

ABSTRACT

Title of Dissertation: VIOLENCE AND BELONGING: THE
IMPACT OF CITIZENSHIP LAW ON
VIOLENCE IN SUB-SAHARAN AFRICA

Anne Christine Frugé, Doctor of Philosophy,
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Dissertation directed by: Professor Jóhanna Kristín Birnir, Department of
Government and Politics

Many countries in Africa are embroiled in heated debates over who belongs where. Sometimes insider/outsider debates lead to localized skirmishes, but other times they turn into minor conflict or even war. How do we explain this variation in violence intensity? Deviating from traditional explanations regarding democratization, political or economic inequality, or natural resources, I examine how nationality laws shape patterns in violence.

Citizenship rules determine who is or is not a member of the national political community. Nationality laws formalize these rules, thus representing the legal bond between individuals and the state. Restrictive nationality laws increase marginalization, which fuels competition between citizenship regime winners and losers. This competition

stokes contentious insider/outsider narratives that guide ethnic mobilization along the dual logics of threat and opportunity. Threats reduce resource levels and obstruct the exercise of rights. Opportunities provide the chance to reclaim lost resources or clarify nationality status.

Other work explains conditions necessary for insider/outsider violence to break out or escalate from the local to the national level. I show that this violence intensifies as laws become more exclusive and escalates to war once an outsider group with contested foreign origins faces denationalization. Groups have contested foreign origins where the “outsider” label conflates internal and foreign migrants. Where outsiders are primarily in-migrants, it is harder to deny the group’s right to citizenship, so nationality laws do not come under threat and insider/outsider violence remains constrained to minor conflict.

Using an original dataset of Africa’s nationality laws since 1989, I find that event frequency and fatality rates increase as laws become more restrictive. Through case studies, I explain when citizenship struggles should remain localized, or escalate to minor or major conflict. Next, I apply a nationality law lens to individual level conflict processes. With Afrobarometer survey data, I show that difficulty obtaining identity papers is positively correlated with the fear and use political violence. I also find that susceptibility to contentious narratives is positively associated with using violence to achieve political goals. Finally, I describe the lingering effects of a violent politics of belonging using original survey data from Côte d’Ivoire and Ghana.

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by

Anne Christine Frugé

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Advisory Committee

Professor Jóhanna Kristín Birnir, Chair
Professor Ernesto Calvo
Professor Kathleen Gallagher Cunningham
Professor Patricio Korzeniewicz
Professor John McCauley

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Chapter 5. Nationality Laws and Civil War: Evidence from Côte d'Ivoire and the Democratic Republic of Congo

This chapter illustrates how contested citizenship rules contribute to VOB, and the role nationality laws play in escalating events to the point of war. I offer a different perspective on *why* individuals mobilized during VOB in Côte d'Ivoire and the Congo. Moreover, I go beyond the standard ethnic identification arguments to make the case that exclusionary nationality laws shaped conflict processes in these countries. Essentially, I test the first part of Hypothesis 2:

H2a: Violence at the national level will escalate to war once nationality are revised to denationalize one or more groups in society.

Restrictive laws increase citizenship insecurity, which fuels winner/loser competition and stokes contentious insider/outsider narratives, which guide ethnic mobilization. Although mobilization is typically elite-directed, I focus here on the joint production of violence by elites and individuals. When the conditions are met, VOB escalates from the local to the national level. At this point, VOB escalates to war once an outsider group faces denationalization. I argue that this situation is most likely where an outsider group has contested foreign origins because popular imagination conflates internal migrants and foreign nationals. However, when national citizenship rules are not at stake, national level VOB is likely to remain a minor conflict. Where an outsider group is primarily composed of in-migrants, it is harder for insiders to portray outsiders as foreigners.

As evidence, I present four case studies that span two chapters. In this chapter, I use process tracing to explain how events in Côte d’Ivoire escalated to the point of civil war (2002-2007). Next, I show that events in the DRC followed a similar trajectory (1996-2003). In both cases, citizenship regime winner/loser competition culminated in an attempt by winning insiders to denationalize a losing outsider group. In Chapter 5, I use process tracing to explain why citizenship conflict in Kenya and Ghana fell short of war. Namely, although winner/loser competition led to insider/outsider narratives and violence, there were no serious efforts by the government to denationalize outsiders.

The case selection is justifiably non-random. I examine cases with the necessary variation on the dependent and independent variables, while controlling for potentially confounding factors and addressing alternative explanations. The dependent variable under study is violence severity. Côte d’Ivoire and the DRC both succumbed to civil wars, and Kenya has experienced bouts of minor conflict. I use Ghana, which has only seen the outbreak of localized skirmishes, as the “negative” case. National citizenship rules were thrown into question and formally revised in Côte d’Ivoire and the DRC. In Kenya and Ghana, the national citizenship rules were never at stake, even though sub-national citizenship rules came under fire.

The case analysis complements existing scholarship on ethnic competition, electoral competition, and competing land claims. Land-related and inter-ethnic violence is present in all four cases. Elections triggered VOB in Côte d’Ivoire, the DRC, and Kenya, but not in Ghana. Additionally, nationality law provisions vary within and across all four cases. The long time horizon of the study also allows me to control for exclusionary and inclusionary periods in each country’s history. See Table 4 for a summary of the case

selection methodology. Data comes from secondary source material and original interviews I conducted with political researchers in Abidjan, Côte d'Ivoire and Accra, Ghana (November-December 2014).

Table 4: Case selection

Cases	Dependent Variable	Independent Variable	Control Variables
1. Côte d'Ivoire 2. The DRC	Major Conflict	Citizenship politicized at the national level Outsider group (internal and external migrants) threatened with denationalization	<ul style="list-style-type: none"> • Elections triggered widespread violence • Insider group <ul style="list-style-type: none"> ○ Lost ancestral land to outsiders ○ Economically disadvantaged vis-à-vis outsiders • Outsider group <ul style="list-style-type: none"> ○ Demographic majority/near-majority ○ Favored by colonial and post-colonial state ○ Powerful (if still “potential”) electoral bloc • Statist land regime
Kenya	Minor Conflict	Citizenship politicized at the national level Outsider group (internal migrants) not threatened with denationalization	<ul style="list-style-type: none"> • Elections triggered widespread violence • Insider group <ul style="list-style-type: none"> ○ Lost ancestral land to outsiders ○ Economically disadvantaged vis-à-vis outsiders • Outsider group <ul style="list-style-type: none"> ○ Demographic majority/near-majority ○ Favored by colonial and post-colonial state ○ Powerful electoral bloc • Statist land regime

Ghana	Localized Conflict	<p>Citizenship not politicized at the national level</p> <p>Outsider group (internal and external migrants) not threatened with denationalization</p>	<ul style="list-style-type: none"> ● Insider group <ul style="list-style-type: none"> ○ Lost ancestral land to outsiders ○ Economically advantaged vis-à-vis outsiders ● Outsider group <ul style="list-style-type: none"> ○ Demographic minority ○ Substantial electoral bloc ● Customary land regime
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Côte d'Ivoire

To understand the trajectory of citizenship debates in Côte d'Ivoire, it is essential to understand the ethnogenesis of the “Dioula” ethnic group. The label is too often simplified in terms of the Muslim North/Christian South cleavage. A full explanation requires some appreciation of the demographics in the northern part of the country. It is easiest to describe the landscape of Ivoirian ethnic groups after carving the country up into figurative quadrants (cf. McGovern 2011). The northwestern quadrant has a majority Mande-speakers (the Malinke/Jula, Gouro, Toura, and Dan), who are related to the Mande-speakers of Mali, Guinea, and Liberia.³⁴ Mande languages in Côte d'Ivoire can be divided into the northern subgroups (Maninka/Jula and Bamana) and southern subgroups (Mano, Gouro, and Dan). The Northern Mande are generally Muslim, while Southern Mande are Christians or follow traditional religions. The northeastern quadrant has a majority Voltaic-speakers (the Senufo, Lobi, and Koulango), who are related to the Voltaic language speakers in Mali and Burkina Faso. The southern half of the country has its own set of ethnic groups, which also have historical ties to groups in Liberia and Ghana.

Over time, the terms “Northerners” and “Dioula” came to refer indiscriminately to the northern Mande and Voltaic speakers. The terms conflate groups that do not share the same language, culture, religion, or history. Their common link is only the trading language, Dioula. The terms contribute to contentious identity politics by presuming that all Dioula are Muslim. They also fail to distinguish between families that have historically

³⁴ The Jula language is sometimes spelled “Dioula” or “Dyula”.

lived in present-day Côte d'Ivoire and those who have emigrated from elsewhere (Mali, Guinea, or Burkina Faso) (Marshall-Fratani 2007; McGovern 2011; Manby 2009). In my discussion, I use the terms Northerners and Dioula interchangeably.

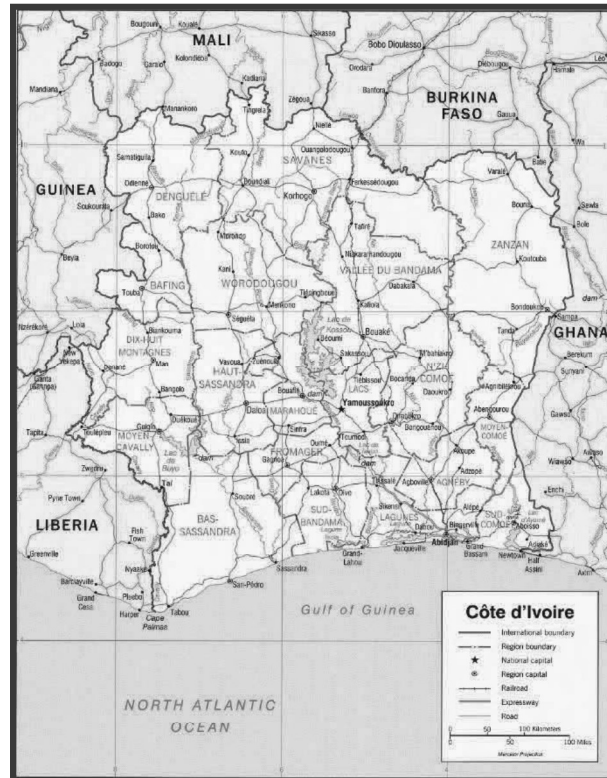


Figure 7: Map of Côte d'Ivoire ³⁵

Colonial Foundations

The colonial state territorialized and ethnicized political identification through “colonial ethnography, colonial government, and economic policy” (Marshall-Fratani

³⁵ Map courtesy of the Perry-Castañeda Library Map Collection at the University of Texas at Austin. Available at: http://www.lib.utexas.edu/maps/africa/cote_divoire_ref04.jpg. Accessed August 26, 2016.

2007, 16; see also Mamdani 1996; Chauveau and Dozon 1987).³⁶ Citizenship rules during this period distinguished between citizens (Europeans) and subjects (non-whites), as well as between African “natives” and “settlers” (Mamdani 1996).³⁷ The colonial land tenure regime consistently favored migrants. Even after independence the state continued to allocate land “*at the expense of* aggrieved communities claiming ancestral rights to land (Boone 2014, 260, emphasis in original).” Autochthonous groups were even pressured into leasing land to outsiders through *tutorat* arrangements (Lewis 2003; Boone 2014; Berry 2009) in which an ongoing exchange of “gifts” served as a signature by both parties on the informal dotted line (Boone 2014; Manby 2009; Dozon 1985). As such, the relationship between hosts and strangers in the country more closely resembled a patron-client bond than tenancy (Berry 2009).

Cash crop revenues slumped in the 1940s. In an effort to fuel flagging production, the French administration moved thousands of people from eastern Côte d’Ivoire (e.g. the Baoulé) and the northern reaches of the colony (e.g. Iovirian Jula and Senoufo, Burkinabés, and Malians) to the southwestern frontier, home of the We, Bété, and Dan (Boone 2014). These colonial resettlement schemes spurred an ethnic consciousness for many groups (Dozon 1985). At the core of this consciousness was the ideology of autochthony, which

³⁶ For instance, the sixty distinct Ivoirian societies were carved up and assigned to administrative units under the fiction that the new ethnic groupings represented primordial nations (Boone 2014, 130).

³⁷ In the literature, “hosts” are also referred to as natives, indigenes, and autochthons, and “strangers” are also referred to as migrants, settler, and allochthones. I use this vocabulary interchangeably.

developed “in large part in opposition to a state that was seen as the architect of this [land] dispossession” (Boone 2014, 134; Chauveau and Dozon 1987).

Within a decade, strangers outnumbered the indigenous population.³⁸ Insider/outsider tensions boiled over as land pressures increased throughout the 1940s and 1950s (Boone 2014; Dozon 1985; McGovern 2011; Marshall-Fratani 2007). After WWII, the political space opened up and civil society organizations stepped up to voice grievances of indigenous groups. For example, the Mouvement Socialiste Africain’s (MSA) platform was to fight against the “colonization” of indigenous communities by strangers (Dozon 1985, 343).³⁹

In summary, the French colonial administration laid the groundwork for future citizenship debates by producing overlapping claims to land, hierarchical definitions of citizenship, and political boundaries that conflicted with localized understanding of belonging. Combined with a repressive system of government characterized by exploitation and violence, independence-era elites had a wealth of tragic history to draw upon as political capital. Additionally, land tenure became a zero-sum game in which one group’s loss meant another group’s gain. During colonialism, Africans were rarely granted citizenship. However, certain groups received preferential treatment. In Côte d’Ivoire, outsiders were favored and insiders lost out under the colonial regime. Winner/loser

³⁸ In some places, autochthons made up less than a third of the population (McGovern 2011, 78). By 1960, half the population of the country’s southwestern quadrant were strangers (Boone 2014, 129).

³⁹ The MSA pit themselves against the Syndicat Africain Agricole (SAA) union, which was perceived as a vehicle of Baoulé and Dioula interests (Boone 2014; Dozon 1985).

competition produced insecurity that elites later framed in terms of threats and opportunities in order to mobilize constituents for political violence. Since the outsider group “Dioula” refers to a composite grouping of internal and external migrants, the group came to be seen as foreign.

Independence

Côte d’Ivoire became independent on 7 August 1960 under the leadership of Félix Houphouët-Boigny of the PDCI. The country remained a single-party state until 1990, and under PDCI control until 1999. As the leading producer of the cocoa in the world, Côte d’Ivoire appeared to have struck the elusive balance between cash crops and a diversified economy (Keller 2014).⁴⁰ In the open, the PDCI supported the heavy investment in development projects, while behind the scenes coffee and cocoa revenues fueled a personalistic patronage state (McGovern 2011; Woods 2003). Economic prosperity and the substantial political support of migrants bolstered Houphouët’s consolidation of power. The period became known as the Ivoirian Miracle.⁴¹

Although Houphouët favored his group, the Baoulé, part of the Akan family (Manby 2009), “all major ethnic groups were represented in Côte d’Ivoire’s main political institutions” (Langer 2005, 31). However, the fatal flaw in Côte d’Ivoire’s success was that

⁴⁰ From 1965 to 1975, GDP grew by 8 percent per year with generous spill-over into other areas of the economy (Keller 2014, 93).

⁴¹ According to Mike McGovern, the true miracle was “that Houphouët-Boigny succeeded in sharing the wealth to a sufficient extent that he, his close associates, and many French business and political interests all became rich, while many previously poor Ivoirian families also experienced significant improvements in their lives” (2011, 140).

it was contingent on the economic productivity and political support of Dioula, and perpetuated by ill-defined citizenship criteria. For instance, Houphouët famously proclaimed that “land belongs to those who cultivate it” to encourage farmers from within and outside the country to migrate to southwestern plantations. He then upheld the colonial practice of enforcing a land tenure regime that treated migrants preferentially in order to shore up popular support (Boone 2014). To turn this loyalty into a political base, Houphouët embraced “fuzzy citizenship policies” that blurred the line between formal citizenship status and *de facto* political rights (Bah 2010; Marshall-Fratani 2007; Woods 2003). Citizenship and national identity were never precisely defined so that strangers loyal to the PDCI could vote, purchase land, and hold government office (Woods 2003). During Houphouët’s tenure, outsiders were the unequivocal winners of the citizenship regime. After agriculture revenues dropped, calls to restrict citizenship rights, notably from the citizenship regime losers (e.g. the Bété and Baoulé) grew stronger (Woods 2003).⁴²

The line between “Ivoirian” and “foreigner” became increasingly blurry in the political arena. Further, contradictory understandings of the place of migrants in society at the local level began to infuse national discourse. Indigenous groups perceived strangers as guests who were granted temporary access to land under the *tutorat* system. Settlers, on the other hand, buying fully into the PDCI system, understood themselves as land owners with guaranteed property rights (Keller 2014; Ceuppens and Geschiere 2005). Overlapping claims became intractable, seemingly impossible to resolve given that transactions were made according to *tutorat* rather than through official channels. Moreover, getting official

⁴² Recall that the Bété are “hosts” in the southwestern region and the Baoulé are internal migrants.

documentation to prove ownership is an expensive and burdensome task, eliminating it as an option for many people (then and now).⁴³

An additional problem arose in the contradictory understandings of land ownership as a practice. One interviewee explained to me that Dioula groups are historically nomadic and therefore understand land as a commodity to be used for a period of time before it is discarded for new land. Autochthonous groups, on the other hand, come from a sedentary farming tradition in which it is inconceivable that land could be transferred outside indigenous lineages.⁴⁴ In other words, *tutorat* was not a compromise between natives and settlers. Autochthons believed that land always *had* and always *would* belong to sons of the soil; it was not possible for anyone else to legitimately claim it.

Economic crisis brought these divergent world views crashing to a head. The cocoa economy breached its structural limits right when global markets entered a significant downturn (Woods 2003). Economic volatility in the 1970s and 1980s hit Côte d'Ivoire hard, prompting heavy borrowing by the government (Keller 2014). Independence had only "accelerated the rhythm of the 'massive alienation of land to outsiders'" (Dozon 1985, 129).⁴⁵ Structural adjustment programs managed by the World Bank and IMF forced privatization reforms and brought the Ivoirian Miracle to a definitive end (Keller 2014).

With the economy in a tailspin, and in response to a presidential back to the land program, many urban residents, mostly unemployed youth, moved back to villages

⁴³ Interview-Abidjan-December 1, 2014 (2)

⁴⁴ Interview-Abidjan-December 2, 2014 (3)

⁴⁵ In the mid-to-late seventies, strangers made up 64% of Divo Department and almost 50% of Gagnoa Department (Boone 2014; Hecht 1985; Dozon 1985).

(McGovern 2011; Berry 2009; Boone 2014). They arrived to find their family's land in the hands of well-off strangers and their own prospects exceedingly limited. Sara Berry's description of the consequences is worth quoting at length:

Obligated to take menial jobs in order to survive, urban returnees seethed at their perceived dispossession at the hands of 'northerners'—both Ivoirian and foreign-born—and the PDCI regime, whose Baulé leaders were suspected of favoring members of their own ethnic group (2009, 32).

At a time of falling incomes and rising land scarcity, demographic pressures exerted their full force. Three decades of extensive migration to the southwestern regions generated “bitter conflict between indigenes and strangers over land and employment” (Crook 1997, 222). Narrowing citizenship criteria became a way for “losing” autochthons to reverse their economic and political marginalization. For “winning” Dioula, formal citizenship status was the best way to address land disputes and protect their property rights, the root of their economic and political power. After all, as one of my interviews eloquently said, “*La terre est la richesse*,” land is wealth.⁴⁶

Although contested citizenship was not yet a salient issue, land conflicts were a recurrent feature of this period (Boone 2014). The Gagnoa revolt is one example worth describing in detail. On October 26, 1970 hundreds of planters in the Gagnoa region rallied around Nragbé Kragbé and rebelled against the state. A “peasant army” raised a flag of the République d'Éburnie over government buildings and called for the return of autochthonous land and the exodus of migrants. The Ivoirian army brutally suppressed the

⁴⁶ Interview-Abidjan-December 1, 2014 (1)

movement in a small massacre (Dozon 1985; Boone 2014; McGovern 2011). The Guébié “genocide”, as the event is known among the Bété (Boone 2014), “cemented Bété feelings of exclusion and resentment against PDCI regime and the strangers it ‘backed’” (McGovern 2011, 83; see also Bøås and Dunn 2013). The political identity of the Bété became synonymous with autochthony (Marshall-Fratani 2007).

In summary, winners and losers under the Ivorian citizenship regime faced off in the early years of independence. Their competition encouraged the development of contentious insider/outsider narratives. Elites strategically exploited concerns about citizenship security and mobilized co-ethnics according to the dual logics of threat and opportunity. Amidst deepening land scarcity, “losing” autochthons resented the PDCI for giving their ancestral land to immigrants. Further, they saw liberal voting laws as a thinly-veiled ploy for the PDCI to maintain their hold on power. In contrast, “winning” Dioula felt threatened by vehement calls by autochthons to reclaim land and drive settlers away. Both winners and losers saw nationality laws as a way to secure citizenship rights and state resources.

Ultimately, violence of belonging broke out. Two contributing factors to onset deserve a note. Economic decline exacerbated disputes over land ownership and belonging. Moreover, land institutions were poorly organized and managed. The population did not understand the laws on the books (which were not enforced well besides) and a *crise de confiance*, where people distrusted or outright rejected formal institutions, brought the country to its knees.⁴⁷ There was also the widespread belief that the same people who

⁴⁷ Focus Group-Abidjan-December 3, 2014

created the institutions were also responsible for the unfolding crisis.⁴⁸ Consequently, the gap between formal laws and informal practices widened.⁴⁹ When the *de facto* contradicts the *de jure* rules, dysfunction prevails.

Multi-party era

Côte d'Ivoire entered the new decade in full-swing of an economic and political crisis. Real growth sank below one percent in 1990 and the country remained deeply in debt (Keller 2014). International organizations insisted that Allasane Ouattara, a former IMF technocrat, be installed as Prime Minister. Aside from the disastrous economic performance, PDCI policies had generated so much bad-blood over the years that Houphouët was the only glue holding together the PDCI's fragile multi-ethnic coalition. A scramble to exploit the remaining forest in the south-west compounded these problems and led to intense fighting between hosts and strangers (Woods 2003).

Succumbing to international pressure, Côte d'Ivoire held its first multi-party elections in 1990 and winners and losers under the old regime jockeyed for control of the state. Henri Konan Bédié, in a daring challenge to Houphouët's grip on the PDCI, took an anti-northerner stance. Laurent Gbagbo of the Ivoirian Popular Front (FPI) positioned himself as the anti-immigrant candidate. Gbagbo staked his ground by accusing the PDCI of systematically favoring Baoulé, northerners, and foreigners (Woods 2003; Crook 1997; Langer 2005), using them as "electoral cattle" (Marshall-Fratani 2007, 22). The FPI also began rumors that Prime Minister Ouattara was himself a foreigner because his father was

⁴⁸ Ibid

⁴⁹ Interview-Abidjan-December 1, 2014 (2), Interview-Abidjan-December 2, 2014 (1)

born in present-day Burkina Faso (Marshall-Fratani 2007). In the background “a growing northern consciousness...contributed to the escalation of ethnic tensions” (Langer 2005, 32). A Charter of the North, *Le Charte du Grand Nord*, surfaced in 1992. It called for “fuller recognition of the Muslim region...more efforts to reduce regional inequalities, greater political recognition of the north’s political loyalty during the upheavals of the 1980s and (most worryingly) an end to Baoulé nepotism in recruitment to public jobs” (Crook 1997, 226).

With Houphouët’s death in December 1993, the political sphere fractured. Two factions within the PDCI battled one another and the opposition FPI, carving out separate trenches for the Baoulé, the northerner/immigrant (Dioula), and the Bété ethnic blocs. In 1994 the Rassemblement des Républicains (RDR) put Ouattara forward as their presidential candidate. This PDCI-splinter represented the northern/immigrant/Muslim bloc, and took on a reformist tenor (Crook 1997). The old guard, new PDCI recruits, and the Baoulé threw their support behind interim President (and former President of the National Assembly) Henri Konan Bédié of the PDCI. Bédié drew heavily on resentment of migrants to strategically out-manuever his opponents. He was especially concerned about Ouattara, the first politician capable of mobilizing northern migrants as a coherent electoral bloc (Marshall-Fratani 2007). Without support in the *Grand Nord*, Bédié had very little chance of securing a winning coalition (Crook 1997).

In the 1990 elections, Bédié had solicited foreigners’ votes to challenge Houphouët, but he sought to deny their rights all together ahead of the 1995 elections. His about-face stems from two important developments. First, Bédié saw in the RDR the collapse of the PDCI’s Baoulé-northerner/immigrant coalition (Crook 1997; Bah 2010). Secondly, Baoulé

cocoa producers were suffering economically and failing to compete with migrants from Burkina Faso. They blamed their misfortunes on ‘foreigners’ and demanded recompense (Crook 1997). Bédié’s strategy thus became to nullify, rather than to win over, the Dioula vote (McGovern 2011). He labelled the RDR “a northern regional party with a sinister ‘Muslim’ agenda likely to tear the country apart” (Crook 1997, 225). He then exploited rising xenophobia and, alongside other ethnic entrepreneurs, called to make autochthony a requirement for citizenship (Marshall-Fratani 2007; McGovern 2011).

Out of this nationalist frenzy, *Ivoirité* was born. The ideology turned on the claim that only “pure” Ivoirians should have citizenship. Purity meant indigeneity, and very few ethnic groups made this cut.⁵⁰ As such, *Ivoirité* resurrected the colonial-era bifurcated citizenship framework, distinguishing between indigenous Ivoirians and those of “mixed” heritage (Marshall-Fratani 2007; Bah 2010). Combining nativism and nationalism, elites in the movement revitalized anti-imperialist discourse through demands for “liberation” of land from strangers (McGovern 2011). Railing against immigrants and northerners, ethnic entrepreneurs lumped the disparate groups together in an effort to marginalize them both. This type of ethnic nationalism became the basis for conflict and ethnic cleansing (McGovern 2011).

Bédié moved quickly to institutionalize *Ivoirité* by reforming electoral rules, land tenure policies, public sector employment, and national identification programs. For example, a 1994 law required presidential and legislative candidates to prove that they and

⁵⁰ Namely, it was Akan cultural cluster, which includes the Baoulé, Bété, and Kru sub-groups (Keller 2014; McGovern 2011).

their parents were Ivoirian by birth. This law later made its way into the 2000 Constitution as the notorious Article 35. In 1995 Bédié revised the electoral code such that presidential candidates were required to “have lived in the country for the past 5 years” and “foreigners were no longer allowed to vote in Ivoirian elections” (Langer 2005, 33). The 1994 and 1995 laws specifically targeted Ouattara, whose father was reputed to be Burkinabé, but they renounced the rights of anyone considered to be of “foreign” stock (Manby 2009; Bah 2010; Crook 1997).

Until 1999 the RDR and the FPI were united as the Front Républicain.⁵¹ After a violent election season, Bédié declared victory; the Front Républicain immediately decried the illegality of the process (Crook 1997). Under Bédié’s rule, the Dioula lost their voting and property rights (Manby 2009; Bah 2010; Crook 1997). Bédié also ended the Houphouët-era balancing policies that had provided representation to the country’s diverse ethno-regional interests. In their place he implemented “Baoulisation” and filled civil and military positions with Baoulé (Langer 2005).⁵²

An obsession with national identity proliferated Ivoirian society, supported by the efforts of pseudo-scientists. The Cellule Universitaire de Recherche et de Diffusion des Idées et Actions Politiques du Président Henri Konan Bédié (CURDIPHE) produced a

⁵¹ The irony of this political union was two-fold: Gbagbo, future supporter of Ivoirité, denounced xenophobic policy-making and Ouattara, staunch critic of ethnic politics, built an ethno-regional coalition (Crook 1997).

⁵² According to Langer (2005), “Baoulé over-representation in the government as a whole increased from 1.43 in the December 1993 government to 1.86 times its relative demographic size in the August 1998 government” (Langer 2005, 41). As a comparison: 40% of the key positions in the Bédié administration were held by members of the Baoulé ethnic group, while only 3% of ministers came from the Northern Mandé group (Langer 2005, 41).

manifesto on Ivoirité in 1996 that urged Ivoirians to “affirm their sovereignty, their authority in the face of the threat of dispossession and subjection: be it a question of immigration or political and economic power” (Touré 1996, 21 as quoted in Marshall-Fratani 2007, 23).⁵³ As if heeding CURDIPHE’s appeal, Bédié spearheaded legislation that required individuals to prove their authenticity as Ivoirians. The process required individuals to return to their ancestral village and obtain a certificate stating their nationality-qua-ethnicity. Those who could not prove Ivoirian ancestry were disenfranchised (Keller 2014; Manby 2009).

In 1998, Bédié introduced a new land law that reserved property rights for the state and autochthons. Foreigners had no legal claim to land on which they lived, and internal migrants had difficulty owning property outside their home regions. Traditional leaders wasted no time confiscating and then redistributing land “according to their own interpretation of customary law” (Keller 2014, 96; see also Englebert 2009).⁵⁴

Understandably, Dioula felt they were “victims of state-sponsored discrimination in the application of nationality laws” (Bah 2010, 603), and did not take the denial of their citizenship rights lightly. The opposition attacked the PDCI in the press, presenting divisions in ethnic terms and coating their imagery in blood. Richard Crook (1997) offers several excerpts from *L’Ivoire*, an RDR weekly based in Abidjan. Describing life in the

⁵³ According to the mythology, the “great ethnic groups” were already present in Côte d’Ivoire at the nation’s birth on March 10, 1893. Their descendants were “pure” Ivoirians by virtue of their autochthony.

⁵⁴ In the ensuing land conflicts, Mossi farmers from Burkina Faso received the brunt of anti-immigrant hostility (Woods 2003).

town of Dimbokro, the 10 October 1995 edition says, “All one could hear in the streets was the Baoulé language, and where Baoulés acted as if they owned the place, doing only business with each other” (Crook 1997, 234). Regarding officers accused of a killing spree, the 20 October 1995 edition of *L’Ivoire* says:

They are Akans. They are gendarmes, full of hate...ready to kill on the 22nd. The Toroghué battalion of around 600, 'dyed-in-the-wool' Baoulés, fully trained and ready to go, are due to serve in squads commanded by freshly promoted Baoulé officers . . .they have sworn to cement Akan power in blood (Crook 1997, 234).

This discourse translated into real actions. In Gagnoa, “Baoulé migrant farmers were set upon in their village and 18 people killed. The result was a massive exodus of Baoulé 'refugees' from the rural areas of the centre west, creating further havoc” (Crook 1997, 235).

On the heels of widespread unrest, General Robert Guéï toppled Bédié in a coup on December 24, 1999. Concerns about Baoulisation and the denationalization of non-indigenous groups motivated the take-over (Langer 2005). At first, General Guéï publically opposed Ivoirité. However, after promising elections in 2000 he embedded ethno-nationalist principles in the constitution and leveraged Ivoirité to garner popular support (Manby 2009; Keller 2014; Bah 2010; Akindès 2003). Combining language from 1994 and 1995 laws, the now-infamous Article 35 stated that presidential candidates:

Must be Ivoirian by birth, born of a father and of a mother themselves Ivoirian by birth. He must never have renounced the Ivoirian nationality. He must never have had another nationality. He must have resided in Côte d’Ivoire continuously during the five years preceding the date of the elections and have totaled ten years of effective presence (Constitution July 2000).

In October 2000, the Supreme Court deemed Ouattara ineligible to run for president based on Article 35, while Bédié was disqualified on procedural grounds. This decision left Gbagbo as Guéï's only formidable rival. Once Guéï lost his lead in the polls, he stopped ballot counting, dismissed the electoral commission, and declared himself the winner. Gbagbo's supporters attacked the palace in anger, police and soldiers mutinied, and Bédié and RDR supporters rioted and called for new elections. The clashes forced Guéï to flee the city (Manby 2009; Keller 2014; Bah 2010).

Ultimately, Gbagbo was installed as president. In contradiction to his national reconciliation efforts, Gbagbo expanded the reach of Ivoirité. For instance, he created the Office of National Identification (ONI) in 2001 after the RDR did well in local elections. Charged with identifying true citizens, village councils across the country sought to ascertain who was autochthonous to the community and who was not. The ONI's logic was that if every Ivoirian has a village of origin, then issuing identity cards in these villages was the best way to identify true Ivoirians (Manby 2009; Keller 2014; Marshall-Fratani 2007; Englebert 2009). Ahead of departmental elections in 2002, only 20 percent of potential voters had received registration cards—many were given a foreign resident's card instead of a national identity card, which left them unable to vote (Manby 2009).

Gbagbo unwittingly lit the match that sparked the civil war when he initiated a demobilization program after setting up a government of national reconciliation. The program was widely understood to constitute an Ivoirité-inspired purge of northerners from the military (Bah 2010). Furthermore, accusing Gbagbo and the ONI of denying their legitimate citizenship rights, northerners and immigrants mobilized against the threat under the RDR's direction. This incident represents a critical juncture in the Ivoirian story. The

formalization of autochthony-based citizenship rules led to the first civil war. The rebels and their leaders said as much:

We needed a war because we needed our identity cards. Without an identity card you are nothing in this country (*Forces Nouvelles* fighter as quoted in Manby 2009, 1).

Give us our identity cards and we hand over our Kalashnikovs (Guillaume Soro, MPC leader as quoted in Manby 2009, 90. The original quote appeared in Bouquet 2007).

In summary, ethnic entrepreneurs in the multi-party era leveraged citizenship rules as a tool for redressing grievances of losing groups. They sought to reverse the balance of power between citizenship regime winners and losers, galvanize popular support, and eliminate political opposition. Previously, citizenship rights had been stretched to accommodate strangers because they were loyal to the PDCI regime. Land pressures drove debates over the place of Dioula in society and nebulous citizenship rules. Riding a wave of xenophobia, representatives of indigenous groups came to power and capitalized on popular resentment of “invading foreigners”. They revised laws to narrow citizenship criteria, thereby ensuring that autochthons “won” under the new citizenship regime.

Narratives that framed citizenship security set in motion logics of violence that escalated VOB towards civil war. Ivoirité was a response by autochthons to their losing position. Narrow citizenship criteria was a way to counteract threats posed by winning Dioula groups, and an opportunity to advance nativist ideology. Autochthons saw Dioula as invaders protected by a corrupt regime and a broken citizenship system. Restricting citizenship provided a way for autochthons to reclaim ancestral land, improve their political influence, and increase their share of state resources. Ivoirité threatened the Dioula’s winning position by linking citizenship with a territorialized, ethnicized identity. Elites

representing the northerner/immigrant bloc advocated clarifying the status of strangers as legitimate citizens. Nationality law thus provided an opportunity to protect Dioula political status. Importantly, the “Dioula” label blurred the distinction between internal and external migrants. In the next section, I address how Ivoirité calls to strip “immigrants” of their citizenship led to a civil war.

The War Years

The Ivoirian civil war began in September 2002 with a mutiny: Exiled soldiers in Burkina Faso revolted after Gbagbo proposed decommissioning them. The rebel Mouvement Patriotique de Côte d’Ivoire (MPCI) attacked the economic capital Abidjan, the second largest city in the country, Bouaké, and the main northern town, Korhogo. Although the take-over of Abidjan failed, half the country fell to rebel control within days. In short order, two additional rebel movements surfaced, the Mouvement pour la Justice et la Paix (MJP) and the Mouvement Populaire Ivoirian du Grand Ouest (MPIGO), sponsored by Liberian president Charles Taylor. MJP and MPIGO echoed the MPCI’s mission to bring down Gbagbo, and eventually the three rebel groups formed an alliance under the Forces Nouvelles (FN) banner. Within a month of forming, the Forces Nouvelles signed an accord with the Gbagbo government to end hostilities, but peace remained elusive. Peacekeepers from the Economic Community of West African States (ECOWAS) soon joined French soldiers in Côte d’Ivoire.

FN recruits were motivated by citizenship insecurity generally, and Gbagbo’s national identification program in particular. One recruit summed up attitudes held by himself and his comrades when he said he joined the rebellion “because the Malinké had been here since the twelfth century, and soon they’ll [the government] be giving us a

foreign resident's card to be able to live here" (International Crisis Group 2003, 7; see also Marshall-Fratani 2007, 26). MPC leader Guillaume Soro claimed the rebellion was an effort to reinstate the citizenship rights of northerners and guarantee their political participation. He criticized Ivoirité as xenophobic, and said that very word "in its true sense means nothing other than: 'Côte d'Ivoire to Ivoirians', which is to clearly say, according to those from the south northerners are considered foreigners in their own country" (Bah 2010, 20).

The Gbagbo regime relied on paramilitarization of civil society to achieve "political order through terror, and an ultranationalist radicalization" (Marshall-Fratani 2007, 29). Self-defense militias formed in rural areas too, quickly establishing organizational structures and linking their activities with national networks (Marshall-Fratani 2007). Reaffirming autochthonous land rights, these organizations seized property from strangers and justified land expropriation as a defense of heritage and innate rights (Marshall-Fratani 2007). Such movements were not limited to the south. Fighting between the Guéré and northern Ivoirians, Burkinabé, and Malians was "provoked a spiral of revenge and counter-revenge" (Marshall-Fratani 2007, 32). Deadly attacks near Bangolo, Guiglo, Toulépleu, and Bloléquin drove much of the indigenous population away. These attacks were labelled genocide by the government and used to "legitimate the local Guéré militias" (International Crisis Group 2003, 26).

In January 2003, international mediators helped broker the Linas-Marcoussis Accord (LMA) peace agreement. The LMA proposed a government of national unity and new laws on citizenship and land rights. However, it was ultimately ineffective because it did not adequately address the question of citizenship, instead narrowing the focus to the

distribution of power (Bah 2010). Citizenship and land tenure institutions, not to mention electoral and economic reforms, were relegated to the LMA annex. More importantly, the agreement accepted the *jus sanguinis* principles of the 1961 and 1972 nationality laws as valid, taking issue with their application rather than their content. In other words, the LMA assumed the citizenship question was a simple administrative problem. Therefore, rather than addressing root causes of the grievances, the government was asked to reform the application of these laws, and establish a new national identification program under the supervision of an independent commission.

The Gbagbo regime continued to pursue a strict definition of citizenship based on ancestry, while northerners maintained that indigeneity criteria amounted to denationalization. They staunchly opposed using any basis for citizenship other than one's place of birth. Furthermore, the LMA recommendations for constitutional revisions (such as presidential candidates must have Ivoirian citizenship and at least one Ivoirian parent) neglected the fundamental contention of this war: how to define and prove Ivoirian citizenship (Bah 2010). Subsequent agreements, such as Accra II of March 2003 and Accra III of July 2004, continued to treat the issue as a struggle for power (Bah 2010). Therefore, parties to the LMA continued to fight over definitions, birth records, and nationality certificates, and peace proved exceedingly hard to keep.

Fighting continued through 2004 and by 2005 the LMA was in shambles. At this time, a tract began circulating in Abidjan. It captures the discourse autochthonous elites used to mobilize individuals to their cause and so is worth quoting at length (Marshall-Fratani 2007, 10):

People of the Greater West,

The current political situation of our country is linked to its recent history lived by the sons and daughters of our tribes. For forty years, misfortune, injustice, inequality, and crimes have been inflicted on our tribes.

For forty years the Akans and the despot Houphouët-Boigny, the greatest thief of all time, have fought our tribes without respite. Odious crimes have been ordered and executed. One of our illustrious sons, Kragbé Gnagbé, aka Opadjélé was decapitated, and with him perished nearly 4,000 of our people. A genocide such as this cannot remain unpunished.

Our lands, our most precious possession, were torn from us by force by the Akans, led by Houphouët-Boigny with the treacherous collusion of the Dioula and a handful of our own people.

The people of the Greater West must thus unite around one of their own, Laurent Gbagbo, the reincarnation of Opadjélé. It is through him we shall be saved.

The 24 December 1999, God, in giving the power to one of our sons, wanted to show us the way. Daughters and sons of the Greater West, link hands together, the hour has come for us to be heard. The hour has come to kill the Akans and chase them from our lands. The hour has come to recuperate our land. The hour has come to clean our villages and towns of the Dioulas (Mossi) and the Akans, who are objective allies.

Yes, the hour of grand vengeance has struck. We too want our cities to become capitals like Abidjan, Yamoussoukro and Daoukro.

People of the Greater West, unite, so that power will never leave us again. We must use our guns, our machetes. Get ready. Let us kill for the survival of our tribes, to prevent the confiscation of power.

Union of the Greater West (10).

Under mounting pressure to liberalize the nationality laws, Gbagbo passed conciliatory bills on nationality and naturalization, identity documents, and land ownership in 2005 (Manby 2009). As part of the new national identification program mobile courts with independent judges ran disseminated forgery-proof identification documents (Keller 2014). Drafters of the agreement took care to embed lenient procedures. Courts accepted verbal testimony and incomplete documentation, witnesses could verify the place of birth or citizenship of the claimant's parents, cases were heard in the claimant's village of birth rather than in their ancestral village, and children of unknown parentage were automatically entitled to an Ivoirian identity certificate (Keller 2014). Gbagbo also suspended Article 35, thereby allowing Ouattara to run for president in future elections.⁵⁵

In March 2007, a breakthrough peace agreement was reached in Ouagadougou, Burkina Faso. The agreement's success is attributable to several factors. Ivoirians spearheaded the process, stipulations directly addressed citizenship questions, and the Gbagbo regime made important concessions (Bah 2010; Keller 2014; Manby 2009). For example, the government rescinded identity certificate legislation, created a path to naturalization for long-term immigrants, and modified the 1998 Rural Land Law. Additionally, the agreement stated that rebel forces would be demobilized and incorporated into the national army, which would have an equal proportion of northerners and southerners. Lastly, Gbagbo pledged to hold elections in early 2008 after implementing reconciliation initiatives.

⁵⁵ Originally scheduled for September 2005, the elections were postponed through 2007. They were delayed because of the precarious security situation and voter registration problems linked to the national identification program (Keller 2014; McGovern 2011; Manby 2009).

Despite these strengths, we should not overlook the drawbacks of this agreement. First, it did not specify citizenship criteria, thereby creating space for Ivoirité sympathizers to rail against northerners fraudulently claiming citizenship. This lack of clarity angered opposition supporters as well, who accused the government of continuing to deny the rights of legitimate citizens. Secondly, the Ouagadougou Agreement did not resolve disputes over the 1998 Rural Land Law, leaving property rights controversially tied to indigeneity (Bah 2010; Manby 2009; Keller 2014).

The Ivorian civil war officially ended in 2007, but elections were postponed until 2010. Ouattara defeated Gbagbo after two rounds of voting deemed free and fair by international monitors and the United Nations. The Constitutional Council declared Gbagbo the winner anyway, and supporters on both sides resumed fighting. In April 2011, the so-called *Crise* came to a close with the arrest of Laurent Gbagbo. Violence continued until after Ouattara was installed as president. In October 2011, the International Criminal Court investigated Gbagbo for crimes against humanity committed during the 2010 post-election crisis. He became the first former head of state to be tried by ICC.

The Ivorian civil war represents an extreme outcome of debates between citizenship regime winners and losers. Concerns about citizenship security took center stage and contentious insider/outsider narratives propelled violence forward. Dual logics of threat and opportunity guided collective action. Losing autochthons felt threatened by the growing economic and political power of Dioula in the country. Feeling colonized and marginalized, they sought to reclaim land and power through nationality law reform. They framed their struggle using the loaded terminology of emancipation, colonization, and ancestry.

The death of Houphouët-Boigny opened a Pandora's Box of trouble for the Dioula. They had been citizenship regime winners up to this point, but they were protected by regime preferences rather than positive law. Never formally integrated into Côte d'Ivoire's national political community, their ambiguous citizenship status left them vulnerable and insecure. With their lands expropriated, and their citizenship rights revoked, the tide eventually turned against the Dioula. They became citizenship regime losers under the weight of mounting political, economic, and security threats. Fighting offered an opportunity to end the erosion of their rights and security, clarify their citizenship status, and formalize their belongingness. Narratives framed the Dioula's grievances as questions of citizenship, denationalization, and justice. Insurgents fought for "a new political order...[and] the redefinition of Ivoirian citizenship and sovereignty" (International Crisis Group 2003, 4; see also McGovern 2011).

Final remarks

Citizenship insecurity characterizes the Ivoirian civil war. Since legal foundations were not well established in the early independence era, citizenship became deeply contested during democratization. Winners and losers competed with one another, but things really fell apart when elites could no longer pacify competing interests through patronage. Violence broke out as groups clambered to demand their inheritance, seeking to legitimize their claims by revising nationality laws.⁵⁶ The escalation to full-blown rebellion is largely attributed to laws that formally excluded Dioula from the polity.⁵⁷

⁵⁶ Interview with Joel Baroan-Abidjan-December 5, 2014

⁵⁷ Interview-Abidjan-December 2, 2014 (2)

Identity politics became the justification for acts of violence, as each group denied the humanity and “Ivorianness” of the other.⁵⁸ It was as if the entire country suffered from collective prosopagnosia and they could no longer see faces. The problems persist to this day. As Joel Baroan, a former minister in then-Prime Minister Ouattara’s cabinet put during our interview, while politicians talk of the *tous* (of “everyone”) there is no *tous* in Côte d’Ivoire.⁵⁹ According to another contact, the Ivoirian “Nation” is fiction.⁶⁰ Some blame this state of affairs as a consequence of colonialism.⁶¹ Others point to “le marketing” elites used to rally supporters around them.⁶² For example, RDR elites used the sentiment of “*Je suis au Nord*” to mobilize people, preying on the fear that “Because I am from the North, I am excluded”.⁶³ At the same time, to Southerners, Ouattara represented Burkinabé (read: “foreign”) domination.

The question then became how to preserve what rightfully belonged to each group.⁶⁴ Autochthonous communities perceived land scarcity and economic competition with migrants as a multi-pronged attack on their livelihoods, their heritage, and the ethnic purity of the Ivoirian Nation. They saw revising nationality laws as a means of reclaiming what once belonged to them. Ivoirité discourses helped autochthons to “make sense of that loss and to rectify it” (Bøås and Dunn 2013, 1). The discourses also legitimized political

⁵⁸ Interview with Joel Baroan-Abidjan-December 5, 2014

⁵⁹ Interview with Joel Baroan-Abidjan-December 5, 2014

⁶⁰ Interview-Abidjan-December 1, 2014 (2)

⁶¹ Interview with Joel Baroan-Abidjan-December 5, 2014

⁶² Interview-Abidjan-December 1, 2014 (1)

⁶³ Interview-Abidjan-December 2, 2014 (1), Interview-Abidjan-December 2, 2014 (2)

⁶⁴ Interview-Abidjan-December 2, 2014 (1)

violence against foreigners, who were blamed for the loss. International intervention only compounded the problem, and France's role in particular casts a long shadow over the country.⁶⁵

Political entrepreneurs manipulated nationality laws (and therefore citizenship security) as part of an explicit political strategy. For many years, the *habitude* among Ivoirian leadership has been demagoguery rather than democracy.⁶⁶ Stretching from present day to colonial times, the desire to stay in power overrides liberalization. It has been difficult to break free of the tradition of charismatic leaders given the weak civil society in Côte d'Ivoire, which is easily manipulated by powerful actors.⁶⁷

Elites connect institutional processes of laws, policies, and formal practices to group agency. Their motivation becomes clear when one considers how citizenship *insecurity* benefits actors at many different levels of government and civil society (McGovern 2011). At the national level, President Gbagbo and the FPI cater to their autochthonous base and disqualify political opponents. Alassane Ouattara and the RDR built a coalition around claims to expanded rights and political power. Autochthon ministers demonstrate a commitment to protecting the community against invading foreigners. Moreover, by confiscating land from strangers and selling it to locals, they can use land as patronage and promote themselves as defenders of "authentic" Ivoirians. Chiefs

⁶⁵ Interview-Abidjan-December 1, 2014 (1), Interview-Abidjan-December 2, 2014 (2)

⁶⁶ Interview-Abidjan-December 1, 2014 (2)

⁶⁷ Interview-Abidjan-December 1, 2014 (1), Interview-Abidjan-December 1, 2014 (2). Most people I spoke with in the field distrusted NGOs, assuming they were in the pocket of this-or-that political party.

can reassert their authority in a time where swells of migrants with economic and political power have weakened their position. Militias of any stripe accumulate power, material resources, and perhaps personal fulfillment fighting for a just cause.

The Democratic Republic of Congo

What happened in Côte d'Ivoire is not in fact unique to Ivoirian politics. A 2004 study by the Open Society Justice Initiative found that nationality and nationality laws have taken a concerning turn towards exclusion in recent decades, from mass deportations of foreigners and political opponents to legal reforms. I now turn to the “Banyarwanda Question” in the DRC, a citizenship debate even more explosive than the saga in Côte d'Ivoire. The Banyarwanda live in the lush Kivu provinces of eastern Congo. Their citizenship status is so contested that it has “literally been switched on and off as expediency dictated” (Jackson 2007, 483).



Figure 8: Map of the Democratic Republic of Congo ⁶⁸

The Banyarwanda Question

The term “Banyarwanda” collectively refers to majority Hutu and minority Tutsi Kinyarwanda-speakers (Rwandaphones) in the Kivus. The variant “Banyamulenge” refers more specifically to Tutsi from South Kivu. I return to this point later. The Banyarwanda’s precise arrival date is disputed, but evidence suggests Tutsi settlers resided in South Kivu before colonial conquest, and were joined later by successive waves of co-ethnic migrants. The territory that became present-day Congo was once ruled by a Rwandan king. Similar

⁶⁸ Map courtesy of the Perry-Castañeda Library Map Collection at the University of Texas at Austin. Available at: http://www.lib.utexas.edu/maps/africa/congo_demrep_pol98.jpg. Accessed August 26, 2016.

to *tutorat* Côte d'Ivoire, a system called *ubugabire* evolved whereby Banyarwanda could use land controlled by customary leaders in exchange for tribute (Vlassenroot 2002; Court 2013). The territory came under colonial rule in the late 19th century. By 1885 all residents in the territory became citizens of the Congo Free State, presided over by King Leopold II of Belgium. In fact, an 1892 law granted citizenship to children born in Congo to Congolese parents. In 1910 parts of the Congo Free State were assumed by the Germany colony of Rwanda, only later to be returned to Belgium in 1922. During colonialism, the state owned the land and administered it indirectly through chieftancies called *chefferies*. The Banyamulenge had several *chefferies* until 1933 when these areas were subsumed into larger territorial units controlled by indigenous authorities.

To understand the Banyarwanda's contested nationality, it is helpful to start with the group's ethnogenesis. Demographic shifts in Kivu province (now split into North and South Kivu) complicates and politicizes their citizenship status to this day (Manby 2009; Jackson 2006, 2007; Vlassenroot 2002; Court 2013). The self-proclaimed indigenous groups in the Kivus are the Hunde, Nande, Bashi, and Barega. In North Kivu, the Rwandophones are a mix of Tutsi pastoralists and Hutu Banyabwisha, some of whom arrived in pre-colonial times. In South Kivu, the Rwandophones are Tutsi pastoralists with origins in the territory pre-dating the Congo Free State. They call themselves the Banyamulenge (the people of "Mulenge" village) to distinguish themselves from later-arrivals (Ruhimbika 2001; Jackson 2007; Manby 2009).

Some Congolese distinguish between Hutu and Tutsi Rwandophones, reserving their greatest enmity for Banyamulenge specifically, whereas others make no such distinction (Jackson 2007). Generally speaking, Hutus that arrived as refugees of the

Rwandan genocide are “exonerated” based on their opposition to Rwanda’s invasions during the Second Congo War (1998-2003) (Lemarchand 2009). For the purposes of this chapter, I use “Banyarwanda” to refer to all Rwandophones in the Congo and I specify Banyamulenge where appropriate.

Through coercive colonial migration schemes and voluntarily exit from Rwandan chiefs, a steady stream of Rwandophones settled in then-unified Kivu province throughout the colonial era. To avoid overpopulation in Rwanda and support plantation agriculture in the Congo, the Belgian government transplanted tens of thousands of Rwandans into Kivu province from the 1930s onward (Boone 2014; Jackson 2006). About 100,000 came during a UNHCR program from the early 1960s (Boone 2014). Conflict at home and in neighboring states served as another significant push-factor in Banyarwanda migration. In addition to refugees from Rwanda’s Social Revolution (a Hutu uprising against a Tutsi regime formerly supported by Belgium), thousands of Rwandophones arrived in the Kivus when they fled conflict in Rwanda (early 1960s, 1973, early 1990s) and Burundi (1972, 1978, early 1990s). Hutu refugees arrived after the Hutu extremist government in Rwandan was overthrown in 1994. As successive waves of Rwandan *transplantés* arrived in the Congo, the local population grew increasingly resentful of the continued land expropriation (Boone 2014).

Important parallels exist between the Banyarwanda in the Congo and the Dioula in Côte d’Ivoire. First, the origins of both groups are deeply contested, rendering their “true” nationality a point of contention. Some Banyarwanda and Dioula families resided in the respective territories before colonialism, which implies a legitimate claim to indigeneity as vaguely defined by nativist movements. However, many more group members arrived

during waves of colonial-era migration, leading sceptics to believe the groups had foreign ethnic homelands. In popular imagination, the labels “Dioula” and “Banyarwanda” connote foreign nationality.

Secondly, local struggles over customary authority and land rights dating back to the colonial period are integral to citizenship disputes in both countries. The Banyarwanda and Dioula were winners under the colonial citizenship regime. Colonial administrators treated migrants preferentially and sidelined local workers (Jackson 2007; Boone 2014). This preference contributed to the growing migrant population, which was as large as or larger than the indigenous population in some places. From 1950 through the 1990s, for example, in-migrants represented 50% of the total population in both North Kivu and Southwestern Côte d’Ivoire (Boone 2014). In the background, the informal land tenure systems known as *tutorat* (Côte d’Ivoire) and *ubugabire* (Congo) laid the foundations for competing land claims.

A Tragic Trajectory

The trajectory of conflict follows a similar pattern in Côte d’Ivoire and the DRC. Political and economic competition intensified and intersected with external forces, which elevated issues in local politics to the national level. Nationality law became a politically expedient way for winning and losing groups to address threats to their community and to seize opportunities to claim rights and resources. Debates over nationality questions became progressively heated and framed in insider/outsider terms. Low-level violence morphed into regional conflict as the threat of Banyarwanda denationalization increased.

The Banyarawanda’s contested nationality status can be traced to a legal technicality during the colonial period. They were denied a “native” administration under

Belgian rule, which hurts their claims to indigeneity today. Further, their contested nationality became “fodder for local anti-Banyamulenge campaigns” in the lead-up to independence (Court 2013, 424; Pottier 2002). However, Rwandophones served as large potential voting bloc so many leaders desired their political support, even though it was politically damaging to grant them full citizenship rights in the newly independent country (then Zaire). In the negotiations at the Brussels Round Table on the transition to independence, the parties involved agreed that only current citizens (granted citizenship through the *jus sanguinis* principles of the 1892 decree on nationality) would be allowed to vote and run for office in the 1960 election. Recently-arrived Banyarwanda were only allowed to vote (Manby 2009).

Congo achieved independence on June 30, 1960. Seemingly overnight, debates over local belonging erupted into ethnic conflict. Katanga and Kasai provinces tried to secede. Rwandophones stopped paying customary rent to Hunde chiefs and many were expelled from North Kivu, sparking the “Banyarwanda War” (1963-1965). One interview conducted by Stephen Jackson is worth quoting at length to illustrate the contested citizenship narratives that persist event today:

It was often the administrators who alerted the people to be against the Rwandans, the immigrants...they were numerous and every time they arrived they looked for power...when they started to try to enter and share power with the others, the others would say, ‘No, you are Rwandans, you have no claim on anything here...if you don’t immediately quit your lands we are going to massacre you!’ (2006, 101 quoting interview with “Juma,” Goma, June 10, 1999)

Mobutu Sese Seko came to power in 1965 by a Belgian and United States-backed coup. He rewarded Banyamulenge for their loyalty during the Simba rebellion (1964-1965) by granting them expanded citizenship rights (i.e. education, social services, employment,

etc), much to the chagrin of autochthonous groups in South Kivu (Turner 2013; Court 2013; Vlassenroot 2002). Local politicians pointed to Rwandophone refugees who arrived in 1959 (Rwandan Tutsis) and 1972 (Burundian Hutus) to demonstrate that all Banyarwanda were foreigners. In response, Tutsi leaders in South Kivu, who could trace their origins in the Congo to pre-colonial times, changed their ethnic label to “Banyamulenge”. The goal of identifying with an indigenous identity backfired. Ever since, other Congolese accuse the Banyamulenge of adopting a “counterfeit identity” (Jackson 2006, 484; see also Vlassenroot 2002, Ruhimbika 2001).

Citizenship insecurity remained high for the entire Congolese population during Mobutu’s tenure. On one hand, the Banyamulenge were citizenship regime winners because they gained political and economic power under Mobutu. However, they were precariously winning because their official status remained ambiguous. Their strong influence threatened autochthons and bred widespread resentment.

During the Mobutu regime, Banyarwanda nationality became a bargaining chip, easily manipulated for political gain. The 1964 Luluabourg Constitution, written amidst an influx of refugees from Rwanda’s liberation war, limited citizenship to individuals whose ancestors were members of an ethnic group in Congo before October 18, 1908.⁶⁹ The law denied citizenship to all Banyarwanda and Hunde authorities moved quickly to claim their land, property, and chieftaincies (Boone 2014, 169). However, Mobutu aimed to build a power base out of minority groups that would be unable to effectively challenge, much less

⁶⁹ 1908 is the year when the territory transferred hands and became a formal colony of Belgium, rather than private property of King Leopold.

topple, him (Jackson 2006; Williame 1997). The Banyamulenge were thus given agricultural concessions, political appointments, and expanded access to rights and state services (Manby 2009; Vlassenroot 2002; Jackson 2007; Boone 2014). By 1967 Barthélémy Bisengimana, a Tutsi from North Kivu, had enough influence in the President's Office to restore citizenship to the Banyarwanda. He pushed through a decree in 1971 that granted citizenship to Rwandophones established in the territory since June 30, 1960. A 1972 law reinforced the 1971 decree by moving the date of arrival to January 1, 1950. This legislation elevated the nationality question from a local or regional level to a national one (Manby 2009).

Resentment towards Banyarwanda continued to grow as their economic conditions improved their citizenship status remained ambiguous. Their sprawling plantations and ranches were acquired through the expropriation of autochthons' land and their political power obtained after steamrolling customary traditions (Boone 2014). Many Congolese believed that Banyarwanda success came only by the grace of the patronage state, seeing as they were the prime beneficiaries of Mobutu's divide-and-rule strategies (Jackson 2007; Manby 2009; Boone 2014; Autesserre 2009).

Unable to ignore the popular pressure, Mobutu eventually turned on his Banyarwanda allies as he attempted to centralize power. Bisengimana was dismissed following corruption charges. A 1971 constitutional amendment and a 1973 property law brought all public land under state control. The Banyamulenge had purchased much of their land privately and so retained access to much of their property. Families relying on customary land rights, though, stood to lose everything. Absent proper enforcement of the new land law, the result was uncertain land rights and heightened volatility (Court 2013).

In response to the growing economic and political power of the Banyamulenge, and their own losing position, autochthons mobilized around the threat of “occupation of land and territory by immigrants” (Mathieu and Tsongo 1999, 45). They channeled mounting animosity into the development of armed organizations, such as the Mai-Mai (Jackson 2007; Boone 2014).⁷⁰

In 1981 the date of eligibility for citizenship reverted to August 1, 1885, the date of the Berlin Conference that carved up Africa for European empires. A 1982 decree then annulled the nationality for anyone who acquired citizenship under the 1972 law, forcing them to apply for naturalization if they wanted to be Congolese citizens. Proof of eligibility was hard to come by even for those who met the new restrictive criteria. Many, but not all, Banyarwanda were effectively denationalized and some were expelled (Manby 2009). Further, ambiguous citizenship rules still prevailed. Banyamulenge candidates were not allowed to contest the 1982 and 1987 national elections, but they were allowed to vote in them—even though they were barred from local elections (Manby 2009; Vlassenroot 2002). Banyamulenge boycotted the elections. In response to the 1981/1982 legislation, Banyarwanda formed the organization the Peoples of Rwandan Origin in Zaire and asked the United Nations to create an independent state in North Kivu for their safety (Jackson 2007; Williame 1997).

Under international pressure, the DRC was forced to accept a liberalization program in the early 1990s. However, Banyarwanda were largely excluded from the

⁷⁰ Mai-Mai is an acronym in the local language for the nationalist slogan “Tutsi get out! Congolese guard your country!” (Jackson 2006, 106).

Conférence Nationale Souveraine (CNS) in 1991, which concerned the transition to multipartyism. Embracing the policy of *géopolitique* (the politics of geography), Mobutu required all CNS delegates to be indigenous to the area they represented. Politicians began to use *géopolitique* as part of campaigning and leaders at the CNS “increasingly challenged the right of Banyarwanda and other Kinyarwanda-speakers to citizenship” (Turner 2013, 94; see also Jackson 2006). For example, the North Kivu delegation denounced “the political and economic exploitation of the province by ‘Rwandan foreigners’” (Jackson 2006, 105-6). National identity cards were regularly withheld from Banyarwanda by local administrators during this period (Vlassenroot 2002; Jackson 2006; Ruhimbika 2001). By virtue of their exclusion from the CNS and the withholding of their nationality cards, the Banyarwanda were treated as foreign nationals by the central government. They unequivocally lost under the prevailing citizenship regime.

A CNS sub-commission then proposed a census to identify “true” Congolese citizens ahead of elections. However, the census would only be conducted in the Kivus and two territories in Katanga bordering South Kivu. The census fed into a popular skepticism of Banyarwanda nationality, and served as an extension of the *Mission d’Identification des Zaïrois au Kivu* conducted in 1989. Ostensibly launched to determine whether Banyarwanda could in fact claim Congolese nationality, the *Mission* became a witch-hunt for “foreigners” that parroted the dominant narrative that Banyarwanda were not autochthons (Court 2013; Vlassenroot 2002).

With national and local administrators denying the Banyarwanda’s right to Congolese nationality, grassroots organizations (e.g. Groupe Milima and Ugeafi) lobbied to reinstate the liberal 1971/1972 nationality laws (Vlassenroot 2002). Many Banyarwanda

understood the *Mission* and CNS census as a “notice of intension for ethnic cleansing” (Jackson 2007, 488). In response to the threat, Rwandophone self-defense militias cropped up in the Kivus, matched by ethnic militias of autochthonous groups (Jackson 2007). International events only made the situation worse. In 1990, the RPF began their assault on the Hutu government in Rwanda. This conflict, along with a Tutsi-led coup in Burundi in 1993, sent refugees streaming into Congo and intensified hostility towards all Banyarwanda. As early as 1991, Banyamulenge began joining the Rwandan Patriotic Front (RPF), driven out of South Kivu by marginalization (Williame 1997; Vlassenroot 2002).

The Masisi war broke out in North Kivu in March 1993. The cycle of attacks and counter-attacks between Banyarwanda and Mai-Mai militias led to 6,000 deaths and 250,000 displaced persons (Turner 2013, 103). The shifting coalitions meant that sometimes Tutsis allied with Hutus under the Banyarwanda umbrella, but other times the two groups fought each other (Manby 2009; Jackson 2006). The ethnic cleansing, which has continued to date, changed previously diverse areas into ethnic enclaves (Manby 2009).

In the run-up to the 1993 election, several Banyarwanda (mostly Hutu) were killed at Ntoto market by autochthonous Hunde and Nyanga youths. This seemingly isolated incident escalated to the “Inter-ethnic war” in North Kivu, and spread south into mineral-rich Katanga and Kasai provinces. What started as a clash in a market became a trigger for two civil wars in the late 1990s (Bøås and Dunn 2013; Jackson 2007). The proximate cause of the Ntoto market incident was an attempt to dislodge Rwandophones from the area to limit their political influence. The underlying cause was defense of ancestral land rights. Indigenous groups maintained their exclusive rights to land and authority in the provinces, but the Banyarwanda had long ago stopped paying tribute to local chiefs for the land they

occupied. This act of defiance supported the proliferation of sons-of-the-soil movements bent on land reclamation (Bøås and Dunn 2013; Autesserre 2009). The fragmented collection of Mai-Mai militias blame their disadvantage and the expropriation of their lands on Banyarwanda. They are motivated by a “nostalgia for a lost past that can be brought back only if certainty about people and places reestablished” (Bøås and Dunn 2013, 97). Moreover, they desire a new order in which autochthons are predominant (Bøås and Dunn 2013).

In 1994, Hutu-extremist *Interahamwe* fled Rwanda for Congo. They landed in refugee camps alongside moderate Hutus and Tutsis. The line between Congolese and Rwandan Hutu thus became even more blurred (Manby 2009). In response to the surge of refugees, the 1995 Transitional Parliament sent the Vangu Commission to investigate. The body adopted a resolution on nationality alleging that all Banyarwanda had fraudulently acquired citizenship (Jackson 2007). According to Thomas Turner,

The commission’s conclusions reflected a spirit of “ethnic cleansing”... It alleged that Rwanda had been attempting to acquire Congolese territory and to supplant its indigenous inhabitants for years and that the Tutsi now were preparing to create a “Hamitic Kingdom,” to be known as the United States of Central Africa or the Republic of the Volcanoes (2013, 95).

Heeding the Commission’s report, Banyarwanda identity cards were confiscated or destroyed. In South Kivu, the regional government expropriated Banyamulenge property, evicted Banyamulenge families, and deported many people to Rwanda or Burundi. Indigenous militias sang anthems of ethnic cleansing and brutally “cleaned” villages and

drove “Rwandans to Rwanda” (Manby 2009, 75).⁷¹ Then, in early October 1996, Banyamulenge in South Kivu were ushered into temporary camps. By the end of the month, they, along with any other suspected Rwandan, Burundian, and Ugandan nationals, were expelled from the country.

The Banyarwanda quickly organized in response to these threats, joining other militias under the banner of the Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (AFDL). Their objective was to defend themselves and rebel against the government that had exorcised them from the polity. Led by Laurent-Désiré Kabila, the rebels received massive support from Rwanda and Uganda. Hostility against the Banyarwanda only intensified after Rwandan troops crossed the border in 1996 (Manby 2009).

In summary, parallels between the path to war in Côte d’Ivoire and the DRC continue into the independence era. Insider/outsider competition intensified in both countries as land scarcity and liberalization efforts affected the balance of power between citizenship regime winners and losers. Dioula and Banyarwanda claims to land and leadership were not seen as legitimate because the groups were widely perceived as foreign. Their landholdings were considered illegal and their political authority null. Furthermore, resentment among losing autochthons undercut Dioula and Banyarwanda economic success and political influence.

⁷¹ The Interahamwe alternately fought indigenous groups and allied with them to attack Banyamulenge (Manby 2009, 74-5).

In both cases, efforts to identify “true” citizens came to a head during elections, which then triggered violence leading to civil war. In the lead-up to each conflict, individuals mobilized around contentious narratives highlighting citizenship insecurity and leadership that endorsed violence. The logics of threat and opportunity were clearly active as well. Autochthons in both countries saw their land gobbled up by “foreigners” and their political power diminish as outsiders curried favor with the regime. The Banyarwanda and Dioula, on the other hand, were threatened by their ambiguous and allegedly fraudulent citizenship status. In addition, they became targets of ethnic cleansing. Nationality laws provided a compelling opportunity to address citizenship insecurity on all sides. Autochthonous movements pushed for new laws that would restrict citizenship to indigenous groups, while the Banyarwanda and Dioula sought to legitimate their nationality status through inclusionary legislation.

The 1995 resolution on nationality represents the critical juncture in which citizenship became the focal point of conflict in the Kivus. Effective denationalization through the 1981/1982 nationality laws, combined with ethnic cleansing of the 1990s, left the Banyarwanda with few options outside of armed resistance. However, the 1995 law stating that the Banyarwanda had *fraudulently* acquired citizenship prompted the group to mobilize in self-defense and to reclaim their nationality rights (Court 2013; Manby 2009; Vlassenroot 2002). Nationality law is a way to upend the balance of power between citizenship regime winners and losers, but is not a sufficient cause for conflict. Other initial conditions must be met for onset to take place. I now turn to these conditions.

War in the Congo

The first Congo War (1996-1997) toppled Mobutu. The second (1998-2003) attempted to do the same to Kabila. In 1998, the Banyarwanda still lacked official citizenship and Kabila steadily lost their support. When he expelled Rwandans and Ugandans from his army, the Banyarwanda formed a new rebel group, the Rassemblement Congolais pour la Démocratie-Goma (RCD-Goma).⁷² The RCD-Goma's stated mission was to advance the cause of Congolese Rwandophones, and protect the security of Tutsis in particular. The government and the Congolese population saw the RCD-Goma as Rwanda's puppet because the rebels were backed by Rwanda and refugees fled there to escape the fighting. Reacting to Rwanda's violation of Congolese sovereignty, Kabila supported Mai-Mai and Congolese Hutu militia. Hate speech by Congolese elite labelled Banyarwanda "invaders", "vermin", and Rwandan "puppets". Rwandophones were again accused of wanting to annex Kivu to create a Hamitic Kingdom. In this toxic climate, Tutsis became targets of massacres (Manby 2009; Vlassenroot 2002; Jackson 2007).

A bodyguard assassinated Laurent-Désiré Kabila in January 2001. Kabila's son Joseph took charge and began the slow process of ending the war. A Transitional Government formed in 2003 and a year later the entity returned citizenship to the Banyarwanda, although it retained ethnicity-based nationality criteria. By 2004, anyone born of an ethnic group or nationality present in the territory at independence could claim

⁷² At one point the DRC had 14 foreign armies, three rebel groups, and numerous militia groups operating within its borders. After 1999 the fighting was concentrated in the east: North Kivu, South Kivu, northern Katanga, and Ituri district (Autesserre 2009).

citizenship.⁷³ This date represented a formal concession to many Banyarwanda, but informal barriers continued to pervade denial of the group's rights. For example, to prove their identity, applications for voter registration had to include statements by five witnesses who were already registered and who had been resident in the country for at least five years (Manby 2009).

The 2006 Constitution upheld the 2004 law, which is still in force today. The 2004 nationality law is intended to be the final word in Congo's citizenship debate, but the language "leaves a dangerous level of ambiguity in its interpretation" (Manby 2009, 79). First, the terms "ethnic groups" and "nationalities" are not precisely defined and therefore subject to interpretation and political manipulation. Second, authority to prove ethnic identity is left indeterminate. If this authority falls to customary leaders, Banyarwanda nationality will remain precarious. They have little chance of convincing an autochthonous chief of their legitimate claim to citizenship. In short, even when law concedes Banyarwanda citizenship, exercising their rights proves difficult, inconsistent, and arbitrary (Manby 2009; Jackson 2007).

Peace talks in 2008 could still not resolve the Banyarwanda nationality question. Since then, the Banyarwanda have suffered setbacks in their quest for citizenship. Indigenous groups remained steadfast in their claims that all Banyarwanda are immigrants, possibly even double-agents for the Rwandan government (Manby 2009). Inflammatory rhetoric and hate speech marred the 2011 federal elections; the Banyarwanda were depicted as alien exploiters of Congo and the Congolese (Human Rights Watch 2011; Jackson 2007;

⁷³ The upper house of parliament did not approve this provision (Manby 2009).

Bøås and Dunn 2013). When North Kivu fell to M23, a Rwanda-backed rebel group, in late 2012, Rwandophone communities were blamed. Seen as complicit in M23 activities, Banyarwanda were repeatedly threatened and attacked (International Crisis Group 2012).⁷⁴ Then, a draft electoral law in 2014 proposed updating the voter roll through a national census. Protests ensued and the provision was dropped. The current plan is to use the 2011 voter roll without registering new voters.⁷⁵ The 2011 roll is controversial due to lack of transparency and poor verification procedures.⁷⁶ The Banyarwanda nationality question will likely gain renewed traction in the next few years. In March 2015, the government began the process of *Découpage*, a plan to divide the DRC's 11 existing provinces into 26.⁷⁷

In summary, the politics of *Ivoirité* in Côte d'Ivoire and *Géopolitique* in the DRC are similar in many respects. A response to the balance of power between citizenship regime winners and losers, the ideologies impose broad restrictions on Dioula and Banyarwanda citizenship rights. For example, Côte d'Ivoire's 1998 land law withdrew property rights from "foreigners" and other legislation required individuals to prove their

⁷⁴ M23 refers to peace agreement of March 23, 2009 between Kinshasa and the CNDP. By the end of 2013 Rwanda had withdrawn support for M23 and the group was defeated.

⁷⁵ "Congo: Is Democratic Change Possible?" The International Crisis Group, Africa Report no. 225, May 5 2015, pp.19. Accessed June 30, 2016 at: [http://www.crisisgroup.org/~media/Files/africa/central-africa/dr-congo/225-congo-is-democratic-change-possible.pdf](http://www.crisisgroup.org/~/media/Files/africa/central-africa/dr-congo/225-congo-is-democratic-change-possible.pdf).

⁷⁶ "Elections in the DRC (completing the 2011-2016 cycle): Status and Perspectives", SSRC/DRC Affinity Group, August 2014, pp. 5; Mission d'Observation Electorale RDC 2011, EU, pp. 32-36.

⁷⁷ "Congo: Is Democratic Change Possible?" The International Crisis Group, Africa Report no. 225, May 5 2015, pp.17. Accessed June 30, 2016 at: <http://www.crisisgroup.org/~media/Files/africa/central-africa/dr-congo/225-congo-is-democratic-change-possible.pdf>.

authenticity as citizens through certificates of nationality. Eventually the government created the Office of National Identification to systematize the process of obtaining documents from one's from ancestral village. These measures resemble efforts by the *Mission d'Identification des Zaïrois au Kivu* and the *Conférence Nationale Souveraine* to identify "true" citizens in the Congo. Furthermore, contentious citizenship narratives in Côte d'Ivoire and the DRC used the language of past injustices and future redemption to mobilize people along insider/outsider lines. Collective violence then followed a logic of threat (decreased citizenship security) and opportunity (increased citizenship security).⁷⁸ Faced with denationalization, armed resistance by Banyarwanda escalated to war, which parallels what happened in Côte d'Ivoire.

Conclusion

It is undeniable that the conflicts in Côte d'Ivoire and eastern the DRC have many layers: land rights, elections, nationality disputes, and natural resources, among others. However, Catherine Boone's observation about land regimes applies to citizenship regimes as well. Citizenship rules "structure (or de-structure) political grievances and political action" (Boone 2011, 1315). Understanding citizenship politics as identity politics, which is the norm in the literature, is extremely useful because identity and citizenship are nearly inseparable. At the same time, by emphasizing the redistributive element of citizenship politics, we gain better purchase on the variation in violence severity. Varying levels of

⁷⁸ The language of "past injustices" and "future redemption" comes from a discussion in Bøås and Dunn (2013, 97) regarding the motivation and objectives of autochthonous movements. The concepts apply equally well when describing how citizenship security informs contentious narratives.

competition between winners and losers drives varying levels of violence. The depth of winner/loser competition is linked to the depth of exclusion in nationality laws. At the same time, these two cases illustrate how VOB can lead to increasing restrictions in nationality laws that then fuel greater episodes of violence. Where we see this downward spiral of violence and exclusion, violence severity continues to risk and the risk of war weighs heavy on the country.

I find that contentious citizenship narratives help explain the joint production of violence by elites and individuals. These messages highlight citizenship insecurity of citizenship regime winners and losers, and emphasize the insider/outsider cleavage. Citizenship debates are more likely to implicate the national citizenship rules if the outsider group is composed of both internal and external migrants. As nationality law becomes more exclusionary, VOB escalates. War is likely when denationalization is a credible threat to outsiders. The next chapter shows that outcomes are constrained when the national citizenship rules are not at stake. Further, the “negative case” of Ghana illustrates that VOB does not break out if initial conditions are not met.

Finally, the Ivoirian and Congolese wars clearly diverge in their duration and intensity. I attribute this divergence to the depth of exclusion in the citizenship regime. Although institutions in Côte d’Ivoire narrowed citizenship criteria, Dioula exclusion was less severe and less prolonged than that of Congolese Banyarwanda. The Banyarwanda faced threats to their nationality as early as the Brussels Round Table of 1960. The Dioula, on the other hand, informally exercised important citizenship rights, such as the right to vote and own land, under Houphouet Boigny (1960-1993). The 1994 and 1995 electoral laws were the first major pieces of Ivoirité legislation, followed later by Article 35 in the

2000 Constitution. These restrictions limited who could run for presidential office, but did not revoke Dioula citizenship completely. The 1998 land law prevented Dioula from owning property, but did not deny their nationality. Even the Office of National Identification, with its unwieldy procedures for nationality documents, did not explicitly withdraw Dioula nationality; rather, it denied their citizenship in practice. The Banyarwanda, on the other hand, formally lost their citizenship multiple times: under the 1964 Constitution (restored 1971/1972) and under the 1981/1982 nationality laws. From 1981 to 2004 most Banyarwanda were not officially citizens of the DRC (Jackson 2007). In short, the Dioula were *effectively* denationalized through formal means, but the Banyarwanda were fully and *officially* deemed foreign nationals.

Chapter 6. The Wars that Never Happened: Evidence from Ghana and Kenya

The previous chapter explained why the politics of belonging led to war in Côte d'Ivoire and the DRC. This chapter addresses cases of non-escalation and minor conflict. Evidence from Ghana shows why some insider/outsider violence remains at the local level, and evidence from Kenya sheds light on processes driving episodes towards minor conflict that stops short of war. In this chapter I test the second part of Hypothesis 2:

H2b: Violence at the national level will fall short of war if nationality laws are not in question.

Ghana meets the basic criteria you would expect for VOB escalation. Foreign migrants lived and worked in the country for several generations, and growing land scarcity increased insider/outsider competition. The country's nationality laws also changed several times and became progressively more restrictive. In the midst of exclusionary reforms, the government required "foreigners" to acquire residence permits or leave the country. Furthermore, economic crisis and political liberalization meant citizenship insecurity was on the rise and intra-elite competition was fierce. Even more striking, rural areas saw land disputes turn violent, and election violence over fraud broke out. Yet the politics of belonging never led to minor conflict. Why? I argue that Ghana did not meet the necessary conditions for conflict onset.

The nature of Ghana's citizenship regime, and its network of institutions more broadly, prevented the politicization of citizenship. Furthermore, low citizenship insecurity

minimized winner/loser competition and limited the momentum of citizenship debates. Therefore, national citizenship did not become a politicized issue in Ghana. Importantly, the country's formal and informal institutions effectively managed insider/outsider tensions. A disconnect between winner/loser status and insider/outsider identity had a dampening effect on contentious narratives, which in turn prevented widespread ethnic mobilization. Additional factors suppressed widespread VOB in Ghana as well. For example, political and economic liberalization did not happen at the same time, meaning the government could manage each change before it turned into a crisis. Also, land authority rests with Ghana's chiefs so the insider/outsider axis of contention does not involve the national political community. A critic may point to the clashes between the Konkomba and the Nanumba, Dagomba, and Gonja groups in the northern regions of the country. I address this episode of minor conflict later.

In Kenya's Rift Valley, competition between citizenship regime winners and losers exacerbated insider/outsider divisions. The statist land tenure regime, the clientelization of land, the breakdown of patronage networks, and the combined force of political and economic crises elevated insider/outsider violence in Kenya to the national level. Although the nationality laws liberalized in 1986 and again in 2010, widespread violence broke out during the 1992, 1997, and 2007 elections. Inflammatory rhetoric during these campaigns amounted to calls for ethnic cleansing, reflecting the extent of elite impunity and normalization of political violence in the country. Kenya reached the brink, but did not succumb to civil war. Why?

Kenya experienced VOB at the minor conflict level because the criteria for conflict onset were met. Citizenship became a nationally politicized issue, but insider/outsider

violence ultimately fell short of war because only sub-national belonging came under fire. Since outsiders did not have contested foreign origins, nationality laws were not come under threat. Even though citizenship insecurity peaked, war did not break out because outsiders never faced denationalization. In contrast, outsiders in Côte d'Ivoire and the DRC had strong ties, at least in popular imagination, to neighboring countries. This fact made it easier for politicians to claim that the Dioula and Banyarwanda, respectively, had no right to national citizenship. When the government moved to denationalize them, it raised the stakes sufficiently high for outsiders to rebel. A critic may point to the case of the marginalized Somali and Nubian communities in Kenya. I address these plausible outliers at the end of this section.

Data for this chapter comes from secondary source material and original interviews I conducted with political researchers in Abidjan, Côte d'Ivoire and Accra, Ghana (November-December 2014). See Table 4 in Chapter 5 for an overview of variables under consideration. Recall that case selection is purposive in order to harness the necessary variation on the dependent and independent variables, while also controlling for potentially confounding factors.

Ghana

Present-day Ghana is divided into 10 regions: Upper West, Upper East, Northern, Brong-Ahafo, Ashanti, Eastern, Volta, Greater Accra, Central, and Western. The largest ethnic groups are the Akan (49%), Mole-Dagbani (17%), Ewe (13%) and Ga-Dangme (8%) (Fremong 2012). These ethnic groups are highly fragmented, though. In fact, the Akan can be divided into about 20 sub-groups (Langer 2009).

“Stools” are a form of religio-political organization throughout Ghana.⁷⁹ Part of chiefly estates, stool lands are managed on behalf of the community. Chiefs have land authority, which they use to allocate plots, extract revenue and rents, and arbitrate disputes (Boone 2014; Crook 2008). Since property rights are governed by customary law in Ghana, land conflicts remain outside the national political arena. Furthermore, chiefly land authority has a dampening effect on insider/outsider cleavages. Autochthons tend to economically outperform migrants, and land is not exploited by politicians as a patronage resource. Therefore, migration is not a politically charged issue during Ghanaian elections. Even when nativist discourse does rear its head, the messages do not encourage armed organization (Boone 2014; Boni 2005; Boone and Duku 2012; Côté and Mitchell 2016; Kobo 2010).

⁷⁹ As Hammer (1998) explains, “It is through the current occupier of the Stool that the spiritual and political power of the people is exercised...the Stool represents the centre of political gravitation” (317, Note 6). The 1979 Constitution extended the power of chiefs over “stool lands” to northern regions, where had previously had a statist land tenure system (Berry 2009).

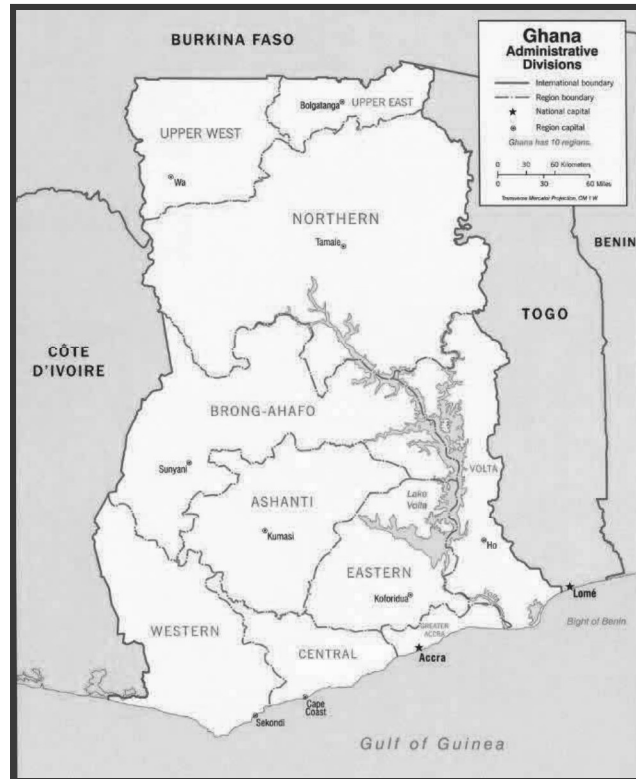


Figure 9: Map of Ghana ⁸⁰

The structure of insider/outsider relations

Chiefs and their stool rights were the foundation of indirect, colonial rule in Ghana. Migrants entered into *abusa* (sharecropping) contracts in which they paid tribute to chiefs for access to stool lands (Fred-Mensah 1999; Addae-Mensah 1986; Boni 2006; Berry 2009; Berry 2001; Boone 2014). However, unlike in Côte d’Ivoire and the DRC, migrants in Ghana could acquire land titles that proved their ownership of a plot—even if the tribute requirement often remained in place. Furthermore, the transactions were well documented

⁸⁰ Map courtesy of the Perry-Castañeda Library Map Collection at the University of Texas at Austin. Available at: http://www.lib.utexas.edu/maps/africa/ghana_admin_2007.jpg. Accessed August 26, 2016.

and professionally surveyed (Boone 2014; Boone and Duku 2012; Benneh 1988; Boni 2005). Lastly, the size of the in-migrant population was smaller in Ghana, as compared to places with national level land conflict. For example, Boone (2014, 82-85) notes that districts with national level land violence had in-migrant populations that made up 50 to 60% of the total district population, whereas in-migrants in Ghana represented closer to 30%. In short, even though outsiders remained at a disadvantage under customary land regime, citizenship insecurity was kept in check. Migrants had land rights, manageable population sizes, and throughout Ghana's independence period the government has taken significant steps to minimize ethnic divisions and support migrant communities.

Cocoa cultivation arrived in the eastern Volta Region just before the First World War. After WWII, migrants came to take advantage of Ghana's booming cocoa industry. They originated from other parts of the colony, Haute Volta (present-day Burkina Faso), Niger, Mali, Togo, Benin, and Nigeria. Cocoa production expanded east to west as declining yields forced migrants to search for uncultivated land. Outsiders leaving Eastern and Ashanti Regions were welcomed in Western Region because population densities were low and indigenous groups did not take a strong interest in export crop production (Boone and Duku 2012; Boni 2005; Côté and Mitchell 2016). So long as farmers could find new land to cultivate, scarcity and declining yields did not exacerbate host/migrant relations.

Eventually the spread of commercial production overwhelmed exhausted natural resources. Communities began to accuse their chiefs of betrayal for selling ancestral land to non-indigenes. Popular pressure thus forced chiefs to curb or eliminate property rights of strangers (Boone 2014; Boni 2005; Addae-Mensah 1986; Alhassan and Manuh 2005;

Benneh 1988).⁸¹ Competition intensified and land conflict broke out. However, fighting was constrained to the local level. Even though the outsider group in Ghana was comprised of internal and foreign migrants, contention never reached the national stage because autochthons blamed their chiefs for land-related problems (Boone 2014; Mitchell 2011). Therefore, citizenship was not politicized in the national political arena. Moreover, indigenous populations in Côte d'Ivoire and the DRC competed directly with migrants for land and political power. In Ghana, though, migrants remained subservient to hosts, thereby posing less of a threat (Crook 2001; Mitchell 2011). This reduced the salience of the citizenship security cleavage and weakened winner/loser competition

The evolution of state-society relations in Ghana also contributed to non-escalation there. Essentially, the government's policies prevented citizenship regime winner/loser status from exacerbating ethnic cleavages. Dr. Kwame Nkrumah and the Convention People's Party (CPP) led Ghana to independence on March 6, 1957. Although the CPP took an anti-migrant platform (Boone 2014; Mikell 1992), it supported an inclusionary citizenship regime. For example, the Nationality and Citizenship Act 1 of 1957 (later replaced by the Nationality Act 62 of 1961) upheld *jus soli* citizenship principles. In 1966, the National Liberation Council (NLC) overthrew Nkrumah.⁸² The NLC carried favor among the economically-powerful immigrant community. The Nationality Decree of 1967

⁸¹ Strangers responded by organizing politically. For example, the Association of Stranger Farmers of Wassa Amenfi, which had goal of representing (land) interests of stranger farmers (Benneh 1988; Boone and Duku 2012).

⁸² Ghana experienced eight more changes of government (four of which were military coups) by 1983.

then relaxed the criteria for acquiring citizenship for individuals born before independence (Whitaker 2015; Kobo 2010).⁸³

In addition, Nkrumah and his successors engaged in ethno-regional balancing to ensure that northerners were represented in the government. They also took concrete and symbolic steps to build an inclusive national identity. For instance, under the Avoidance of Discrimination Act of 1957 (ADA), Nkrumah banned political parties formed along ethnic or regional lines. The move remains controversial for its role in undercutting political opposition, but it is widely credited with reducing the salience of ethnic identities. Subsequent regimes have upheld ADA principles by passing additional legislation to prevent ethnicity-based mobilization and to prevent any local language from being elevated to the status of national language (Langer 2009).⁸⁴

Nkrumah and his successors openly celebrated Ghana's pluralism as well. They adopted many forms of traditional dress or invited different traditional leaders at state events, in addition to participating in important cultural festivals around the country. Furthermore, the Ghanaian boarding school system sends students to institutions outside their home region in an effort to break down regional ties and promote national integration. The same is true for civil servants, which forces them to learn the local language and assimilate (Langer 2009).⁸⁵

⁸³ The 1967 Decree upheld *jus soli* principles.

⁸⁴ The Constitutions of 1969, 1979, and 1992, the 2000 Political Parties Act, and the (non-binding) 2004 Political Parties Code of Conduct all aim to impede electoral mobilization along ethnic lines.

⁸⁵ These efforts were also stressed to me in field interviews. See Frempong Interview-Accra-December 15, 2014; Nana Interview-Accra-December 17, 2014

In summary, Ghana's state-society relations helps explain why insider/outsider violence does not escalate beyond the level of localized skirmishes there. Namely, formal and informal institutions support an inclusionary citizenship regime, which reduces citizenship insecurity and minimizes the salience of the insider/outsider cleavage. *Jus soli* nationality laws in the early years of independence supported a liberal conceptualization of national citizenship, even as indigeneity often held sway in rural areas. Efforts at national integration further reduced the salience of ethnicity and thus the likelihood of mobilization along cultural lines. Consequently, citizenship regime winner/loser status fell along party lines more than ethnic identity. Finally, the insider/outsider axis of contention implicates chieftaincies rather than the state, preventing national citizenship rules from becoming politicized. This confluence of factors helps explain why contentious citizenship narratives did not develop and VOB did not escalate to minor conflict soon after independence.

Stability in instability

In 1969, Ghana's economy went into shock, leading to massive inflation, unemployment, food shortages (Beckman 1976). Opposition to foreigners grew, especially in the business sector where they posed the greatest threat. Land scarcity also contributed to growing resentment towards migrants (Whitaker 2015; Mitchell 2011; Kobo 2010). However, the foreign-born were by now an important part of the national economy—in part because of their substantial demographic footprint (Whitaker 2015; Peil 1974).⁸⁶

⁸⁶ According to the 1960 census, non-Ghanaians accounted for 12% of population (Peil 1974). Moreover, 18% of cocoa farmers, 65.6% of cocoa farm workers, and 40% of all farm workers were immigrants (Boone 2014).

Within a year of passing the Nationality Law of 1967, the NLC replaced it with the Nationality (Amendment) Decree 333 of 1969. In one fell swoop, *jus soli* provisions gave way to *jus sanguinis* rules.⁸⁷ The Busia government then introduced the Aliens Compliance Order of 1969 (ACO) to enforce Nkrumah-era legislation.⁸⁸ The ACO required foreigners to get residence permits within two weeks under threat of deportation. The result was a mass expulsion of 200,000 people within 6 months. The ACO intended to target immigrants from Nigeria, Niger, Sierra Leone, and Syria in the urban retail and informal sectors (Boone 2014).⁸⁹ Many of those expelled were Ghanaian in-migrants. As is common in many parts of Africa, autochthons did not distinguish between foreign-nationals and strangers from the northern or southern areas of the country (Peil 1974).

The new laws represented a shift towards more exclusionary policies, but did not provoke violence or significant political mobilization.⁹⁰ In fact, insider/outsider tension did not even influence the 1969 election campaign (Boone 2014). These laws were not wide-reaching enough to exclude a significant portion of the population from citizenship, and

⁸⁷ The 1969 law was reinforced by the 1969 Constitution, the Nationality Act 361 of 1971, and the Amendment Decree of 1972. The laws state: A person born in Ghana before independence is a citizen if one parent or grandparent was born in Ghana. A person born outside the country must have one parent born in Ghana. A person born in or outside of the country after independence and before the 1969 Constitution's enactment must have one parent and one grandparent or great-grandparent born in Ghana. The 1972 Amendment withdrew citizenship for those who did not qualify under the criteria of Act 361. For more information, see Manby (2015).

⁸⁸ The Aliens Acts of 1963 and 1965.

⁸⁹ The law even exempted foreign cocoa farm workers, but they still left their fields in droves—only hurting the economy more by undercutting the labor supply (Peil 1974; Mikell 1992; Boone 2014).

⁹⁰ The ripple effects of the ACO are still felt today. Discussions of citizenship issues are tempered by the long shadow cast by the ACO (Mohammed Interview-Accra-December 17, 2014).

therefore did not have a substantive impact on citizenship security or winner/loser competition. Furthermore, state-society relations that minimized ethnic divisions and protected basic rights kept citizenship insecurity in check. Most importantly, the customary land regime kept insider/outsider competition outside the national arena and prevented citizenship from becoming a nationally politicized issue. Therefore, critical factors in VOB onset remained absent. Finally, outsider fortunes changed soon enough. Starting in the 1980s, the pendulum swung the other way and outsiders saw citizenship security improve dramatically. Insiders did not lose out under the new citizenship rules, so winner/loser competition remained manageable and only localized VOB broke out.

In December 1981, Flight Lieutenant Jerry John Rawlings seized power in a coup.⁹¹ In the midst of growing land shortages, falling commodity prices, net-positive emigration, and structural adjustment programs, migrants' fortunes changed. Rawlings and the Provisional National Defence Council (PNDC) "subordinated [ethnic claims] to the language of class interest" (Lentz and Nugent 2000, 22; Langer 2009).⁹² The regime also encouraged registration and titling of land in an effort to support outsider property rights (Boone 2014). The new measures prompted periodic episodes of violence. In one instance, Sefwi chiefs in Western Region encouraged autochthons "to dispossess strangers" of land that had been purchased legally years earlier (Boone 2014; Boni 2005). However, the Asare

⁹¹ Rawlings was from the Ewe ethnic group, which had a history of secessionist tendencies. Some credit for Ghana's stability goes to the alternation of ethnic groups in power. Even groups that complained of discrimination have controlled the executive at one point in time (Frempong Interview-Accra-December 15, 2014; Frempong 2012).

⁹² Nonetheless, Rawlings showed favoritism towards his Ewe ethnic group, specifically in terms of political appointments (Langer 2009; see also Boahen 1992).

Committee of 1987 tasked with investigating the clashes ultimately took the migrants' side, thus tipping the balance of power slightly in favor of outsiders (Boone and Duku 2012).

Rawlings faced growing pressure from the international community to introduce free market reforms and open the political system, as did almost all of his contemporaries. In response, he founded the National Democratic Congress (NDC) and went on to win multiparty elections in 1992 and 1996. In Côte d'Ivoire, political and economic liberalization occurred at the same time as deepening land scarcity, which severely restricted patronage flows. This "perfect storm" politicized the migration issue and when the state could not address surging grievances, violence broke out (Mitchell 2011). A similar pattern is evident in Kenya and the DRC where violence of belonging escalated to the level of minor and major conflict, respectively. However, Ghana may have been "able to 'weather the storm' of exogenous shocks" because it liberalized economically during the first Rawlings regime (1981 to 1992), before it liberalized politically (Mitchell 2011, 134). Staggering economic and political liberalization helps suppress xenophobic politicking. The government can manage the monumental transitions one at a time (Whitaker 2015) and the crisis does not rupture patronage networks. In Côte d'Ivoire, political and economic liberalization occurred at the same time as deepening land scarcity, which severely restricted patronage flows. This "perfect storm" politicized the migration issue and when the state could not address surging grievances, violence broke out (Mitchell 2011). A similar pattern is evident in Kenya and the DRC.

Citizenship insecurity remained low in Ghana for several reasons. First, Ghana deported many migrants rather than withdrawing their rights, but allowing them to stay in the country. By physically removing so many citizenship regime losers, the government

impeded collective action. The migrants' departure before the cocoa crisis meant that they could not be so easily scapegoated for the country's problems (Mitchell 2011). Therefore, contentious citizenship narratives did not gain much traction. Secondly, Ghana has experienced "stability in its instability" unlike Côte d'Ivoire which experienced "instability in its stability" (Frempong Interview-Accra-December 15, 2014). The military government in place during the cocoa crisis provided a degree of political certainty (Mitchell 2011), which improved citizenship security generally. Furthermore, Ghana's economy had diversified during the independence era and it was much less dependent on cocoa when the crisis hit (Mitchell 2011), yet another boon for citizenship security. The same cannot be said of Côte d'Ivoire.

Up to the present moment, Ghana's migrant communities have seen deterioration in land rights in rural areas, but this trend has not been accompanied by violence. For example, Wassa Amenfi (Eastern Region) became one of the first districts to pilot the Land Administration Project (LAP) in 2003. The LAP upholds the primacy of indigenous rights by confirming chiefs' land authority (Boone 2014; Alhassan and Manuh 2005). Migrants who acquired titles for land purchased 1950-1970s are effectively tenants under the new system (Boone and Duku 2012). Under the LAP, chiefs continue to force concessions from migrants, ranging from the renegotiation of titles to the repossession of land, and yet the policy has not engendered violent opposition (Boone 2014; Boone and Duku 2012; Boni 2005). Since land rights fall under chiefly authority, the axis of contention does not involve the state or the national political community. Therefore, national citizenship is not a politicized issue and VOB does not escalate.

It is also important to note that Ghana's institutions support a relatively inclusionary citizenship regime. Ghana's nationality laws are clear on citizenship criteria and courts can manage disputes effectively, which reduces citizenship insecurity.⁹³ For example, the government has made a conscious effort to legislate on citizenship issues and detail precisely who can be a citizen, how one may obtain or lose citizenship, etc. Improvements in the registration process and distribution of identity cards also helped reduce the use of citizenship as a political weapon. The opposite was true in Côte d'Ivoire, where a history of leaving open questions regarding citizenship criteria and discriminatory identification policies created confusion and exacerbated winner/loser tensions.

It is noteworthy that no political party has verbally (or physically) attacked foreigners since the 1990s (Côté and Mitchell 2016; Mohammed Interview 12/17/14).⁹⁴ Furthermore, rushing to defend the rights of migrants, the ruling NDC set a precedent for others to follow. In 2000, John Kufuor selected a running mate with foreign family ties, and it is believed that this move helped him win the election. Furthermore, Ghana's (effective) two-party system incentivizes politicians to try to win every single vote, meaning that politicians on all sides try to woo the *Zongo* community (Whitaker 2015; Kobo 2010; Mohammed Interview 12/17/2014).⁹⁵ Therefore, the status quo citizenship

⁹³ Present-day nationality law in Ghana upholds *jus sanguinis* principles and discriminates against women with foreign spouses, but has relatively liberal provisions otherwise. It permits dual nationality and imposes low residency requirements (5 years) for naturalization. Further, there is no evidence of a probationary period before naturalized citizens can exercise their rights (Citizenship Act 591 of 2000; Dual Citizenship Regulation Act 91 of 2002).

⁹⁴ In 1996 the opposition New Patriotic Party (NPP) presidential candidate allegedly threatened in 1996 to deport migrants if elected.

⁹⁵ The term "Zongo" refers to migrant-dense communities in urban areas.

rules do not lead to widespread exclusion, and thus citizenship insecurity is not a threat to stability.

A second reason for Ghana's stability stems from the country's formal institutions. Strong institutions reduce elite leverage over citizenship questions, which is why the issue has not become politicized. Additionally, since respect for public institutions is rather high, elites and individuals try to work within the system rather than taking to the streets (Nana Interview 12/17/2014; Mohammed Interview 12/17/2014; Tsegah Interview 12/17/2014).⁹⁶ For instance, when NPP disputed the results of the 2012 elections, the party protested and brought their case before the Supreme Court. The judges ruled in favor of NDC candidate and incumbent president John Mahama. The NPP respected this decision rather than exiting the political process.

To be clear, ethnicity still matters in Ghanaian politics. After the NLC handed over power in 1969, the military split along ethnic lines into Ashanti/Akan and Ewe factions. The resulting tensions have repeatedly resurfaced since then. However, state strategies and policies that diminish the political salience of ethnicity also serve to reduce the salience of nationality questions (Mitchell 2011; Langer 2009; Frempong Interview-Accra-December 15, 2014). There is hope too that improvements in education will reduce the sway political entrepreneurs have over politicizing issues. Lack of education is a compounding factor in

⁹⁶ During interviews, the role chiefs play in mediating disputes and facilitating cooperation came up in a positive light. Their moral authority is seen as a valuable dispute resolution tool. However, research by Crook, Asante, and Brobbey (2011) suggests that customary leaders are not as "congruent with popular values about fairness and just resolution of disputes" (65) as public institutions, such as state courts or the state-sponsored Commission on Human Rights and Administrative Justice.

violent mobilization by facilitating elite manipulation of latent resentment against foreigners among the population (Tsegah Interview-Accra-December 17, 2014).⁹⁷

In summary, Ghana has evaded large-scale violence over citizenship questions even though nationality laws have undergone contraction.⁹⁸ I argue that Ghana's non-escalation can be attributed to factors that served to suppress the politics of belonging and violence onset more generally. First, the citizenship regime is relatively inclusive and strongly supported by formal and informal institutions that reduce winner/loser competition. Citizenship security is thus a weak political cleavage in society and ethnic mobilization is rare.

The Konkomba question

I separate the discussion of clashes in northern Ghana (1981, 1992, 1994-95) from the preceding discussion because they represent episodes of minor conflict. The central issue in these clashes is a question of political organization. Although the groups involved make competing claims to autochthony, this dispute is not the crux of the contention. Rather, it is Ghana's chieftaincy system, which privileges centralized societies by following the colonial policy of placing non-centralized (acephalous) societies under the jurisdiction of centralized neighbors (Talton 2010). Tensions between the historically acephalous

⁹⁷ See Collier (2007) on the general relationship between low education levels and conflict.

⁹⁸ A notable exception is fighting between Konkomba migrants and indigenous Dagomba, Gonja, and Krachis in northern Ghana. Between February and March 1996, clashes killed 1,000 people and destroyed 144 villages (Fred-Mensah 1999).

Konkomba and the Dagomba, Nanumba, and Gonja ethnic groups escalated to minor conflict because the Konkomba challenged wanted a chieftaincy of their own.

Without a formal chieftaincy, the Konkomba remain marginalized politically even though they find great economic success in the commercial yam market. In 1978 General Acheampong established the Committee on Ownership of Land and Positions of Tenants in Northern and Upper Regions. The Alhassan Committee, as it was popularly known, was tasked with creating “a uniform system of land tenure for the entire nation, by determining the best process to transfer land control from the government to the region’s ‘original land owners’ in the north” (Talton 2010, 146-7). Konkoma leaders petitioned the state to recognize their paramount chief. The official reason for denying their request was that the Dagomba allegedly conquered the Konkomba before the colonial period. However, the petition was reviewed by the very chief the Konkomba sought to replace.

The 1979 Constitution extended chiefly land authority to Northern and Upper Regions. In 1981 tensions between the Konkomba and Nanumba burst into four months of fighting that left over 1,000 people dead. In the lead-up to the confrontations, Konkomba leaders instructed their communities to stop paying tribute to non-Konkomba chiefs and to work within Konkomba traditions to resolve disputes. The central government intervened but never addressed the underlying inequalities of traditional politics, leaving grievances on both sides.

In 1991, political competition between the Nawuri and Gonja led to a conflict and the Konkomba were dragged into the fray. Again they petitioned for recognition of a Konkomba paramount chief and again their request was denied. The 1991-1992 attacks precipitated largescale violence during the 1994-1995 “Guinea Fowl War”. Northern towns

of Tamale, Damango, Yendi, and Bimbilla were hit hardest and in the end as many as 3,000 people died.

The Konkomba case meets conditions for VOB escalation to minor conflict. As a historically non-centralized society, the Konkomba were citizenship insecure because they lacked land rights and, more generally, they were subordinated to non-Konkomba chiefs. As winner/loser competition heated up, it exacerbated ethnic tensions. Ethnic mobilization supported armed organization. VOB fell short of war each time, though, because national citizenship rules were not in dispute. Although *sub-national belonging* came under fire, no movement aimed to deny the Konkomba's nationality status. Therefore, events did not escalate to war.

Kenya

Present-day Kenya is divided into eight provinces: Rift Valley, Nyanza, Western, Central, Eastern, North Eastern, Nairobi, and Coast. None of Kenya's 42 ethnic groups can claim a demographic edge. The largest groups are the Kikuyu (18.3%), Luhya (14%), Kalenjin (12%), Luo (10.7%), and Kamba (10.2%).⁹⁹

Three of Kenya's last five elections (1992, 1997, and 2007) have been violent.¹⁰⁰ During these campaigns, contentious citizenship narratives deployed logics of threat and opportunity that encouraged ethnic cleansing. Kenya meets the criteria for insider/outsider

⁹⁹ The Luhya and the Kalenjin are colonial-era agglomerations of smaller groups. The label "Luhya" combines 16 groups (Bukusu, Dakho, Kabras, Khayo, Kisa, Marachi, Maragoli, Marama, Nyala, Nyole, Samia, Tachoni, Tiriki, Tsotso, and Wanga) and the label "Kalenjin" combines 11 groups (Kipsigis, Nandi, Pokot/Suk, Elgeyo, Marakwet, Keiyo, Tugen, Sabaot, Sebei, Dorobo, and Terik) (Human Rights Watch 1993, 5).

¹⁰⁰ Elections were peaceful in 2002 and 2013.

violence onset. The statist land tenure regime put insiders at a structural disadvantage vis-à-vis a growing population of outsiders and encouraged the clientelization of land. Then, patronage resources dried up with the transition to economic and political liberalization. Why did cycles of violence in Kenya fall short of war? I argue that nationality laws were not at stake because outsiders did not have contested foreign origins, which reduced the chances of civil war onset.

The Rift Valley Province (RVP) is the epi-center of insider/outsider violence in Kenya. This area has the most fertile farmland and is traditionally home to pastoralist groups (Kalenjin, Maasai, Samburu, and Turkana). The outsider group in RVP is predominately composed of Kenyan in-migrants (Kikuyu and Luo). Therefore, elites pushing a nativist agenda could not make a compelling case for denationalizing outsiders, which served to constrain VOB to the level of minor conflict.

In Kenya, contentious insider narratives suggested that the nationalist orientation of the status quo rules undermined the land rights of autochthons (decreased citizenship security). They argued that the rules should instead reflect sub-national (ethnic) rules of belonging (increased citizenship security). Outsiders favored the nationalist status quo, which allowed any citizen to own land in any region of Kenya (increased citizenship security). Outsiders argued that if sub-national membership took precedence, their claims to land would be subordinated to the claims of autochthons (decreased citizenship security).

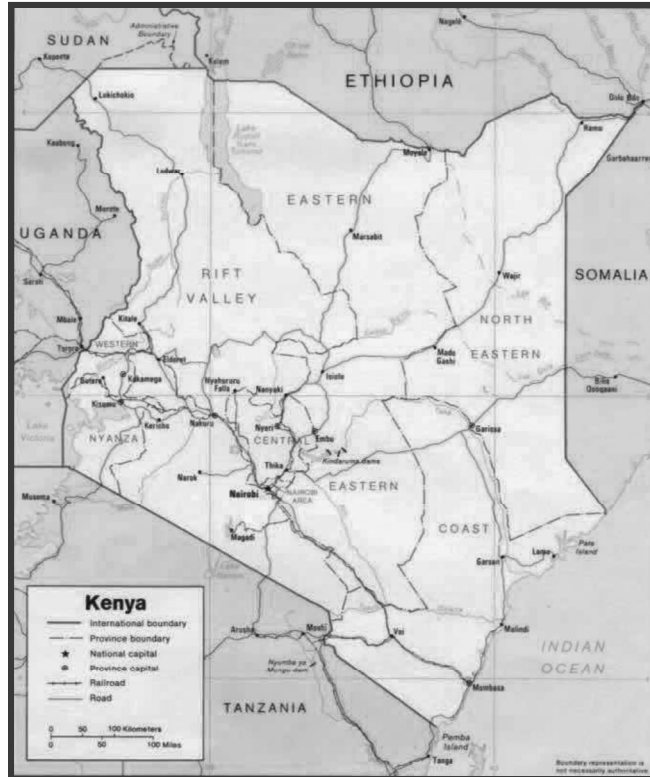


Figure 10: Map of Kenya ¹⁰¹

Roots in the Rift

In 1895, Kenya became part of the British East Africa Protectorate and all land came under the Crown’s jurisdiction. Three million hectares of the central Rift Valley were designated part of the Scheduled Areas, which became known as the White Highlands because Europeans had exclusive rights to this land. In 1915, Kenya’s forty-plus ethnic groups were forced onto Native Reserves, designated Tribal Trust Land.¹⁰² Unlike the Scheduled Areas, Trust Land was governed by customary law, meaning that indigeneity

¹⁰¹ Map courtesy of the Perry-Castañeda Library Map Collection at the University of Texas at Austin. Available at: http://www.lib.utexas.edu/maps/africa/kenya_pol88.jpg. Accessed August 26, 2016.

¹⁰² This law also abolished Africans’ right to own land.

became the principle way to claim land rights there. To create the Scheduled Areas, colonial administrators expropriated land from indigenous groups in RVP (Maasai and Kalenjin) and in Central Province (Kikuyu), leading to massive internal displacement that exaggerated the effects of land scarcity across all ethnic groups. As in Côte d'Ivoire and the DRC, colonial administrators also resettled thousands of people to support commercial farming. The in-migrants farmed small plots in the White Highlands as “squatters”.¹⁰³ The resulting economic pressures, combined with an emergent African intellectual class demanding broader political and economic rights, culminated in the Mau Mau rebellion from 1952 to 1957 (Keller 2014).

Mau Mau fighters were primarily disenfranchised Kikuyu.¹⁰⁴ They sought to “break the white monopoly on best farmland, political and economic rights in the native reserves” (Boone 2014, 140-141). The colonial government came down with a heavy hand. More than 12,000 rebels and over 2,000 loyalists died in the fighting, compared to only 32 Europeans.¹⁰⁵ As a result of Mau Mau, Europeans reconsidered African demands for independence. They also realized that some land would need to be transferred to Africans. In 1961 a new law allowed Africans to buy and farm land in the Scheduled Areas (Keller 2014; Human Rights Watch 1993).

¹⁰³ By the 1930s, about 150,000 Kikuyu resided in RVP (Boone 2014; Gisemba 2008). In 1939, the administration resettled an additional 4,000 Kikuyu (Keller 2014).

¹⁰⁴ Branch (2009) notes that Mau Mau represents a schism in the Kikuyu group where disenfranchised Kikuyu joined the rebellion while Kikuyu elite followed Kenyatta in institutionalized contestation of the colonial state.

¹⁰⁵ Some estimates are as high as 50,000 Africans killed (Boone 2014, 141)

Negotiations for the transition to independence took place during the Lancaster House Conference (1960-1963). Land rights in RVP were a particularly tense issue. Debates between indigenous and settler communities arose over competing claims to land there (Boone 2014; Human Rights Watch 1993). The Kenyan African Democratic Union (KADU), led by Masinde Muliro, Daniel arap Moi, and Ronald Ngala, supported a regionalist federalism called *majimboism* which would protect the interests of minority ethnic groups by privileging ancestral rights in local communities. The Kenyan African National Union (KANU), on the other hand, led by Jomo Kenyatta, Oginga Odinga, and Tom Mboya, supported a constitution that preserved the state's control over land, and opened the land market to all Kenyans.¹⁰⁶ *Harambee*, Kenyatta's motto of "let's all pull together", came to represent a nationalist vision of Kenya's citizenship rules, whereas *majimboism* represented an ideology of regionalism. *Harambee* and *majimboism* represent competing narratives about Kenya's citizenship rules.

KANU defeated KADU and the African People's Party (APP) in the pre-independence elections of 1961. Almost immediately upon entering office in 1963, Kenyatta centralized power in the executive. Importantly, he abolished regional powers, a provision agreed to during the Lancaster Conference to appease KADU concerns about ancestral land rights. In exchange for their cooperation, KANU included KADU in a power-sharing agreement. With the dissolution of KADU and APP, Kenya became a de

¹⁰⁶ An ethnic cleavage is apparent in the KANU-KADU divide: KANU drew support from RVP settlers (e.g. Kikuyu and Luo), and KADU from RVP indigenes (e.g. Maasai and Kalenjin). However, Catherine Boone (2014) argues that the cleavage is more appropriately characterized as between land-rights winners (settlers) versus losers (autochthons).

facto one-party state (Leys 1975; Klopp 2002). By 1964 *majimboism* was subordinated to *harambee*.

As in Côte d'Ivoire and the DRC, colonialism in Kenya laid the foundation for violent land disputes through policies of forced migration, land appropriation, and fabricated ethnography. Resettlement schemes in Kenya were primarily oriented towards in-migration, which was not the case in Côte d'Ivoire and the Congo. These schemes reallocated ancestral land of RVP indigenes to settlers from other parts of the country. Citizenship debates over regionalism pitted losing autochthons against winning settlers. These disputes escalated to minor conflict during the 1990s and in the 2007/2008 election crisis. However, due to the outsider group's ethnic make-up, these disputes did not reach the level of civil war. The Kikuyu did not have contested foreign origins, and there were no efforts to denationalize them.

“Nyayo”: In the footsteps

The 1960s and 1970s saw a land rush in the Rift Valley. Between 1960 and 1966, the government bought up parcels in the former White Highlands, mostly from exiting European settlers. The government transferred much of this land to African farmers through settlement schemes, such as the Million Acre Scheme, and state-backed land-buying companies (Leys 1975). Kikuyu already in RVP purchased the land they worked on, and many more people escaped overcrowding in Central Province by migrating West (Keller 2014; Human Rights Watch 1993).¹⁰⁷

¹⁰⁷ In 1962, 43.5% of the RVP population were in-migrants and their numbers grew through the 1970s. From 1968 to 1979, the number of settlers in RVP increased six-fold from 5,350 to 34,253

To a large extent, minority elites controlled local land allocation during Kenyatta's rule (Leys 1975). As in-migration continued, though, winner/loser competition grew. The losing Kalenjin loathed the settlement schemes, which forced them to buy back their ancestral homeland—and sometimes they were outbid by outsiders. Rumors that Kikuyu went unpunished for defaulting on loans (Bøås and Dunn 2013; Anderson and Lochery 2008; Lynch 2008) and accusations of corruption (Anderson and Lochery 2008; Harbeson 1973) only deepened Kalenjin resentment of Kikuyu winners.¹⁰⁸

In 1978, Jomo Kenyatta died while in office. His successor, Daniel arap Moi, continued and expanded the “Imperial Presidency”. A 1982 constitutional amendment turned Kenya into a *de jure* one-party state, with KANU at the helm. The integrity of political institutions deteriorated precipitously during this period and Moi bolstered his absolutist rule with heavy repression (Onoma 2010). Under Moi, political violence became normalized and diffused (Mueller 2008; Kagwanja 2009). In addition, mounting pressures from economic crisis, declining aid flows, international scrutiny on human rights abuses, international pressure to liberalize, and structural adjustment programs hampered Moi's ability to dole out patronage. He turned to land as an alternative (Klopp 2000; Boone 2011, 2014; Southall 2005; Republic of Kenya 2004 [Ndung'u Report]).

According to the Ndung'u Commission's 2004 report, grand corruption through illegal land sales reached the level of kleptocracy under Moi. Insecure property rights

people. In comparison, the number of settlers in the Central Province only increased 60% during the same period (Boone 2014, 146).

¹⁰⁸ Vast tracks of land went to Kenyatta himself and Kikuyu elites. As in Côte d'Ivoire and the DRC, the regime turned farmers into economically dependent clients of the government.

overlapped with competing land claims to create a highly volatile political situation that heightened levels of citizenship insecurity for insiders *and* outsiders. For example, it was common for the government to issue multiple titles for same piece of land. Some titles were issued for property that did not even exist.¹⁰⁹ In addition, land registration and titling accelerated in rural areas, indicating the “growing exclusivity of land rights” (Boone 2014, 155). Land titles were not granted if an individual failed to repay their loan or was a member of a cooperative society—and membership in co-ops was “nearly universal” (Harbeson 1973; Boone 2011, 2014; Bates 1981).

Kalenjin landlessness became “acute” in the 1970s and 1980s (Bøås and Dunn 2013, 60). Unlike Kenyatta, Moi had to appropriate land from other groups to distribute it to his Kalenjin constituents, displacing Kikuyu squatters in RVP. With the presidency firmly in control of land allocation, the locus of blame for land alienation also shifted to the center and to Daniel arap Moi in particular (Bøås and Dunn 2013; Boone 2014). Winner/loser competition intensified over land disputes as losing Kalenjin felt increasingly marginalized. Sporadic violence erupted in 1980s, but the Moi regime managed to contain these episodes (Boone 2014, 263).

1986 marked a year of liberalization in nationality laws. First, the 21st amendment to the Constitution repealed Section 89 dictating *jus sanguinis* citizenship principles. Act 15 of 1986 introduced limited *jus soli* provisions instead. Individuals born in Kenya to foreign parents could now claim citizenship if at least one of their parents was also born in

¹⁰⁹ Between 1962 and 2002, nearly 2,000 land titles were issued illegally (with a significant jump after 1986). The government also routinely sold land below market value to individuals and companies who then sold it far above fair market value (Southall 2005).

Kenya. Secondly, women's rights improved. Under the 1963 Constitution, women applying for naturalization needed parental or spousal consent. This provision was removed in 1986, but other discriminatory provisions remained. Kenyan women could not pass citizenship to their children born abroad or to their foreign spouses, but Kenyan men had these rights. In this year, Kenya also liberalized naturalization procedures. The government did away with the stipulation that naturalized citizens must be of African origin and reduced the residency requirements from ten to eight years continuous residence in the country.¹¹⁰

In summary, I find that Kenyatta resembled his contemporaries in Côte d'Ivoire and the DRC in important ways. He privileged national identity by not recognizing the land rights of KAMATUSA communities, the self-proclaimed indigenes of RVP. The resulting grievances created tension between citizenship regime winners and losers. During Moi's tenure, the balance of power shifted to his KAMATUSA base, thus elevating the status of sub-national membership. However, extensive land grabbing in the presence of combined economic and political liberalization exacerbated winner/loser competition. Still, nationality laws in Kenya have made steady progression towards inclusion. Despite liberal reforms made in 1986 and 2010, debates over who belonged where exploded in the multi-party era under the weight of rising citizenship insecurity. However, they did not reach the level of war because outsiders did not have contested foreign origins.

¹¹⁰ The law still permitted citizens of certain African countries, such as former Commonwealth countries, to acquire citizenship through registration.

Multi-party era

In 1992, the opposition Forum for the Restoration of Democracy (FORD), led by Kenneth Matiba (a Kikuyu) and Oginga Odinga (a Luo), contested the first-multi-party elections of the independence era. Their calls for reform were amplified by international donors, who threatened to withdraw aid if Kenya did not improve human rights and curb corruption. In spite of these pressures, Moi used the full force of the state to stay in power. He revised electoral laws and redrew electoral districts to dilute the strength of the opposition.¹¹¹ He banned opposition parties from campaigning where ethnic clashes had broken out. He also resorted to political intimidation and violence.

It is well documented that KANU encouraged ethnic violence through inflammatory rhetoric that revived chauvinist messages of *majimboism*. Government officials at every level were involved in planning and orchestrating ethnic violence from 1991 to 1998 (Human Rights Watch 1993; Republic of Kenya 1999 [Akiwumi Report]).¹¹² This pattern of behavior continued through the notorious 2007 election, at which point “violence and political intimidation became a regular feature of elections and relations between the ruling party and opposition parties” (Keller 2014, 118; see also Mueller 2008; CIPEV 2008; Anderson and Lochery 2008).

¹¹¹ Under the new laws, a candidate had to win 25% of the vote in 5 of 8 provinces plus a plurality of total votes. If these margins were not met, a run-off would be held between the top two candidates (Keller 2014).

¹¹² KANU went so far as to fund and transport so-called Kalenjin “warriors” responsible for widespread and systematic ethnic cleansing in the Rift Valley (Human Rights Watch 1993; Republic of Kenya 1999 [Akiwumi Report]). Moi neither endorsed nor condemned his patronage bosses, allowing him to appear to be above the fray (Klopp 2002).

Violence during the 1991-1997 period targeted rural farmers in RVP that had received parcels of land through Kenyatta-era programs and triggered retaliatory attacks by non-Kalenjin.¹¹³ Moi was attempting to transform RVP into a “KANU zone” by eliminating opposition supporters (Anderson and Lochery 2008; Human Rights Watch 1993, 2008). The result was heightened citizenship insecurity that fueled contentious insider/outsider narratives and mobilized ethnic coalitions according to the logics of threat and opportunity. For instance, Kalenjin politicians promised their followers land redistribution and called for non-KAMATUSA groups to leave the Rift Valley. Such policies would increase Kalenjin citizenship security and decrease Kikuyu citizenship security. Furthermore, there were explicit calls to “destroy” members of the opposing party who posed a threat to autochthonous groups (Klopp 2002; Human Rights Watch 1993; Republic of Kenya 1999 [Akiwumi Report]).¹¹⁴ Meanwhile, Kikuyu and other “settler” politicians emphasized that all Kenyans had the right to live and work anywhere they wanted. Kikuyu citizenship rights were threatened by KANU efforts to prevent them from registering to vote or casting their ballot (Klopp 2001).

¹¹³ Estimates for the period 1991 to 1997, which covers 2 elections (in 1992 and 1997), put the death toll around 1,500, plus 300,000 persons displaced (Boone 2014; Human Rights Watch 1993; Klopp 2002; Republic of Kenya 1999 [Akiwumi Report]; Throup and Hornsby 1998).

¹¹⁴ In April 1993, William ole Ntimama, an MP and Maasai Minister for Local Government, supported by Vice-President George Saitoti (also Maasai), deployed the logic of threat when he told an audience that the opposition “was arming itself as a plot to eliminate indigenous residents of the Rift Valley” (Human Rights Watch 1993, 20-21). He warned KAMATUSA members “to be on their guard and to spread the message so that they could defend themselves” (Human Rights Watch 1993, 20-21).

In 2002, the National Alliance Rainbow Coalition (NARC) peacefully ousted Moi and KANU. The new government, headed by President Mwai Kibaki, rejected *majimboism* outright. It affirmed the primacy of national identity, proclaiming that “Kenya belongs to all Kenyans” (*The Nation*, “Kenyans are ‘Free to Live Anywhere’,” 1 April 2005 as quoted in Boone 2014, 268). The Kibaki regime avoided taking a firm stance on insider/outsider tensions in RVP, choosing to focus instead of fulfilling specific campaign promises. In the end, Kibaki’s regime consolidated executive power along ethnic lines much like his predecessors had (Jenkins 2015; International Crisis Group 2008; Human Rights Watch 2008).

Raila Odinga formed the Orange Democratic Movement (ODM) to contest the 2007 national election. ODM presented itself as the harbinger of democratic reform in Kenya. Returning to a *majimbo* platform, the party called for enhanced regional autonomy, land redistribution, and a return of ancestral land to indigenous groups (Anderson and Lochery 2008; Bøås and Dunn 2013; Keller 2014; Klopp 2000, 2001). ODM politicians led supporters to believe that Odinga supported *majimboism* (now called “Devolution”) and land redistribution. Some even hinted that Odinga would support expelling settlers. ODM narratives framed national citizenship rules as a threat to autochthons rights (decreased citizenship security) and sub-national citizenship rules as an opportunity to reclaim land and political power (increased citizenship security).

People believed that with 41 tribes allied behind ODM, Odinga should win any free and fair election (Jenkins 2015). When the National Elections Commission declared Kibaki the winner by a slim three percent margin (47% to 44%), Odinga and other opposition

leaders claimed fraud and protested the results.¹¹⁵ On December 30, 2007, in the middle of a recount, Kibaki took the presidential oath. Violent protests erupted across Kenya. Within two days, Kenya was “on the brink of civil war” (International Crisis Group 2008, 9).

The scale of the 2007 violence was unprecedented. Over 1,000 people were killed and hundreds of thousands were displaced.¹¹⁶ The violence began as ethnically-driven, spontaneous attacks by gangs, armed groups attached to politicians, and ordinary Kenyans. It quickly turned into communal clashes directed by elites.¹¹⁷ *Majimbo*-inspired violence hit urban and rural areas, with the most intense fighting in the Rift Valley—especially the capital, Nakuru. Lynch (2008) quotes one participant as saying that the violence was not so much about the disappointing election outcome, but about the opportunity to “right” historical grievances of the Kalenjin people.

As they had in the 1990s, politicians drew upon unresolved land grievances and competing land claims to stoke ethnic hatreds. Insiders and outsiders challenged each other’s right to land. Citizenship rules were presented to both sides as an opportunity to remedy the imbalance in the distribution in land and power. Autochthons wanted to see revisions that would privilege indigeneity, while outsiders wanted to maintain (if not

¹¹⁵ According to the International Crisis Group (2008) all election observers agreed that the election was rigged. Results were inflated at the constituency and the national level.

¹¹⁶ Human Rights Watch (2011) estimates that 1,300 were killed more than 650,000 displaced. The Waki Report (CIPEV 2008) estimates up to 700,000 displaced.

¹¹⁷ The Kalenjin warriors and the Sabaot Land Defence Force returned, forming an alliance to expel settlers from KAMATUSA territory. The infamous Mungiki sect diversified their criminal activities to include targeting non-Kikuyus in and outside RVP. The police and security services played a role too, using excessive force against unarmed civilians and against peaceful protesters (International Crisis Group 2008; CIPEV 2008; Human Rights Watch 2008).

strengthen) the nationalist status quo. Narratives about historic grievances and marginalization justified violence on both sides.

Hate speech resurfaced on the campaign trail (Jenkins 2015; Anderson and Lochery 2008), and rumors played into the logics of threat by suggesting that settlers wanted to exterminate indigenes. Kalenjin evicted Kikuyu not only to defend their property rights, but also to pre-empt their own potential displacement. They shrouded their motives in the rhetoric of “cleansing” and “liberating” RVP. For their part, Kikuyu leaders spread the message that their community would be in danger under a Luo president (Klaus and Mitchell 2015; Boone 2012; Keller 2014; International Crisis Group 2008). The Mungiki gang is the Kikuyu version of the Kalenjin Warriors. Framing their actions in the context of the Mau Mau legacy, Mungiki members spun a narrative of victimization and revenge.¹¹⁸ They claimed to defend poor, land-hungry Kikuyu and promised to remedy past wrongs done to the community (Bøås and Dunn 2013; Anderson and Lochery 2008; Rasmussen 2010).

In summary, the cycles of violence in Kenya are driven by a complex interplay of factors. Zero-sum neo-patrimonial politics and deliberately weak institutions support ethnic clientelist parties who will go to extreme lengths to maintain their hold on state power. Land scarcity, extensive migration, a lack of checks and balances, a personalized and centralized presidency, and a history of extra-state violence and elite impunity has only encouraged the downward spiral. Elections, fraud, and ethnic brokers trigger and facilitate

¹¹⁸ The connection to Mau Mau also carries the symbolic weight of a liberation movement that fought against colonial oppression (Anderson and Lochery 2008).

Kenya's election violence. However, the root causes of Kenya's insider/outsider violence lie in grievances over land, migration, and citizenship rights. Citizenship rules were presented to both sides as an opportunity to increase citizenship security by determining the distribution of land and power. Narratives about historic grievances and marginalization justified violence on both sides by describing ongoing threats to citizenship security. However, nationality laws never in question. As much as they may have tried to undermine outsider citizenship rights, insiders did not lobby for denationalization.

My argument is that competition between citizenship regime winners and losers in Kenya contributed to a pervasive fear of "marginalization and exclusion under the rule of another community" (Jenkins 2015, 225). Fueled by long-simmering insider/outsider animosity, contention over the jurisdiction of national and sub-national citizenship rules deepened. Contentious narratives developed, mobilizing ethnic coalitions according to the logic of threat ("our citizenship rights are under attack") and opportunity ("we must ensure the supremacy of national/sub-national citizenship rules"). I argue that Kenya's citizenship struggles have not degenerated into war because even hardliners cannot make the case to denationalize outsiders, who are Kenyan in-migrants.

Non-escalation in Kenya

To be clear, political exclusion of outsider groups with contested foreign origins does not always lead to widespread violence. Asian-, Somali-, and Nubian-Kenyans have largely escaped the conflict that characterizes the Kikuyu-KAMATUSA relationship. As is the case of non-escalation in Ghana, additional criteria for VOB onset are not met in these cases. Although the outsider group has contested foreign origins, they are not a politically salient group. Moreover, exclusion from state patrimonial networks limits

largescale mobilization. Therefore, the intermittent episodes of violence involving these groups (namely the Nubians and Somalis) has not escalated beyond the local level.¹¹⁹ I now turn to the case of Nubian-Kenyans as an illustration.

Like the Dioula and the Banyarwanda, contemporary Nubians have contested foreign origins. In the 19th century various ethnic groups from across Sudan and Southern Egypt (formerly part of ancient Nubian Kingdoms) were recruited into British slave armies (Johnson 1988, 1989). In 1912 they were forcibly settled in Kibera, which became one of the densest slums in Nairobi. While the Nubians believed they were given parcels to own, the Crown considered them tenants (Balaton-Chrimes 2015). As in Côte d'Ivoire, competing understanding of land tenure laid the foundation for later tensions between settler Nubians and “indigenous” groups, such as the Luo.¹²⁰

Nubians maintained a “fragile superiority” during colonialism, but they were marginalized after independence (Balaton-Chrimes 2015, 37). They were not granted full citizenship rights at independence because they are not indigenous to Kenya. Further, they traditionally occupy the position of “landlord”, but have not been able to penetrate Kenya’s patrimonial networks. Consequently, they rarely have access to development funds or state services and struggle to get identity cards. In 2009, “Kenyan” became an official

¹¹⁹ An exception to this pattern: Ethnic Somalis waged the Shifta War, a bid for secession, shortly after independence (1963 to 1967). This exception can be explained by the fact that their territory was historically part of greater Somalia and the population identified more strongly with other Somali clans than the Kenyan nation (Whitaker 2014).

¹²⁰ The British classified Nubians as “Detribalised Natives”, referring to the fact that they were displaced from their ancestral “homeland”.

designation on the census, which ameliorated their situation slightly (Balaton-Chrimes 2015; Manby 2015).

Nubians have largely escaped the conflict plaguing Kenya's multi-party era. A small ethnic minority concentrated in an area of Nairobi, they are considered "inconsequential" to the larger ethnic politics driving the country (Balaton-Chrimes 2015, 56).¹²¹ Consequently, Nubians have been involved in localized skirmishes in Kibera, but nothing amounting to minor conflict.¹²² Secondly, they are disconnected from the state's patronage networks, which limits the politicization of their status as well as their ability to mobilize to defend their interests. In short, we would not expect to see VOB move from the local to national level because criteria for escalation conflict onset are not met.

Conclusion

VOB in Ghana remained localized because the criteria for conflict onset were not met. Migration is not deeply politicized, and although many migrants are from neighboring countries, they represent a much smaller proportion of the total population, as compared to Côte d'Ivoire, the DRC, and Kenya. Furthermore, traditional authorities hold a firm grip on land allocation and dispute resolution, and public policy has subordinated ethnic cleavages in Ghana. Lastly, without the politicization and clientelization of land relations,

¹²¹ In 1963, approximately three out of nine thousand Kiberans were Nubians. In the 1970s, an influx of mostly Kikuyu migrants swelled the population to 60-65,000 by 1980. Today, they number 10,000 in a total Kibera population of 350,000 (Balaton-Chrimes 2015).

¹²² Their fraught tenant-landlord relationship with the Luo occasionally boils over. In 1995 four days of Nubian-Luo clashes left seven people dead. In 2001, 15 people died and 30,000 were displaced by Luo-Nubian fighting (Balaton-Chrimes 2015; Osborn 2012). These attacks have reified the ethnic nature of the tenant-landlord relationship in Kibera (Katumanga 2005).

migration has not become a national level issue in Ghana. VOB reached minor conflict levels in Kenya, but fell short of war. From 1963 to 1990, Kenya's institutions enforced the rule of law reasonably well. After 1991, though, a steady weakening of institutions subverted the rule of law and contributed to a political culture characterized by corruption, impunity, and violence (Onoma 2010). Widespread citizenship insecurity among Kenyans, combined with land grievances, fueled insider/outsider conflict that escalated to the national stage. Politicians could not make a compelling case for denationalizing the outsider group, though, because it was primarily composed of in-migrants. Lastly, in both of these cases we see that VOB does not necessarily lead to more exclusionary nationality policy. Ghana and Kenya experienced progressive liberalization of nationality law, which helped to dampen winner/loser competition, limit the politicization and citizenship, and curb the severity of VOB.