels of schooling.”<sup>138</sup> Many other measures intended to modernize the country and eliminate traditional forces which stood in the way were implemented including the marginalization of traditional leaders and “ideological attacks on traditional institutions.”<sup>139</sup> By nationalizing industries and spreading wealth, the party hoped to build both modernization and unity through shared interests. Although the party eventually accepted its Marxist-Leninist ideology as a failure,

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<sup>133</sup> Manning, Carrie L. *Politics of Peace in Mozambique Post-Conflict Democratization, 1992-2000*. Westport, Conn: Praeger, 2002: 50.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid, 43.

<sup>136</sup> Minority Rights Group International, “World Directory of Minorities and Indigenous Peoples – Mozambique,” 2007; Manning, *The Politics of Peace in Mozambique*, 2002: 43.

<sup>137</sup> Newitt, *A History of Mozambique*, 1995: 544.

<sup>138</sup> Minority Rights Group International, “World Directory of Minorities and Indigenous Peoples – Mozambique,” 2007.

<sup>139</sup> Carbone, *Emerging Pluralist Politics in Mozambique*, 2003: 3.

many researchers consider the subordination of particularistic politics to national ideological goals to be a success.<sup>140</sup>

The elements of a particularistic party ban in Mozambique are well documented in the 1990 Constitution of Mozambique, the Rome Peace Agreement, and subsequent pieces of Electoral Law. The first semblance of the ban is found in Chapter 3, Article 32, Section 1 of the 1990 Constitution which declares: “In profound respect for national unity, political parties are bound by the principles enshrined in the Constitution and in the law.” The following section (Chapter 3, Article 32, Section 2) specifically states: “The formation and operation of political parties shall, in particular: a) be national in scope; b) uphold national interests.” This semblance of a particularistic party ban included in the Constitution is not explicit and does not necessarily constitute a ban on sub-national parties on its own.

However, on the advent of multiparty politics, the Rome General Peace Agreement of 1992, which officially ended the civil war in Mozambique, expands the notion in Protocol II which established the “criteria and modalities for the formation and recognition of political parties.”<sup>141</sup> Chapter II, Section I reiterates the Constitution by declaring that political parties shall be “national in scope.” Section 2 (c) of the Chapter states that the “political objectives pursued” by political parties “must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious.” This is followed by Section 4 (a) which prohibits parties from “the use of names, acronyms or symbols which may be considered offensive by the inhabitants or which incite to violence and may have divisive connotations based on race, region, tribe, gender or religion shall be prohibited.” Section 4(b) states that parties “shall not call into question the country's territorial integrity and national unity.”

The principles agreed upon in the Rome General Peace Agreement have been reflected in Mozambique’s Electoral Law. Chapter 1, Article 3, Section 1 of Law N° 7/1991 once again requires parties “in their formation, structure and functioning” to “(a) have national scope, (b) to defend the national interest” and “(h)not to have

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<sup>140</sup> Manning, *The Politics of Peace in Mozambique*, 2002: 43.

<sup>141</sup> Siteo et. al., “Parties and Political Development in Mozambique,” 2005: 15.

separatist, discriminatory, anti-democratic nature, nor to be based in regional, ethnic, tribal, or racial groups.”

Chapter 2, Article 8 of the same document requires parties to register with the Ministry of Justice in order to “function as a political organisation.”<sup>142</sup>

This registration requirement is compounded on by Law N° 20/2002 which “stipulates the functions, powers, duties, and organization of the National Electoral Commission” and in Chapter 2, Section 1 (g) allows the organization the power to “register political parties and coalitions of parties or groups of proponent citizens” in order to ensure eligibility for participation in elections.<sup>143</sup>

The typology of particularistic party bans employed in this research is helpful in identifying the shortcomings of the Mozambican case. The legal form of the ban is clear. A vague notion towards the ban is included in the Constitution and a more specific ban is included in underlying Electoral Law. The law clearly states the enforcement power of the ban, which lies first with the Ministry of Justice, in its ability to refuse registration to parties as political organizations which do not meet the stated requirements and again with the National Electoral Commission, which may refuse party eligibility for election contestation based on the same requirements. The social basis of the ban is also clear and repeated throughout different forms of legislation which requires parties to be “national in scope” and “non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious.” However, the proscribed facets of the ban are not as clear. The Constitution regards the “formation and operation” of parties and Law N° 7/1991 mentions the parties “formation, structure and functioning,” however, no guidelines or requirements exist for either the Ministry of Justice or the NEC to determine whether a party meets the legislative requirements or not.

The particularistic party ban in Mozambique seems to reflect the ruling party’s distaste for particularistic politics. However, the proper mechanisms for the ban’s enforcement are incomplete. Despite the lack of clarity concerning the ban’s suitable enforcement the results of this study are in accord with previous research

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<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

concerning the particularistic nature of party politics in Mozambique. There is little evidence, in either the diversity or polarization tests of any type particularistic identity that Mozambicans rely on these identities to determine political party affiliation. However, the analysis is lacking as it only considers the particularistic nature of FRELIMO, and not RENAMO of which there was not sufficient respondents affiliated with the party for it to be included in the study. Future research will have to more accurately portray the particularistic nature of RENAMO and minor parties.

The results of the self-identification test, which considers all respondents regardless of party affiliation, are fairly consistent with FRELIMO's policy of deeming particularistic identities irrelevant. More than 62 percent of Mozambicans identify themselves by non-particularistic identities, the highest being identification by occupation (27.3 percent) and national identity (25.8 percent). FRELIMO's Marxist-Leninist programs which concerned an 'Only One People, Only One Nation' mentality in the building of a secular state has clearly had a widespread impact on the general public. However, a fairly large percent of the population also identified themselves by language, tribe or ethnicity (26.4 percent) virtually the only particularistic identity which was consistently used. Manning (2002) explains that the liberalization of the party system and "increased freedom of expression" since the first multiparty elections in 1994 may account for an increase in discussion of particularistic differences.<sup>144</sup> This may have influenced a large number of individual's linguistic, ethnic, or tribal self-identification.

Mozambique may be a prime example of a country which does not need to enforce its particularistic party ban in order for it to be effective. A history of straying away from particularistic claims since independence has rooted itself in the political behavior of parties. Although multi-party politics and liberalized elections have allowed some particularistic appeals to find their way into campaigns of both major parties, the well established party system does not revolve around these appeals. The elite ideology of FRELIMO, which did not promote particularistic politics from independence, regardless of its own regionally based support, has certainly

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<sup>144</sup> Manning, *The Politics of Peace in Mozambique*, 2002: 43.

contributed to its absence in subsequent elections. Mozambique emphasizes the importance of national programs or policies which attempt to reduce the salience of particularistic identities in addition to a particularistic party ban.

### **Countries without Particularistic Party Bans**

#### *Zambia*

Soon after Zambia's independence in 1964, the initial multi party system collapsed to one party rule, following the banning of the two opposition parties in the country.<sup>145</sup> While the official reason for the parties' banning was because they were "organising along ethnic lines" the growing strength of the two parties, the African National Congress (ANC) and United Progressive Party (UPP) provided the ruling United National Independence Party (UNIP) a clear electoral advantage by eliminating the other parties from the system.<sup>146</sup> A law on particularistic party bans for the future was unnecessary; less than a year after the ANC and UPP were banned in 1973 a new constitution was invoked, declaring the country a one party state.

Leaders of the banned opposition parties were encouraged in a variety of ways to join forces with the UNIP. Some were "induced by patronage" while others were imprisoned upon their refusal.<sup>147</sup> While the leader of the UNIP, Kenneth Kaunda dominated the political scene through the Second Republic, significant achievements are cited in "bridg[ing] the rivalries among the country's various regions and ethnic groups."<sup>148</sup> Kuanda himself promoted one-party rule as the only way to control the "the politics of 72 continually quarrelsome tribes."<sup>149</sup>

Kuanda's stronghold on the political system was unravelled by the development of a new multi ethnic party, the Movement for Multiparty Democracy (MMD). Increased support for and pressure by the group influenced a referendum which declared public desire for a multi party system. This was followed by a new

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<sup>145</sup> Netherlands Institute for Multiparty Democracy, "The State of Political Parties in Zambia 2003 Final Report," 5-6.

<sup>146</sup> Rakner, Lise. *Political and Economic Liberalisation in Zambia 1991-2001*, Stockholm: Elanders Gotab, 2003: 51-52.

<sup>147</sup> Lodge, Kadima, & Pottie, "Compendium of Elections in Southern Africa," 2002. and Columbia Encyclopedia, "Zambia", Sixth Edition, 2005. < <http://www.encyclopedia.com/doc/1E1-Zambia.html>>.

<sup>148</sup> Bureau of African Affairs. "Background Note: Zambia," US Department of State. Sep. 2009 (accessed on 29 Sep 2009) <<http://www.state.gov/r/pa/ei/bgn/2962.htm>>.

<sup>149</sup> "Zambia," *TIME*, 1968.

Constitution and a multi party election in 1991. President Chiluba took office after the MMD successfully contested the 1991 election. However, the multi ethnic nature of the party has presented some difficulties. Significant portions of MMD supporters in 1991 were primarily supporting the removal of the UNIP and almost 30 years of one party rule. Before and after the attainment of this goal, however, divisions within the party “were fraught with ethnic tensions.”<sup>150</sup> More recently, Chiluba has been met with allegations of ‘tribalism’ and preferential treatment of the Bemba ethnic group.<sup>151</sup>

At the time the data was collected for this analysis in 2003, under the 1991 Constitution, Zambia was without a legal ban on particularistic parties. It is interesting to note that legislation which could be considered a ban was included in the Electoral Act of 2006 and the following Statutory Instrument No. 90 of 2006. The Electoral Act prohibits the registration or exemption of a party if either threatens “the interests of the peace, welfare or good order in Zambia” in Part II, Section 8. This regulation is expanded in the Statutory Instrument which specifically addresses parties which “discriminate against any person on groups of race, ethnicity, class, gender, religion or in any other manner in connection with an election or political activity” in Section 7 (m) and parties which “carry out their campaign meetings and rallies peacefully, without tribal, religious, sexual, racial or other forms of discrimination” in Section 8 (g). While there is little relevancy of this legislation to the tests included in this analysis, the inclusion of the legislation may provide some valuable retrospective context on the party system.

The implementation of a party ban suggests that the political atmosphere experienced the politicization of particularistic identities strongly enough to prompt its adoption. However, previous research provides inconsistent conclusions on the degree of association between these identities and politics in Zambia. Erdmann (2007) notes the many authors which have “identified ethnicity as one crucial dimension of Zambian politics” including Molteno 1974; Sichone and Simutanyi 1996; Osei-Howedie 1998; Burnell 2001: 249-50; 2005: 113-115; Posner

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<sup>150</sup> Osei-Hwedie, Bertha. “The Role of Ethnicity in Multi-Party Politics,” *Journal of Contemporary African Studies*, Vol. 16, No. 2, 1998: 227-248.232

<sup>151</sup> Immigration and Refugee Board of Canada, “Zambia: Information on tribalism in Zambia and the relationship among the Tonga, Loaya and Bemba and on the treatment of the Bemba by the Movement for Multi-Party Democracy (MDD),” 1 Nov 1993 (accessed 29 September 2009)<<http://www.unhcr.org/refworld/docid/3ae6aaed63.html>>.

2005.<sup>152</sup> On the contrary, he notes research (Rakner and Svåsand 2004) which “have discussed the evolution and development of the Zambian party system without any reference to ethnicity.”<sup>153</sup>

The results of this analysis reflect the inconsistency in the literature. The ethnic diversity figure for the Movement for Multiparty Democracy (MMD) indicate a limited number of ethnic groups support the party in relation to the number of groups in the country. However, the figures give no other indications that the support for this party is based particularistic identities. Contrarily, the figures for the opposition party in Zambia, the United Party for National Development (UPND), show much stronger indications that the party is particularistic in nature. While this information provides interesting information for each party, a general pattern for the overall party system is not clear. Unfortunately the figures resulting from this analysis do not add to the debate over the overall role of particularistic identities in Zambia one way or the other.

The results of the salience of particularistic identities analysis are consistent with Zambian political history which has not been primarily focused on particularistic identities since its first multiparty election in 1962. One may argue the legitimacy of ANC and UPP bans, but nevertheless, an emphasis away from particularistic politics has been included in the public discourse for many years. Subsequent years of one party rule may have also lessened the importance of ethnicity in politics. Ultimately the opposition party which ousted the UNIP from power was formed based on non-particularistic allegiances. The salience of particularistic identities figures indicate that the result of this political atmosphere was decreased importance of particularistic identities. While 62.6 percent of respondents chose non-particularistic identities, like occupation and class, only 37.2 percent of respondent primarily identified with particularistic identities. Despite the lack of a particularistic party ban, through alternative (sometimes undemocratic) means, Zambia was able to reduce the politicization of ethnicity. However, future studies will have to determine the ultimate effect on the interaction between ethnicity and the party system.

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<sup>152</sup> Erdmann, Gero and Matthias Basedau. “Problems of Categorizing and Explaining Party Systems in Africa,” *German Institute of Global and Area Studies Research Programme: Legitimacy and Efficiency of Political Systems*, No. 40, Jan 2007: 11.

<sup>153</sup> Ibid.

## Malawi

Particularistic identities in Malawi have been the source of great contention since independence in 1964. The political discourse in many of the countries included in this analysis focused on national unity through rhetoric, constitutional principles, electoral law, often to legitimize one party rule. This general trend also occurred in Malawi. Within two years of independence, after all opposition parties failed to contest an election for any political office, a constitution which declared the country a one-party state controlled by the Malawi Congress Party (MCP) was in place.<sup>154</sup> By 1971 the party's leader and Malawi's President, Dr. Banda, was legally declared "President for Life."<sup>155</sup> However, unlike the programs to promote national unity in many of the other countries in this analysis, under Banda and the MCP, nationalism in Malawi took on a discriminative tone.

In order to consolidate power, Dr. Banda encouraged "unity and singularity" as a major part of the party program.<sup>156</sup> Various government programs, campaigns, and pieces of legislation concerned this principle, and included the "promotion of Chewa hegemony was the regime's major project, including the projection of Chewa culture as that of the Malawian nation as a whole."<sup>157</sup> The government recognized regional, linguistic, and ethnic identities as sources for political opposition organization and sought to smother affiliations through the elimination of sources for cultural identities "for fear that they would encourage disunity."<sup>158</sup> Opposition to the ruling party was often met with varying degrees of harassment.<sup>159</sup>

International pressure and internal protest eventually lead Dr. Banda to hold a referendum in 1993, which resulted in overwhelming public expression of a desire for multiparty politics.<sup>160</sup> In the following year, national multi party elections were held and the MCP was defeated by the United Democratic Party (UDF). By 1995 a

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<sup>154</sup> Osei-Hwedie, "The Role of Ethnicity in Multi-Party Politics," 1998: 228

<sup>155</sup> Bureau of African Affairs. "Background Note: Malawi," US Department of State. Aug. 2009 (accessed on 29 Sep 2009) <<http://www.state.gov/r/pa/ei/bgn/7231.htm#history>>.

<sup>156</sup> Englund, Harri. *A Democracy of Chameleons: Politics and Culture in the New Malawi*. Stolckholm: Elanders Gotab, 2002: 140

<sup>157</sup> Minority Rights Group International, "World Directory of Minorities and Indigenous Peoples – Malawi: Overview," 2007 (accessed 29 Sep 2009) <<http://www.unhcr.org/refworld/docid/4954ce4623.html>>.

<sup>158</sup> Englund, *A Democracy of Chameleons*, 2002: 140.

<sup>159</sup> Ibid, 142

<sup>160</sup> Bureau of African Affairs. "Background Note: Malawi," 2009.

new Constitution was implemented securing a multi party political system.<sup>161</sup> In 1999, the countries second multi party democratic elections took place, resulting in a second term for Dr. Muluzi and the UDF.<sup>162</sup>

The legacy of past political programs in Malawi is unclear. While there are clear associations between the southern region of Malawi and the UDF, the central region and the Malawi Congress Party, and the northern region and the Alliance for Democracy (AD), party appeals and campaigns “tended to revolve around a small contingent of loosely organized, patronage-based political parties.”<sup>163</sup> This contributes to a complex interaction between ethnicity, region, and religion in political fractionalization, where party affiliation “correspond more consistently with regions, their political parties and leaders, although these overlap with ethnic categories.”<sup>164</sup> However, despite past and current complications with particularistic group relations in the political sphere, no particularistic party ban is included in current legislation.<sup>165</sup>

The link between ethnicity, religion and region in Malawian party politics is complex. This is also the case in the results of this analysis. The figures of the dominant UDF party indicated a relationship with its support and regional and religious identities. The figures for the opposition party indicated that supporters come from a narrow range of particularistic groups, although the polarization scores were fairly moderate. Different particularistic identities have varying degrees of influence on different party categories, however, it is clear that they do play a significant role overall.

The results of the salience of particularistic identities analysis reflect the legacy of MCP programs under Dr. Banda. As noted earlier, the techniques used by the regime to build a national identity were highly discriminatory. As a result linguistic identities alternative to Chewa culture often suffered “negative popular attitudes towards their mother tongues,” eventually contributing to “a tendency to shy away from this ethnic

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<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Centre for Systemic Peace. “Polity IV Country Report 2007: Malawi,” *Polity IV: Political Regime Characteristics and Transitions 1800-2008*, 2008.: 3.

<sup>164</sup> Minority Rights Group International, “World Directory of Minorities and Indigenous Peoples – Malawi,” 2007.

<sup>165</sup> Becher and Basedau, “Promoting Peace and Democracy through Party Regulation?” 2008 :21.

identity.”<sup>166</sup> This policy, although discriminating and oppressive, may have contributed to the comparatively high 68 percent of respondents who choose to identify themselves by non particularistic identity. The majority of these, 58.3 percent, identified themselves by class or occupation. These figures are compared to a total of 32 percent of respondents who choose to self identify themselves by particularistic identities.

### *Mali*

Although the Republic of Mali became independent as a sovereign nation in 1960, the country experienced military rule under the guise of democracy for over 30 years until the implementation of a new constitution allowing for multiparty democracy in 1992.<sup>167</sup> Under both President Modibo Keita and Gen. Moussa Traore, democratic political activity was limited to electoral facades or anti-government demonstrations, which were often “brutally put down.”<sup>168</sup> By 1991 anti-government rioting had become unmanageable, a transition to multi party democracy inevitable, and efforts to draft a new constitution were set in motion.<sup>169</sup>

Despite the authoritarian political history in Mali, the first elections under the 1992 Constitution, as well as those that followed, are considered to be generally free and fair, without any major boughs of insecurity or accusations of illegitimacy.<sup>170</sup> Mali’s political party system is generally not considered to be particularistic, as determined by contextual examination and statistical analysis. There has been little effort to engineer political parties or the politicization of particularistic identities in past or recent public policy and legislation.

Particularistic groups within Mali, although diverse, have had a long history of interaction without especially volatile relations.<sup>171</sup> Although, it should be noted that there have been localized ‘tensions’ between Songhai and Tuareg ethnic groups in the northern region of the country.<sup>172</sup> Under one-party rule, President Keita and the Union Soudanaise-Rassemblement Démocratique Africain (US/RDA) focused on “extensive

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<sup>166</sup> Englund, *A Democracy of Chameleons*, 2002: 142.

<sup>167</sup> Bureau of African Affairs. “Background Note: Mali,” US Department of State. Aug. 2009 (accessed on 29 Sep 2009) <<http://www.state.gov/r/pa/ei/bgn/2828.htm>>.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> “Country Profile: Mali,” United States Library of Congress, Federal Research Division, Jan 2005 (accessed 29 Sep 2009) <[lcweb2.loc.gov/frd/cs/profiles/Mali.pdf](http://lcweb2.loc.gov/frd/cs/profiles/Mali.pdf)>.

<sup>172</sup> Ibid.

nationalization” but particularistic identities and their potential dividing power in Mali was not a major point of his party’s programs. This continued under the Mali People's Democratic Union (UDPM) government, although the focus of party programs shifted to “democratic centralism.”<sup>173</sup> During and after the initial transition to multi-party democracy, particularistic groups and identities failed to surface with much political salience.<sup>174</sup> Put simply, “ethnic identity is a poor predictor of vote choice and parties do not form along ethnic lines,” making Mali somewhat of an anomaly of Sub-Saharan Africa in this regard.<sup>175</sup>

Previous research has consistently identified “cousinage” as the main inhibitor of particularistic identity politicization.<sup>176</sup> These societal engineered cross cultural connections date back to the Mali Empire, where:

cousinage linked subjects of the empire who bore certain patronyms (which were often identified with occupational specializations) to subjects with other patronyms, binding them in relations of mutual obligation and respect.<sup>177</sup>

These principles were not only social norms, but also included as official policy in the Charter of Kurukan Fuga.<sup>178</sup> This ideology promulgated through years of political turmoil and change, and are still “invoked in everyday social interactions” in the form of jokes or other friendly exchanges.<sup>179</sup> Like the Islamic Brotherhoods in Senegal, cousinage in Mali “create[s] and reinforce[s] social bonds between particular groups.”<sup>180</sup> These bonds often increase trust, communication, and mutual interests, while discouraging politicians from politicizing particularistic identities which may render them more or less attractive to an otherwise potential supporter.

Party politics in Mali still remains relatively independent of particularistic identities. This is reflected in both the polarization and diversity scores for every particularistic identity test. The figures for this analysis are consistent with previous research which has determined ethnicity and religion a relatively insignificant factor in Malian politics. The figures from the salience of particularistic identities analysis show that the majority of Malians (63.3 percent) primarily identify with a particularistic identity, compared to only 36.6 percent who

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<sup>173</sup> Bureau of African Affairs. “Background Note: Mali,” 2009.

<sup>174</sup> Dunning and Harrison, “Cross Cutting Cleavages and Ethnic Voting,” *Afrobarometer Working Paper No. 107*, 2009: 2.

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*, 4.

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid.*, 2.

<sup>180</sup> *Ibid.*

choose non-particularistic identities. This reflects the nature of cousinage and simultaneous identities which differentiate and bind individuals together at the same time. This unique sort of unifying social structure has allowed particularistic identities to remain significant, yet external to the sphere of multi party democracy. Mali provides another example of how a population may retain their particularistic identities without reinforcing political divisions between them.

### *Zimbabwe*

Particularistic identities have long been a source of mobilization and conflict in the politics of Zimbabwe. From independence, to majority rule, to the rise of a de facto one party state ethnicity, race and regionalism have been key elements of party politics. Cleavages between European and African Zimbabweans, beginning with colonialism, inflamed through independence and majority rule, and recently resurfaced through land redistribution has been a source for political mobilization throughout Zimbabwe's modern political history.

The struggle between the Shona ethnic majority and the Ndebele minority in the Matabeleland regions has also been a strong cleavage and source for mobilization which has characterized politics in Zimbabwe. With the exception of a brief attempt at reconciliation and national unity between these groups following Zimbabwe's first majority rule election there have been virtually no programs at reducing the division between these groups. On the contrary, politics in Zimbabwe has long been dominated by particularistic group appeals aimed at deepening divisions and mobilizing support for the ruling party.

The Zimbabwe nationalist movement, against Ian Smith's colonial racist regime, was marred by ethnic and regional divisions since the launch of the armed campaign after the country's independence from Great Britain in 1965.<sup>181</sup> The dominant forces of the movement were ethnically divided between the Ndebele PF-ZAPU and Shona ZANU-PF whose relationship was tumultuous and rarely accommodating.<sup>182</sup> Although the two groups

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<sup>181</sup> Minority Rights Group International, "World Directory of Minorities and Indigenous Peoples – Zimbabwe," 2008.

<sup>182</sup> Ibid.

briefly combined to form the Patriotic Front in 1976, this relationship proved too contentious to be sustained and split soon after the Lancaster House Agreement, ensuring majority rule in Zimbabwe in 1979.<sup>183</sup>

Zimbabwe's first free majority rule election in March of 1980 continued to reflect the division between the ethnically divided parties of ZANU-PF and PF-ZAPU. The ZANU-PF, supported by the significantly dominant Shona ethnic group, won an overwhelming majority in parliament and elected Robert Mugabe as Prime Minister.<sup>184</sup> Upon taking office Mugabe began the 'Politics of Reconciliation' which emphasized "national unity, reconciliation and the need to overcome the conflicts of the past in the interests of building a common future."<sup>185</sup> The inaugural government was formed out of leaders of both ZANU-PF and PF-ZAPU as well as white Zimbabweans.<sup>186</sup>

However, this period of politics concentrated around national unity quickly turned into an obvious attempt towards consolidating ZANU-PF's power, once again flaring ethnic conflicts.<sup>187</sup> Following an alleged minority party plan to overthrow the ZANU-PF government, Mugabe began a campaign of repression using state force to "either bring the opposition into an alliance with ZANU-PF, or to silence it."<sup>188</sup> During this campaign Mugabe was unsuccessful in persuading PF-ZAPU leader Joshua Nkomo into a merge with his own ZANU-PF party as "the best solution to the sharp regional polarization between the two coalition parties."<sup>189</sup> This dissidence was met with the extreme violence of the government lead 'Gukurahundi' program which resulted in an estimated 10,000 to 20,000 killings between 1983 and 1987 in the Ndebele dominated region of Matabeleland.<sup>190</sup> The Unity Accord, merged the two parties and ended the violence in 1987, effectively turning Zimbabwe into a de facto one party state.<sup>191</sup> While active repression subsided after the merge, the government treatment of the Ndebele was

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<sup>183</sup> EISA, "EISA Election Observer Mission Report," 2008: 1-2.

<sup>184</sup> EISA Observer Mission Report: *The Zimbabwe Harmonised Elections of 29 March 2008, Presidential, Parliamentary, and Local Government Elections*. Johannesburg: EISA, 2008

<sup>185</sup> "EISA Zimbabwe: Reconciliation, unity and conflict (1980-1989)." *EISA home page*. 01 Jan. 2010.

<<http://www.eisa.org.za/WEP/zimoverview4.htm>>.

<sup>186</sup> Ibid.

<sup>187</sup> Kahn, Theodore. "Ethnic Conflict in Zimbabwe: A Ghost of the Past?" *Foreign Policy Digest*. Nov. 2009.

<sup>188</sup> EISA, "EISA Election Observer Mission Report," 2008: 2-3

<sup>189</sup> "Zimbabwe," *Africa South of the Sahara 2004 (Africa South of the Sahara)*. New York: Routledge, 2003: 1223.

<sup>190</sup> Minorities at Risk Project. "Assessment for Ndebele in Zimbabwe." (31 December 2003)

<<http://www.unhcr.org/refworld/docid/469f3aeb14.html>>.

<sup>191</sup> Ibid.

“replaced with neglect and discrimination.”<sup>192</sup> Any semblance of the Politics of Reconciliation program had all but vanished from ZANU-PF’s programs.<sup>193</sup>

ZANU-PF continued to act as a de facto one party state through the 1990’s, winning more than 95 percent of parliamentary seats through the decade.<sup>194</sup> Opposition parties were tolerated, as none posed a significant threat to the dominant party’s stronghold. ZANU-PF’s campaigns during this period “emphasised the need for national unity and warned of new and old reactionary, racist and divisive forces,” and repressive mobilization efforts subsided.<sup>195</sup>

However, particularistic appeals began to overtly make their way back into ZANU-PF’s mobilization efforts during the late 1990’s as opposition began to rise on two fronts, the disgruntled Zimbabwe National Liberation War Veterans Association (ZNLWA) and the rise of a new, well supported party, the MDC. Members of the ZNLWA began to protest Mugabe’s government in 1997, as a result of “perceived governmental neglect for ex-combatants.”<sup>196</sup> In attempt to appease the veterans, Mugabe accelerated Zimbabwe’s land re-distribution programs while utilizing “racially infused rhetoric” and unlawful seizures of white owned property.<sup>197</sup>

The MDC emerged from a “culmination of growing disenchantment amongst civil society groups such as the Zimbabwe Congress of Trade Unions (ZCTU) and the NCA, among other groups, with the state authoritarianism represented by the ZANU-PF government” and has mobilized significant support from trade unions, students, civil society, Ndebeles and other disgruntled Zimbabweans.<sup>198</sup> Mugabe has reacted to this movement again with discriminatory rhetoric and highly particularistic programs. These programs are best illustrated by Mugabe’s threats to Matabeleland of starvation if they people in the area supported the MDC in the 2002 election campaign.<sup>199</sup> The threat was realized in the following 2005 parliamentary elections where “ZANU-

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<sup>192</sup> Huyse, Luc. "Zimbabwe: Why Reconciliation Failed," in *Reconciliation after violent conflict a handbook*. Stockholm: International IDEA, 2003: 38.

<sup>193</sup> Ibid, 34.

<sup>194</sup> Sachikonye, Lloyd M. *Political Parties and the Democratization Process in Zimbabwe*. Johannesburg: EISA, 2005: 9.

<sup>195</sup> "Zimbabwe" in *Compendium of Elections in Southern Africa (2002)*, edited by Tom Lodge, Denis Kadima and David Pottie, EISA, 442-443.

<sup>196</sup> Abrahms, Brian E. "Strategy of Domination: ZANU-PF's Use of Ethnic Conflict as a Means of Maintaining Political Control in Zimbabwe, 1982-2006." Thesis. The Fletcher School, 2006: 7.

<sup>197</sup> Ibid: 87-88.

<sup>198</sup> EISA, "EISA Election Observer Report," 2008: 4.

<sup>199</sup> Minorities at Risk Project, "Assessment for Ndebele in Zimbabwe," 2003.

PF turned the economic crisis to its advantage by withholding food aid from disproportionately Ndebele MDC supporters, while directing increased distribution to disproportionately Shona ZANU-PF supporters.<sup>200</sup> Mugabe has also dispatched Shona police forces into Matabeleland in order to “monitor” election procedures.<sup>201</sup>

Although there have been many legal barriers to discriminatory law or behaviour included in various peace agreements and pieces of legislation, this has not seemed to impact the practice of such behaviour in reality. For example, Article 23 of Zimbabwe’s Constitution clearly prohibits discriminatory laws and treatment of its citizens based on “race, tribe, place of origin, political opinions, colour, creed or gender.” However, there are few pieces of legislation which regulate the establishment or operation of political parties in Zimbabwe. The two key pieces of legislation concerning political parties, the Electoral Act and Political Parties Act, have no requirements for party registration.<sup>202</sup> There is no semblance of a particularistic party ban within any of Zimbabwe’s legislation.

However, despite no legal ban on particularistic parties, particularistic government programs and a long history of particularistic politics, some researchers have suggested that ethnic and regional may be playing a less significant role in party affiliation than in the past. For instance, in the 2001 parliamentary elections ZANU-PF won 62 seats and the MDC won 57.<sup>203</sup> While ZANU-PF won most seats deriving from rural constituencies, the MDC won all 15 seats deriving from Matabeleland and most seats from urban communities, including Harare, a majority Shona populated city.<sup>204</sup> The 2002 presidential elections continued the trend of urban votes going to the MDC and rural votes to the ZANU-PF, however, ZANU-PF gained nearly 33 percent of Matabeleland’s regional vote.<sup>205</sup> Interestingly, both Shona and Ndebele votes had been fragmented in the 2002 elections where voting seemed to be more focused on the urban/rural divide rather than by particularistic cleavages.<sup>206</sup>

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<sup>200</sup> Minority Rights Group International, “World Directory of Minorities and Indigenous Peoples – Zimbabwe,” 2008.

<sup>201</sup> Ibid.

<sup>202</sup> Sachikonye, “Political Parties and the Democratization Process in Zimbabwe,” 2005:18.

<sup>203</sup> Bangura, Yosuf. “The Herald - Zimbabwe News Online: “Government of national unity should be rejected” | News & Views | UNRISD.” *United Nations Research Institute for Social Development*.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

Some contend that ZANU-PF's repressive actions have touched such a wide variety of groups, including any forces which oppose it, that the salience of ethnicity in the repression has dissipated.<sup>207</sup> Others attribute the reduction in particularistic voting to the party platforms and programs where "Zanu-PF has failed to connect with the urban workers and middle class, whereas the MDC, which is heavily supported by the West and local whites, offers no credible message to the land-hungry peasantry."<sup>208</sup> Regardless, recent elections have seemed to suggest fractionalization within both Shona and Ndebele ethnic groups, and thereby a reduction in particularistic identities as the only source of political identity.

The results of this study seem support other indications of the reduced saliency of particularistic identities in the politics of Zimbabwe. The diversity scores both the dominant and opposition party, as well as those with no party affiliation suggested ethnic, regional and religious diversity within their support. The ethnic polarization score was also moderate, suggesting that the support for parties varies between ethnic groups. The religious polarization score was fairly high for ZANU-PF party suggesting that some religious groups vote disproportionately in the party's favour. This was also true for the regional polarization score for the MDC party, perhaps reflecting the strong support for the party in Matabeleland. The results of the salience of particularistic analysis are unclear, as self identification by particularistic and non-particularistic identities was nearly equal.

While it seems that party politics in Zimbabwe has begun to shift away from mobilization through particularistic identities, the oppressive, violent and economically disastrous policies which have preceded this shift are certainly not desirable. ZANU-PF policy, aimed at hampering the political and economic power and development of some minority has unintentionally spoiled the opportunity for some of its own Shona based constituency. While keeping the party in office was previously seen to be beneficial for most Shona, this may have ceased to be the case, allowing the MDC to mobilize those who wish to pursue new policy. However, significant ethnic and regional cleavages still exist, and the potential for a resurfacing of particularistic politics is strong. It is simply too soon to declare particularistic politics in Zimbabwe a thing of the past.

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<sup>207</sup> Kahn, Theodore. "Ethnic Conflict in Zimbabwe: A Ghost of the Past?" *Foreign Policy Digest*. Nov. 2009.

<sup>208</sup> Bangura, "Government of National Unity Should be Rejected," 2002.

Zimbabwe is another prime example of the many paths the road away from particularistic politics may take. A particularistic party ban may not be the only or most productive means to reduce the salience of particularistic identities. It also illustrates the many challenges facing Sub-Saharan African democracies in addition to particularistic politics. While the salience of ethnicity may be reducing there are still many substantial shortcomings in Zimbabwe's path towards a more consolidated democracy.

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## 6. Conclusions

Clearly particularistic party bans are a popular piece of legislation in Sub-Saharan Africa, but to what end? This analysis began by asking two sets of questions. First, are particularistic party bans effectively enforced and do they achieve their most basic intended effects? The intent of this question was to expose the preventative effect particularistic party bans have in discouraging the formation of ethnic parties. This was followed by another question concerning the legislation's ability to accomplish its intended goals; do particularistic party bans have the ability to reduce the politicization of particularistic group characteristics and identities? In order to answer this question, it must be determined if the bans have the ability to significantly restructure the party system away from appeals to particularistic identities.

Particularistic party bans do not universally achieve their intended goal. However there is significant variation within their ability to significantly impact the particularistic nature of political parties. The results from both diversity and polarizations tests indicate inconsistent trends within each ban status category. However, some generalizations are clear. For instance, perhaps the most convincing evidence from both tests, as well as the analysis of variance, is that enforced bans increase the ethnic nature of opposition parties. In fact, opposition party scores for all tests generally indicated an increased salience of ethnicity for those countries within the enforced ban category. This was also the case for the dominant parties in the polarization tests, however, the diversity test indicated increased diversity for these parties when there was an enforced ban and decreased diversity under the unenforced ban. The results of the salience of particularistic identity test show that salience is less pronounced in countries with enforced bans and the most pronounced in countries with unenforced bans. It is also quite remarkable that the scores for countries with no particularistic party ban in all tests were consistently moderate.

The enforced bans have often been viewed as oppressive or irregularly applied. This is reflected in the substantially higher Freedom House scores of political rights and civil liberties for the countries in the enforced bans. This suggests that oppressive policies may not be confined to particularistic party bans in these countries, but rather the general atmosphere. The national experiences of the countries with unenforced bans also indicate

that the relatively high diversity and low polarization may also be due to larger societal causes, rather than the ban itself. These arguments are supported by the relatively low level of statistical significance in the analysis of variance for most tests. While the party bans seem to have a significant effect on the composition of support for opposition parties, entire party systems are not exclusively impacted by particularistic party bans, regardless of enforcement. However, an examination of each country's national experience with particularistic party bans, in reference to diversity and polarization scores, provides valuable insight into the success or failure for some of the cases.

Some cases can simply not be explained through the resources utilized in this analysis. Mozambique's demography and political history make the party system ripe for particularistic cleavages. However, this type of political conflict has never emerged as a dominant characteristic of party programs, appeals, or mobilization efforts. Zimbabwe's demography includes a dominant ethnicity, whose party has oppressively dominated the minority ethnicity since independence. No law, legislative framework, or constitutional engineering exists to hamper the role of particularistic identities in party affiliation yet the party system seems to be shifting away from particularistic politics. Kenya's party system is a collection of coalitions, with legislation banning particularistic parties, yet ethnicity still seems to be highly correlated with party affiliation. The ban is enforced inconsistently, and ethnic appeals are made regularly, yet the salience of ethnicity test showed the majority of the population choose non particularistic identities. These cases illustrate the diverse nature of Sub-Saharan African democracies and particularistic party bans.

Results from Uganda, Tanzania and Nigeria provide interesting insight into the degree of effective enforcement of particularistic party bans. Each country employs a different type of ban, with different points of focus and legislative details. The Nigerian ban includes clear requirements for political parties, mechanisms to measure the attainment of requirements, and assigns the INEC to enforce it. While requirements have not always stayed constant from election to election, the INEC seemed to apply them consistently across parties registering for each year. When the party registration requirements became too restrictive for the needs of the party system,

an independent judiciary stepped in and declared it such, a ruling that was duly followed by the Commission. Parties in the Fourth Republic have been refused registration due to an inability to prove ‘national character’ through membership manifestos or office locations. In this case, the consistent and legitimate enforcement of the ban resulted in lower indications of a relationship between particularistic identities and the party system in the diversity and polarization tests.

This is contrasted with the particularistic party ban in Uganda and Tanzania, whose objectives and guidance for enforcement are also relatively clear, however, the level of legitimacy in enforcement is not. The political activity of all political parties in Uganda was suspended during the data collection utilized in this analysis based on the “sectarian” and “divisive” nature of multi party politics. Clearly restricting the activity of all opposition parties is not a legitimate means to reduce the politicization of ethnicity in a representative democracy. In addition, the outright banning of the Uganda Islamic Revolutionary Party in 1993 challenged the legitimacy of particularistic party bans in Uganda. A similar experience with the enforcement of particularistic party bans in Tanzania has yielded similar results. The Tanzanian Registrar of Political Parties has admitted to unfairly enforcing the Political Parties Act, reducing the legitimacy of the bans. This inconsistency in the legislation and enforcement is reflected in the polarization and diversity figures for these cases which indicate high levels of association between particularistic identities and political parties.

Also contrary to the Nigerian case, the particularistic party ban in Uganda is highly concerned with the program of political parties, rather than membership. This is in the context of a long legacy of political programs in the name of preventing conflict between particularistic identity groups. This was reflected with a much higher percentage of respondents who self-identify with non particularistic identities. In Nigeria, where the ban almost completely focused on membership, the percentage of respondents choosing particularistic identities was high. Tanzania experienced both a legacy of social programs aimed at national unity, clear legislative requirements for the ban, and a history of uneven ban enforcement. This case was characterised by a mix of significantly high correlations between parties and particularistic groups, as well as a low salience of ethnicity.

The more diverse and less polarized in the results presented in Chapter 4 for the unenforced ban category may be explained by alternative social phenomenon present in Senegal, Namibia and Ghana. These countries have some of the highest GDP per capita, suggesting that greater wealth can positively influence more conciliatory politics. In addition, consistent with Posner's (2002) conclusions about the political salience of ethnicity, the results of this analysis indicate that when countries have particularistic groups which are not bases of support conducive to national political party building, enforced particularistic party bans are not necessary to reduce the salience of ethnicity. In Namibia the Oshivambo speakers in the northern region and the Akan ethnic group in the south of Ghana dominate their respective political scenes, reducing the politicization of ethnicity. This explains the particularistic nature of some political parties in these countries, without highly volatile particularistic group political relations.

In Senegal, it is not a dominant ethnic group which reduces the salience of ethnicity, but rather the cross-cutting cleavages and identities based on the country's Muslim Brotherhoods. This principle also applies to Mali, the only country in the category with of countries with no particularistic party ban which also has relatively few difficulties with particularistic divisions in the party system. In Mali the cross-cutting cleavages come in the form of 'cousinage' but the two sources of alternative identities serve the same purpose in regards to non-particularistic party politics. In both of these countries, figures for both polarization and diversity represented some of the weakest associations between particularistic identities and political parties. Interestingly, the percentage of respondents self identifying with particularistic identities were much higher than those identifying with non-particularistic identities, indicating that these important identities may be retained without necessarily being politicized.

It is precisely these societal factors which reduce the salience of ethnicity that particularistic party bans are attempting to engineer in countries which they do not already occur. These include all of the countries in the enforced ban category, perhaps an explanation of why bans were enforced in these countries and not those of the unenforced ban category. The results of this analysis also produce an observable difference in results based on the

focus and legitimacy of both the legislation and the enforcement of particularistic party bans. In Nigeria, where membership is the main focus and enforcement has been relatively legitimate, the ban has resulted in some of the lowest polarization and diversity scores in the analysis. However, when the law is unjustly enforced all opposition parties, as in the case of Uganda, the results are far less positive. The focus of the ban and related programs within the country of analysis also influence ethnic voting and self-identification figures independently.

All things considered, a vague but valuable conclusion arises that every case is different and each country, with its individual challenges and resources for progress, must be treated as such. However, this analysis contains evidence that if not naturally existent, constitutional or electoral engineering can provide sufficient incentives to reduce the politicization of particularistic identities. In order for these incentives to be effective there are clear recommendations for the future. First, legislative engineering must be created, enforced and abided by without discrimination. The oppressive, or inconsistent, enforcement of particularistic party bans in the cases of Tanzania, Uganda and Kenya may have resulted in the opposite intentions of the legislation. Second, the legislative arrangements should be clear and precise. Vague requirements for party registration or flexible justifications for party banning invite corruption and oppression. Where legislation is clear and precise improper enforcement is more difficult, although not impossible. Third, legislative programs should be enforceable. Requiring a party to select diverse leadership or hold offices in many provinces is a clearly identifiable and enforceable mandate. Regulating party program is significantly more difficult, allowing for dissent or manipulation. These recommendations are nothing revolutionary, however, the failure to achieve similar measures have hampered the ability of particularistic party bans to be properly enforced in many of the cases included in this analysis. In the absence of strict adherence and implementation to the law, the best course of action is no enforcement whatsoever.

Divided democracies have unique challenges to consolidation. Many theories have been provided which attempt to reduce conflict and encourage peaceful political competition. Significant amounts of research have concerned constitutional and legislative engineering which is intended to reduce the incentives for divisive

politics. Particularistic party bans aim to reduce the politicization of particularistic identities and thereby reduce the chance for fractionalized conflict by legally restricting the formation and operation of parties which mobilize through these identities.<sup>1</sup> However, this research suggests that this type of legislative engineering is not consistently effective. Rather, the legislation allows for significant manipulation and oppression which is common if the ban is enforced. However, it is clear that particularistic identities are not primordial and do indeed react to political forces. The potential for positive legislative engineering does exist. While the political and social contexts of a nation are most important in determining a democracy's consolidation, well crafted and executed legislation have the possibility to aid governments in this goal.

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<sup>1</sup> Bogaards, "Electoral Systems, Party Systems, and Ethnicity in Africa," 2008: 3.

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