

# Don't Start the Party: Assessing the Electoral Effect of Legal Provisions Impeding Ethnoregional Parties

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## ABSTRACT

Around the world “free” democracies actively seek to undermine the political influence of ethnic and regional minorities by impeding the formation of parties aimed at furthering their interests. Here, we assess the impact of two kinds of legal provisions against ethnoregional parties—outright bans and ballot-access requirements that indirectly impede their ability to win votes and legislative seats. Despite being less direct, we theorize ballot-access requirements should be much more effective at undermining ethnoregional parties as they provide seemingly objective rules that are easy to enforce. In contrast, outright bans require difficult subjective decisions on parties with a non-ethnoregional façade. Combining in-depth case analysis with multivariate models based on a comprehensive dataset of election results spanning 73 countries between 1990 and 2012, we find that party bans do little to curb ethnoregional party influence. By contrast, registration and ballot-access requirements are much more effective.

## INTRODUCTION

**I**N NORMATIVE DEMOCRATIC THEORY, political parties typically serve as a key articulating linkage between interests and policy outcomes. Viewed in this way, they are essential to representation, and indeed E.E. Schattschneider (1942) famously claimed that for this reason “political parties created democracy and modern democracy is unthinkable save in terms of parties.” Yet, democracies today are littered with provisions designed to ban specific kinds of parties from organizing and gaining influence in government. In particular, parties organized along the lines of *ethnic* solidarity have been proscribed in many democratic settings, usually with the aim of reducing ethnic conflict and achieving democratic stability.

Despite their relatively widespread nature, the effectiveness of such bans in free democracies has yet to be studied systematically. We address this gap by assessing the apparent effect—in terms of the share of votes and seats won by ethnoregional parties—of two different kinds of legal obstacles: outright bans on ethnic parties, and requirements designed to prevent small minority parties from obtaining ballot access even without banning them outright. We do this by leveraging a new cross-national database in tandem with in-depth case studies of countries with different combinations of proscriptions.

## THEORY AND HYPOTHESES

Ethnic diversity does not exist in a vacuum, and scholars and pundits alike have struggled to determine the best way to manage the stresses it places on society. There is widespread agreement that social harmony in an ethnically diverse democratic context will be obtained only if governmental decision making includes members from different

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groups. The disagreement is less over whether political institutions matter for such outcomes—a wealth of scholarship demonstrates that institutional arrangements have a powerful role in fostering democratic allegiance, political efficacy, and stability—but instead how to structure them (Almond and Verba 1963; Lijphart 1968; Norris 2008; Rae 1967; Reynolds 2011).

One of the principal, though by no means only, methods through which ethnic and regional groups achieve representation is through political parties exclusively devoted to advancing their interests. Thus, our focus is on what we refer to henceforward as *ethnoregional parties*. Typically, “ethnic” parties are defined as being focused on national or ascriptive qualities—such as ethnicity, language, or religion, while parties with a territorial character are usually classified as regional. Separating the two types is difficult, as avowedly territorial parties may also claim identity traits. The Bloc Québécois in Canada provides a good example. The party presents itself as Quebec’s regional champion but its key focus is on the French language. At the same time, the Bloc does not seek to represent all Francophones throughout Canada.

While there is a large body of normative literature premised on the notion of engineering inclusion for ethnoregional minorities (for example by reserving seats in legislatures, or by lowering party ballot access requirements), there is widespread worry that enhancing ethnic minority parties’ influence may jeopardize rather than enhance social harmony and democratic stability. Put another way, such parties are often accused of articulating minority interests all too well, particularly when this comes at the expense of broader efforts at coalition-building in diverse and weakly unified countries (Brancati 2009; Brubaker 1996).

### ETHNOREGIONAL PARTY BANS

Such concerns have prompted many democracies to undermine the absolute right of free association by banning political parties from forming to exclusively advance minority interests. Following Moroff and Basedau (2010: 667), this denotes a “highly restrictive official legal sanction that aims to prohibit the existence or activity of a political party which is composed of, seeks the support of, and acts on behalf or in the interest of a specific ethnic or particularistic identity group.” Beyond

banning parties from forming, a somewhat milder legal proscription involves establishing access requirements sufficiently high to—if not outright ban them—at least make it exceedingly difficult for parties representing numerically small groups to get on the ballot.

Bans on ethnic and regional parties are most commonly found in Africa, including Benin, Cape Verde, Ghana, Lesotho, Namibia, and São Tomé and Príncipe. Ethnic and regional party bans are also found elsewhere in the world, including Brazil, Bulgaria, and Portugal.<sup>1</sup> Among the countries examined here, only Namibia made clear that it would enforce its ethnic party ban if a particular party applied for registration, though Bulgaria tried to ban a party. Neither effort prevented the emergence of ethnically based parties. The dearth of the enforcement actions in the African cases included here contrasts with efforts by ruling elites in countries with weaker democratic records, such as Nigeria, Tanzania, and Zambia, to utilize ethnic party bans to squelch opposition.<sup>2</sup> Leaders in more democratic countries may be reluctant to apply ethnic party bans either for strategic reasons or for fear of undermining democratic norms, especially since many ethnoregional parties take on ambiguous party labels and identities in an effort to avoid a ban.<sup>3</sup> Additionally, the capacity of countries with weaker government structures to enforce such bans remains open to question (Becher and Basedau 2008; Moroff 2010; Moroff and Basedau 2010). Finally, the African countries included here may have succeeded as democracies precisely because of their ability to contain ethnic or regional conflict

<sup>1</sup>In order to be as certain as possible that we captured cases with either ethnic party bans or ballot-access requirements, we examined constitutions, electoral laws, and political party laws, and scoured the scholarly literature on this topic.

<sup>2</sup>The general applicability of our results is constrained by the limitation of the universe of countries to “free” democracies as measured by Freedom House. In particular, ethnic party bans are more common in less free democracies in Africa, as discussed by Bogaards (2007) and Moroff and Basedau (2010). They report that enforcement actions have also occurred in many other countries, including Burundi, the Central African Republic, Equatorial Guinea, Kenya, Mauritania, Rwanda, and Uganda. Additional work is needed to assess their effect in less liberal democracies.

<sup>3</sup>These democracies may ban ethnoregional parties for other reasons such as the use of violence, as when Spain banned Batasuna in 2003. The Spanish ban was not part of a broader effort to squelch ethnoregional parties, which flourish in the Basque Country and other regions.

within democratic institutions without having to resort to the sledgehammer of party bans. Of course, the bans may discourage the formation of ethnoregional parties obviating the need for enforcement actions.

Our interest here is less in why such actions are taken or their broader normative implications.<sup>4</sup> Rather, we aim to assess their effectiveness, in terms of two distinct (yet related) dimensions: popular vote-share obtained by ethnoregional parties and the proportion of legislative seats such parties won. It may seem self-evident to assume that outright bans of ethnoregional parties should harm their electoral success. However, the pattern on the ground is less clear-cut, since it is often the case that such bans are only lightly enforced if at all (e.g., Hartmann and Kemmerzell, 2010; Moroff, 2010). Thus, to the extent that outright party bans appear ineffective, this may be largely attributed to the lack of enforcement and ethnoregional parties' willingness to call the bluff.

Looking individually at cases where they have been applied, the success of ethnoregional party bans does appear to vary markedly, drawing into question the efficacy of these prohibitions without the enactment of electoral rules designed to reinforce them. Some countries have party bans in place despite the relative lack of ethnoregional cleavages. Lesotho,<sup>5</sup> São Tomé and Príncipe,<sup>6</sup> and Portugal<sup>7</sup> all fall into this category, and none has much in the way of ethnoregional party activity, which is particularly notable in Lesotho given a recent switch from plurality elections in single-member districts to a mixed-member proportional electoral system. That said, it would be difficult to attribute the absence of ethnoregional parties in any of these cases to the laws themselves, precisely because these countries are not heterogeneous enough to fuel much in the way of demand for ethnoregional parties in the first place (see Seibert 2006 on São Tomé and Príncipe; see Freire 2007, and Lewis and Williams 1994 on Portugal).

Other countries have party bans in place that appear largely ineffective. One example is Namibia, where the 1992 Regulations for Registration of Voters and Political Parties prohibits parties from limiting membership on the basis of "sex, race, color, ethnic origin, religion, creed or social or economic status" (Basedau et al 2007; Bogaards 2007). The Namibian government banned the United Democratic Party (UDP) meetings in 2006 for its "uncon-

stitutional" advocacy for secession for the Caprivi region, and while the UDP never tried to register prior to this, the ban on meetings made clear that the party would not gain registration if it sought it (Hartmann and Kemmerzell 2010; Moreff 2010). That being said, the legal ban has not prevented ethnicity from playing a large role in Namibian politics, and as elsewhere in Africa many parties hide relatively homogenous ethnic constituencies beyond innocuous-seeming names: the South West Africa People's Organization (SWAPO) is widely perceived as an Oshiwambo party,<sup>8</sup> and similarly anodyne-sounding opposition parties represent the Damara (United Democratic Front), the Herero (National Unity Democratic Organization), the Kavango (All People's Party), and whites (Republican Party and Monitor Action Group) (Bauer and Taylor 2005; Hopwood 2008; Suzman 2002).

Another interesting case of an apparently "unsuccessful" party ban is Bulgaria, which prohibits ethnically based political parties in both the Constitution and the Political Parties Act.<sup>9</sup> Specifically,

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<sup>4</sup>See Bogaards, Basedau, and Hartmann (2010) as well as Hartmann and Kemmerzell (2010) for exploration of sub-Saharan African cases, and Rosenblum (2007) and Fox and Nolte (2000) for discussion of Organisation for Economic Co-operation and Development (OECD) countries.

<sup>5</sup>Articles 36 and 37 of its Electoral Law bar and permit the cancellation of registration of political parties whose "sole intention is to advocate or promote the interests of any religious belief or group, or of only a specific area or part of the Kingdom of Lesotho" or intend to "advocate or promote the interests of any ethnic or racial group." The law further prohibits any party from using a name or symbol that might promote violence against or cause offence on the basis of "race, colour, sex, age, language, or culture, religion, conscience or belief, disability or national social or ethnic origin, property, birth or other status."

<sup>6</sup>Article 3 of its Political Parties Law requires that parties have a "national character and scope" and forbids parties of a "regional or local character," and Article 10 further prohibits party names that include a person's name or a religious confession.

<sup>7</sup>Portugal's Constitution states that "No party shall be formed with a name or manifesto that possesses a regional nature or scope" (Goldey 1983).

<sup>8</sup>Though SWAPO also attracts support from others as the party of power.

<sup>9</sup>Article 11 of the Constitution states that "There shall be no political parties on ethnic, racial or religious lines." Similarly, in Article 3, the Political Parties Act bans parties "based on a confessional or an ethnic principle or purports to fan up racial, national, ethnic and religious enmity." The Act further bars the establishment of parties if "its activities are aimed against the sovereignty or territorial integrity of the country and the unity of the nation, against the rights and the freedoms of the citizens."

the Movement for Rights and Freedoms (MRF), primarily a party of ethnic Turks but also of some Bulgarian-speaking Muslims, has nonetheless won seats in parliament in every election since the reestablishment of democracy (Ilchev 2000), despite appearing to violate electoral law. The circumstances surrounding the MRF's registration shortly before the first free elections in 1991 remain mysterious, though the "widely shared consensus among Bulgarian political analysts" is that the Bulgarian Socialist Party (BSP)—the renamed Communist Party—wanted the MRF registered in order to split the opposition (Ganev 2004, 70). BSP deputies unsuccessfully sought to ban the MRF the following year through court challenge, but lost narrowly when the Supreme Court found the MRF is open to all Bulgarians, including non-Turks, and that its goals were defined in terms of human rights; this precedent was applied by the Court when it turned back a further challenge to the MRF's constitutionality in 1996 (Eminov 1999; Ganev 2004; Ilchev 2000; Kolarova 1993).<sup>10</sup>

While we save a more systematic test for later, these illustrations suggest that explicit ethno-regional party bans are relatively ineffective, at least by themselves, at achieving their stated purposes: they may either *appear* to work but only because the country lacks the kinds of social cleavages that produce demand for ethno-regional parties in the first place; on the other hand, where such cleavages do exist ethno-regional parties find ways to circumvent the law.

### REGISTRATION AND BALLOT-ACCESS REQUIREMENTS

Registration and ballot-access requirements may be established with similar aims—suppressing of ethno-regional interests—though their effect is less direct. While nominally applied to all parties—an advantage that allows them to appear facially neutral and not targeted at particular groups—these rules tend to have a disproportionate impact on ethnic and regional parties. They often cannot overcome spatial ballot-access or party registration requirements, as the party's identity precludes support outside of its home region (Birbir 2004; Van Cott 2003). These requirements take different forms across countries. In order to retain their registration, Brazilian parties must win a minimal share

of the votes in a certain number of states. Peru formerly mandated that parties collect many signatures across provinces in order to register. Parties in Hungary must run candidates—and thus obtain signatures—in a number of regions around the country in order to qualify for national list seats. The impact on ethno-regional parties of these sorts of laws appears likely to be negative regardless of whether they were adopted with the intention of undermining ethno-regional parties or are an unintended side effect.

Registration and ballot-access requirements may in fact have a stronger effect than ethnic or regional party bans because they provide a clearer set of more objective rules that are easier and more comfortable for an electoral commission or court to enforce. Through their attack on the geographically concentrated nature of most ethnic and regional party support bases, they undercut their ability to form and make it more difficult for them to mask themselves as non-ethnic or non-regional parties.

Two cases where such requirements have been implemented *without* accompanying party bans help illustrate the point. In Peru, parties were required to obtain 100,000 signatures spread across one-half of the country's 25 provinces in order to gain registration. In 1993, Peru lifted the spatial requirement but quadrupled the number of required signatures to 400,000 and retained the five percent threshold to retain registration (Birbir 2004; Van Cott 2003). When this latter threshold was dropped in 2001, Peru shifted the distribution of legislative seats to make it more difficult for indigenous parties to win seats. This evolving set of rules, typically combining large number of signatures and the spatial provincial committees required for party registration along with the new method for allocating legislative seat-allocation, constitute major institutional barriers to the formation of successful indigenous political parties, which are 39 percent of Peru's population (Birbir and Van Cott 2007). Raúl Madrid argues against institutional

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<sup>10</sup>We note that the judicial procedure for challenges to party registration in Bulgaria is structured in favor of registration: the Supreme Court cannot review a decision to permit registration but only may overturn denials. The Constitutional Court can review a successful registration but the Constitution requires that seven of twelve justices agree to overturn it—a provision that saved the MRF. In the 1992 judgment, six justices wanted to ban the MRF compared to just five who supported its constitutionality with one justice out sick.

explanations for the lack of indigenous parties, citing the plethora of Peruvian parties, but also notes “they are a significant impediment to local movements without a national base of supporters” (Madrid 2012, 113).

In Hungary, too, ethnoregional parties have fared poorly despite a Roma minority (Barany 2002). Ballot access requirements make it difficult for any spatially dispersed group like the Roma to overcome: parties may put forward a statewide list only if they qualify for regional lists in at least 7 of the 20 regions. Regional list qualification, in turn, requires getting candidates on the ballot in at least one-quarter of a region’s constituencies but no fewer than two. Each constituency candidate must gather 750 signatures from voters. Parties must consequently have supporters across a significant swath of the country to qualify a statewide list. Since surplus votes from both the constituency and regional list contests<sup>11</sup> are used to allocate the statewide list seats, voters have an incentive to cast ballots for parties qualified to receive them (Benoit 2005; Körösi 1999).

Waters become muddier when we consider countries that have adopted *both* party bans and registration/ballot access requirements, but even here the evidence seems to favor the latter over the former. Ghana’s effort to limit the formation of ethnoregional parties has mostly been successful, though one hesitates to credit the ban on particularistic parties<sup>12</sup> as none have been banned (Becher and Basedau 2008). Moreover, ethnicity and region continue to play important roles in Ghanaian politics (Forest 2004). Ghana’s two dominant parties, the National Democratic Convention (NDC) and the National People’s Party (NPP), both have ethnoregional bases, yet both also work hard to attract support well beyond their core region; this is not merely to comply with the law but in order to win enough votes to capture Ghana’s powerful presidency and a parliamentary majority.

Cape Verde, too, combines ethnoregional party bans<sup>13</sup> with ballot access requirements.<sup>14</sup> It is the latter provision, especially, that renders it extremely difficult to establish regionally based parties against the two dominant political parties (Baker 2006; Meyns 2002). Again, it is difficult to credit outright party bans since they have never been enforced, and we note that the absence of ethnoregional parties may reflect the relative homogeneity of Cape Verde’s Creole society rather than the effectiveness

of the constitutional and legal bans that have never been enforced (Lobban 1995), and the absence of sub-national identities playing on regional interests (Baker 2006; Meyns 2002, 161).

Brazil also has both kinds of provisions on the books, and once again it appears to be ballot access requirements rather than specific party bans that have impeded ethnoregional party formation. Both the Brazilian Constitution and the Political Parties Law contain provisions hostile to the regional party formation. The Constitution’s Article 17 states that political parties must have “due regard for national sovereignty” and observe the “precept” of “national character.” Article 7 of the 1995 Law on Political Parties permits the registration only of parties with a “national character” and sets a standard to meet this requirement:

it is considered as one which certifies its share of voters as equal to at least one-half percent of the votes cast in the last general election for the House of Representatives not including

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<sup>11</sup>Voters cast two votes, one for a candidate in a single-member constituency and one for a regional party list with list seats allocated on a proportional basis within regions to parties with more than five percent of the vote throughout Hungary. Surplus votes from both lists are then used to allocate seats from a statewide list to parties that receive more than five percent of the list vote (Benoit 2005).

<sup>12</sup>Article 55, Section 4 of the Ghanaian Constitution states that: “Every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions.” Section 3 of the same article requires that each party’s social and economic program have a “national character.” The Political Parties Law reinforces the constitutional ban: “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, religious, regional, professional or other sectional divisions.” The Law defines a party as falling within the ban “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” (Fridy 1992).

<sup>13</sup>Article 56 of the Constitution bans parties with “regional or local programmatic goals” and party names “that, directly or indirectly, identify with any part of the national territory.” It further prohibits “emblems, symbols and acronyms that are equivalent or can be confounded with municipal or national symbols.” The 1999 Political Parties Law reiterates the constitutional language in Article 7, Section 3, and Article 6, Sections 3 and 4.

<sup>14</sup>Article 12, Sections 1 and 2 of the Political Parties Law states that each party must have at least 500 members on the voter registration rolls among its founders, and at least 25 must live in each of the country’s 12 districts.

the votes blank and void, distributed across one-third, or more, of the States, with a minimum of one-tenth percent of the electorate who have voted in each of them.

Though the required share of the vote is low, it nonetheless necessitates that parties have a minimal level of support in both the country as a whole and across at least nine states (Power 2000).

Brazil's open-list form of proportional representation in large constituencies weakens the party system and may have an especially outsized impact on regional parties. Seats are allocated to parties or coalitions of parties within each state by the d'Hondt highest average method. Each party or coalition's list is completely open and the number of votes for each candidate determines its order.<sup>15</sup> Brazilians vote on a small electronic machine by entering the assigned number for a candidate or party; most opt for the former and view the election as a contest between candidates rather than parties (Nicolaou 2007). The system thus encourages candidates within a party or coalition to compete for votes.

The result is weak, factionalized parties with candidates focused on pork-barrel politics and the development of territorial strongholds (Ames 2001). Even if there are no regional parties, all Brazilian politicians act as regional advocates, an approach encouraged by local and state party leaders who have more power than their counterparts at the federal level (Samuels 2000). Parties cannot discipline wayward deputies as the *candidato nato* rule forces parties to give incumbents the same spot on the ballot. More importantly, they cannot afford to alienate candidates who are strong vote getters as other parties often poach deputies who win enough votes not just to elect themselves but other candidates (Mainwaring 1999).

Finally, the only country to fail outright in its attempt to limit ethnoregional parties despite having both types of laws on the books is Benin. Benin's Political Parties Law contains numerous provisions designed to limit ethnic or regional parties. Articles 3 and 12 require all political parties to safeguard the "cohesion and national unity," "territorial integrity," and "secular character" of Benin. Article 5 contains more specific prohibitions of ethnoregional parties:

Political parties must, in their programs and in their activities, prohibit intolerance, regionalism, ethnocentrism, fanaticism, racism, xeno-

phobia, and/or recourse to violence in all forms. No political party can justify its creation and its action upon a base and/or upon objectives including: sectarianism and nepotism; membership exclusive to a single faith, philosophy, linguistic group, or region; gender, ethnicity, or professional status; membership in a development association or a non-governmental organization.

This statement's strength contrasts with the weakness of sole provision designed to enforce it; Article 15 mandates that "The number of founding members of a party cannot be less than ten (10) per Department." Perhaps unsurprisingly, despite the flat ban on regional or ethnic parties, or because of a failure to enforce the ban as no party has been banned under the law, sources report that both factors dominate Beninese politics (Bako-Arifari 1995; Degboe 1995; Dunning and Harrison 2010).

Table 1, below, summarizes all of these examples concisely, and pairs them with our informal assessment of whether or not the established provisions have indeed successfully limited ethnoregional parties.<sup>16</sup> What all of this suggests is that registration and ballot-access requirements are not wholly successful at eliminating ethnoregional parties but appear to have more potential for success than ethnic and regional party bans. Unlike in countries with solely ethnic party bans, ethnoregional parties have inhibited major gains in some ethnolinguistically diverse countries with ballot-access requirements. Specifically, ballot-access requirements play a role in limiting the success of ethnoregional parties in Peru and, to some extent, in Ghana, though they fail to inhibit them in Benin. Spatial registration and ballot-access requirements provide clear-cut rules that are much less open to subjective interpretation by election officials or courts. Even if not totally successful, either due to lack of enforcement or because ethnoregional parties manage to overcome the barriers created by them, they may

<sup>15</sup>Parties within an electoral coalition are treated effectively as a single entity with seats awarded in the order of votes received by all of a coalition's candidates.

<sup>16</sup>Online Appendix A (<[www.davidlublin.com](http://www.davidlublin.com)>) contains more detailed information on the exact legal basis for ethnic party bans and ballot-access requirements for all countries in Table 1.

TABLE 1. SUMMARY OF ELECTORAL PROVISIONS DESIGNED TO LIMIT ETHNOREGIONAL PARTY SUCCESS IN FREE DEMOCRACIES

	<i>Ethnic or regional party ban</i>	<i>Registration and ballot-access requirements</i>	<i>Provisions effective?</i>	<i>1990–2011 Mean votes for ER parties</i>	<i>1990–2011 Mean seats for ER parties</i>	<i>Effective number of ethnic groups (Fearon)</i>
Bulgaria	X		No	8.9	10.4	1.4
Lesotho	X		Yes	0.0	0.0	1.3
Namibia	X		No	7.6	7.7	3.6
Portugal	X		Yes	0.04	0.08	1.0
São Tomé and Príncipe	X		Yes	0.0	0.0	1.5
Benin	X	X (Weak)	No	N/A but High		2.7
Brazil	X	X	Yes	0.0	0.0	2.2
Cape Verde	X	X	Yes	0.0	0.0	1.7
Ghana	X	X	Mostly	2.6	1.2	6.5
Hungary		X	Yes	0.05	0.05	1.2
Peru		X	Yes	0.5	0.1	2.8

ER, ethnoregional.

encourage or force parties to obtain some minimal concrete level of cross-regional support to gain ballot access.

### MULTI-COUNTRY MODELS OF THE VOTES AND SEATS WON BY ETHNOREGIONAL PARTIES

To this point, we have limited ourselves to developing theory on the basis of informal case studies. Now, we turn to cross-sectional tests of these observations. These rely on a new dataset containing election results from 1990 through 2012 for 73 countries, including most electoral democracies rated “free” by Freedom House. The dataset excludes free democracies, primarily Pacific island countries, lacking political parties or with very weak party systems. We estimate the impact of ethnic and regional party bans and spatial ballot-access requirements on the share of votes and seats won by ethnoregional parties across all free democracies included in the dataset. Multivariate analysis can help tease out their true effect through the introduction of controls for other forces that may spuriously cause patterns attributed to these laws.

Table 2, below, presents cross-sectional time-series generalized least squares (GLS) models with clustered standard errors of the *percentage of votes and seats for ethnoregional parties*.<sup>17</sup> Following Robert Moser and Ethan Scheiner (2012), we treat each tier in mixed systems with two votes separately,<sup>18</sup> which explains why there are 79 panels even though there are only 73 countries in the data-

base. *Ethnic party ban* and *ballot access requirements* are indicator variables denoting countries with an ethnic or regional party ban and with registration or ballot-access requirements, respectively, and thus assess the direct impact of the policies at the core of the analysis. Greater ethnic diversity should propel support for ethnoregional parties, and also conditions the likelihood that there will be a sufficient electoral base to produce ethnoregional parties to begin with. Countries with low levels of ethnic diversity, like Cape Verde and Lesotho, cannot be expected to have ethnoregional parties with or without a ban. Put another way, party limitations should not have a substantial impact on ethnoregional parties if the groups most likely to sustain such parties are not present. Because of this, the model includes the *effective number of ethnic groups*—a Herfindal index that equals the reciprocal of the sum the squares of the proportion each ethnic group, as measured by James Fearon (2003)—and, crucial to our analysis, the interaction of this variable with our legal provisions measures.

Other controls in the model help us zero in on the specific effect of our legal provisions. For example, presidential campaigns divert resources and attention away from smaller parties and candidates to their detriment (Amorim Neto and Cox 1997; Clark and Golder 2006; Mainwaring and Shugart 1997), so

<sup>17</sup>The substantive results are the same with just ethnic parties. Online Appendix B ([www.davidlublin.com](http://www.davidlublin.com)) contains a list of countries and values for variables included in the models.

<sup>18</sup>Mixed-member proportional (MMP) systems are an exception, as they are treated as proportional systems.

TABLE 2. CROSS-SECTIONAL TIME-SERIES GLS REGRESSION MODELS WITH CLUSTERED SE OF VOTES AND SEATS WON BY ETHNOREGIONAL PARTIES IN FREE DEMOCRACIES

	<i>Percent votes for ethnoregional parties</i>	<i>Percent seats for ethnoregional parties</i>
Effective number of ethnic groups (Fearon)	2.36*** (.23)	2.98*** (.34)
Ethnic party ban	-5.75*** (.69)	-4.10*** (1.05)
Ethnic party ban weighted by the effective number of ethnic groups	2.66*** (.49)	2.28** (.77)
Ballot access requirements	1.29^ (.78)	2.60*** (.81)
Ballot access requirements weighted by the effective number of ethnic groups	-1.76*** (.53)	-2.63*** (.64)
Simultaneously elected strong president	4.39*** (.90)	3.77* (1.61)
Simultaneously elected strong president weighted by the effective number of ethnic groups	-2.67*** (.55)	-2.36* (.96)
Proportional representation	.61*** (.13)	.11 (.08)
Decentralized	5.62*** (.47)	5.37*** (.41)
Income (purchasing power parity in \$1000)	-.05*** (.01)	-.00 (.01)
Year (1990=0, 1991=1, . . . 2011=22)	.01*** (.00)	.00** (.00)
Constant	-1.06*** (.30)	-3.00*** (.49)
Observations	455	456
Panels	79	79
Wald chi-squared	451.91	327.54

Note: \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ . There are 73 countries but 79 panels because countries with mixed electoral systems that are not mixed-member proportional systems, which act similarly to proportional systems, are divided into two parts with each tier included separately. GLS, generalized least squares; SE, standard errors.

ethnoregional parties may perform more poorly in countries with a *simultaneously elected strong president*. This measure, too, is interacted with the effective number of ethnic groups, as its impact should rise with the share of ethnic minorities.

The models further control for *proportional representation*, as small parties, including ethnoregional parties, find it easier to win seats, and thus support, in countries with proportional electoral systems (Farrell 2001; Lijphart 1994). Numerous scholars argue that *decentralization* heightens tensions between the center and the regions and may also provide ethnoregional parties additional resources through regional elections and governments (Brancati 2009; Bunce 1999; Brubaker 1996; Kymlicka 1998; Riker 1964; Roeder 2007; Snyder 2000). Michael Hechter (1992) argues that wealth strengthens separatism, while Henry Hale (2000)

contends the opposite; *income*, as measured by purchasing power parity, tests both hypotheses. All models also control for the *year*.

The results generally support the conclusions expected from the case studies. The coefficients and standard errors in Table 2 indicate that ethnic party bans do not reduce the share of votes or seats won by ethnoregional parties by a statistically significant amount; indeed, they seem to have the opposite effect. Note, for example, that the base term on that predictor is negative, but the interaction term with respect to the effective number of ethnic groups is positive and significant; to make this a little more intuitive, we plot the marginal effects of party bans at different levels of effective ethnic group activity in graphical form (see Figure 1, below). In short, then, and all else equal, party bans appear to achieve the opposite of their intended aims once the number

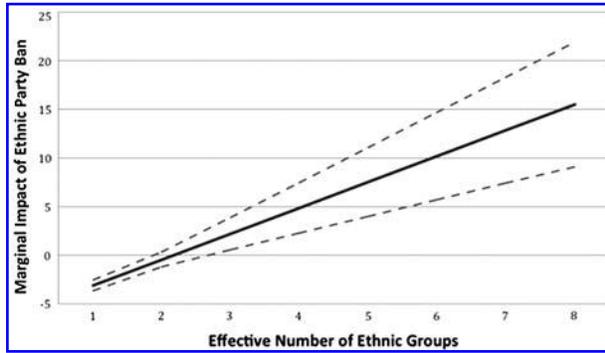


FIG. 1. Marginal impact on the ethnoregional party vote share of an ethnic party ban by the effective number of ethnic groups.

of effective ethnic groups rises above three or four.<sup>19</sup> Of course, it would be silly to think of relationship in causal terms; more likely, in our view, is that such laws are more commonly adopted when ethnic party formation is common, and do not do much at all by themselves to suppress it.

In contrast, ethnoregional parties clearly win fewer votes and seats in countries with ballot-access requirements. While the coefficient on the base term is positive and statistically significant in both cases, this represents the unrealistic case of zero effective ethnic groups. Beyond this, the interaction with respect to effective ethnic groups is negative and statistically significant as expected. In other words, the apparent effect (all else equal) of ballot access requirements becomes increasingly substantial as the number of effective ethnic groups increases. Figure 2, below, plots marginal effects for easier interpretation.

In a bigger-picture sense, the failure of ethnic and regional party bans may reflect the reluctance of free democracies to enforce a hazy, subjective legal requirement. Among the countries in the dataset, only Namibia has ever indicated that it would enforce an ethnic party ban, and this party had not yet even applied for registration. Banning ethnoregional parties may be especially difficult in African democracies due to lower institutional capacity and because African ethnoregional parties routinely present themselves as not ethnically or regionally based (Bogaards et al. 2010). On the other hand, ballot-access requirements provide officials with a more objective, straightforward rule that needs less interpretation. This may explain why the findings indicate that ballot-access requirements are more effective than blanket ethnic party bans at limiting ethnoregional party success.

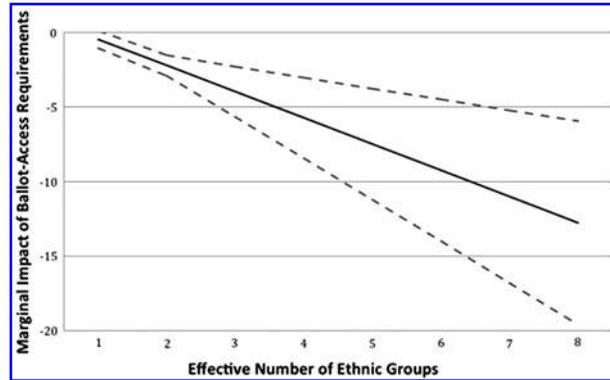


FIG. 2. Marginal impact on the ethnoregional party vote share of ballot-access requirements by effective number of ethnic groups.

Proportional representation has a small positive impact on the share of votes, but not seats, won by ethnoregional parties, while decentralization appears to increase the share of votes and seats that they gain. In line with Henry Hale's (2000) conclusions, votes, though not seats, won by ethnoregional parties decline with income.

## DISCUSSION

Ethnic and regional parties may threaten democratic stability for a variety of reasons. As ethnic lines often change only slowly, the loss of an election on ethnic lines may lead to seemingly permanent exclusion from power—a result likely to exacerbate ethnic tensions. When majorities monopolize state resources as minorities view them as a central means of economic advancement, the impact of ethnoregional party exclusion—and their desire to obtain access to government and its resources—becomes more acute. Persistent exclusion may spur ethnoregional parties to pursue secessionist or irredentist ambitions in the hopes of gaining control of government in their own territory. Alternatively, some view ethnic and regional parties as promoting inclusion of all ethnic groups by providing an authentic voice for ethnic and regional minorities. Thus, for liberal democracies, a constant tension exists between the

<sup>19</sup>We note that this somewhat counter-intuitive finding is robust to various model specifications both including and excluding interaction terms and ballot access provisions. (Available upon request.)

stability and integrity of the community as a whole, and the desire to ensure minorities an equitable stake.

Ethnic and regional party bans along with registration and ballot-access requirements are two institutional methods that may defang ethnoregional parties by blocking their participation. In essence, they force elites to form multiethnic and multiregional parties even if ethnic or regional parties might otherwise have greater attraction. Similarly, through the elimination of ethnic and regional options, ethnic party bans and ballot-access requirements require voters to cast ballots for multiethnic and multiregional parties regardless of whether they might otherwise prefer ethnic or regional parties.

The analysis presented here indicates that ballot-access requirements have much more success than ethnic party bans at achieving this goal. Ethnoregional parties flourish in a variety of countries with ethnic or regional party bans, especially in countries with ethnolinguistic divisions. The multivariate models of ethnoregional party success in 73 free democracies demonstrate that ethnic and regional party bans have little impact on their overall performance.

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