



Constitution Brief

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The MyConstitution project works towards a home-grown and well-informed constitutional culture as an integral part of democratic transition and sustainable peace in Myanmar. Based on demand by Myanmar stakeholders, expert advisory services are provided to those involved in constitution-building efforts. This series of Constitution Briefs is produced as part of this effort.

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Protecting Ethnic Minorities within Minorities

Sumit Bisaraya

1. Introduction

Federalism, and ethnic federalism in particular, presents a dilemma. It is capable of recognizing the pluri-national character of a country, establishing a multi-tiered governance structure which can protect and empower minority groups by giving them an area within the country where they form a majority. This divides power between the centre and the constituent unit¹, allowing the majority within the latter to govern their own affairs with regard to specific, constitutionally prescribed responsibilities.

This territorial arrangement of power, however, is often perceived as 'autonomy for a particular group' (Palermo 2015: 19) and the group that enjoys political control over a particular area may often perceive that area as an ethnonational 'homeland' (Fessha 2017: 84).

This creates a challenge of 'minorities within minorities'. No territory is likely to be ethnically homogeneous, and the creation of dominant majorities through the establishment of a particular constituent unit brings with it the creation of new minority groups. Often these groups fear domination and oppression by the local majority even more than oppression from the centre by the country-wide majority.

This can lead to a number of problems including continuing conflict, human rights violations and/or an unsustainable further fragmentation of the country into smaller and smaller ethnic units, as more and more groups mobilize for ethnically homogeneous political units.

This Constitution Brief surveys current comparative constitutional practice for different mechanisms and approaches relating to the minorities within minorities challenge. In other words, this brief refers to the protection of minorities within constituent units/states/regions and doesn't cover the protection of minorities in general.

The brief is divided into the following sections: (i) legal protections for fundamental rights at the central or at the constituent unit level; (ii) local autonomy; (iii) power sharing at constituent unit level; and (iv) forms of non-territorial autonomy. The last section (v) speaks to particular issues of religious and linguistic minorities.

1. Various terms may be used for constituent units in federations, e.g. states, provinces, länder, divisions. For the sake of clarity, in this document we use 'constituent unit' throughout when referring to territorial political subunits. When referring to particular countries, the names given to constituent units in those countries are used.

2. Fundamental rights protection

Judicially enforceable fundamental rights offer key protections for marginalized and minority groups and individuals.

Just as with protection for minorities at the country-wide level, a robust set of constitutional rights, upheld through a strong and independent judiciary, is a critical pillar in protecting minorities within minorities in constituent units. The federal constitution reaches across all internal boundaries and offers protections and safeguards to groups and individuals no matter where they are situated.

This layer of protection is important for two reasons: first, as the country's constitution 'reaches' beyond constituent unit boundaries, it protects fundamental rights against infringement by both central and constituent unit governments. In contexts where minorities within a constituent unit fear oppression from the majority, the country's constitution and courts can be crucial in ensuring equal protection under the law.

But second, and more particularly, the cultural rights of minorities within constituent units are often under threat. Ethnic majorities in constituent units often see the bounded territory as 'their homeland' (Fessha 2017:84), a place where they can assert full expression of their own cultural identity. This means that rights relating to culture—in particular religion and language—are often in peril.

For example, in Switzerland in 1990, the Supreme Court found that hanging crucifixes on the walls of public primary schools in the Catholic-majority Canton of Ticino violated the constitutionally guaranteed freedom of conscience and religion of people who may feel intimidated or offended (Pahud De Mortanges 2016).

Similarly, Canada is home to an English-speaking majority, but the province of Quebec has a historically important French-speaking majority. When the Quebec National Assembly sought to make French the exclusive language of the legislature and the courts, and sought to constrain English-speaking parents to send their children to French-speaking schools (with the exception of parents schooled in English in Quebec), the Canadian Supreme Court struck these provisions down as violating rights enshrined in the Charter of Rights and Freedoms (Choudhry 2007).

Constituent unit constitutions, where they exist, may extend the horizon of rights protection even further—for example, in the constitutions of many Ethiopian states, the list of non-derogable rights under a state of emergency is longer than in the Federal Constitution (Regassa 2009).

However, important as it may be, fundamental rights protection can only go so far. In fragile and conflict-affected states particularly, courts can be weak, inefficient and seldom robust in their independence (Bisarya 2019). Further, the majority of rights adjudication provides post-facto, individualized justice, and courts can do little regarding the allocation of power and resources—often the most pressing issues in divided societies. Lastly, it should be noted that fundamental rights protection may be most effective in situations of 'majorities within minorities'—that is, areas where the country-wide majority constitutes a territorial minority—as such groups may be more trusting of, and more protected by, federal structures.

3. Local territorial autonomy

Strengthening local territorial autonomy may be another mechanism for the protection of minorities within minorities in federal states. This can take different forms:

3.1. Empowering local government

In the same way that empowering constituent unit governments in a federal system can protect and empower territorially concentrated groups, strengthening local government can do the same for smaller territorially concentrated communities. Recent federal constitutions, such as Nepal and South Africa, have detailed provisions on the structure and responsibilities of local government which serve to empower communities at the city/village/district level to govern their own affairs within certain constitutionally allocated spheres of autonomy.

3.2. Differentiated local devolution/special autonomy areas

It may be the case that, instead of strengthening local government throughout the country, it is only specific localities, often of historical significance, which require increased autonomy due to their particular ethnic demographics—either as home to territorially concentrated minorities within minorities, or larger cities which are home to a heterogeneous mix of ethnicities.

Ethiopia provides an interesting approach to differentiated local devolution in that the Federal Constitution guarantees all ethnic groups ‘self-government’, including the establishment of institutions of government in the territory that the group occupies (article 39(3)). The Constitution leaves it to the states to decide how they will manage the right to self-determination of the different groups living within their borders. In many cases, this has led to an extra level of governance—‘special zones’—between the state government and the district (*woreda*) level. These ‘special zones’ exist where there is a large enough, territorially concentrated minority population within a state which can be delegated specific powers or serve a coordinating function for different district governments of the same ethnic group. In cases where the ethnic group is not large enough, they are entitled to form a ‘special district’ level (or even lower) government with more powers than other districts in the state.

The advantage of special autonomy areas when compared with general empowerment of local government is that they allow the devolved powers and protections to be tailored to the context of the particular community involved. They also do not require country-wide capacity at local government level, only enough capacity to run the government in the special autonomy area(s). Considerations against special autonomy areas might include other local communities claiming equal status. Furthermore, the communities of special autonomy areas may become increasingly detached from the community surrounding them, and these communities may seek increasing degrees of autonomy—for example akin to constituent units—where political mobilization tends in this direction.

3.3. Union territories

In India, certain areas are constitutionally classified as union territories: these are special administrative divisions that are ruled directly by the Union (central) Government, rather than by the relevant state government. Former Portuguese colonies Dadra and Nagar Haveli, and Daman and Diu are both examples of union territories.

Whether a union territory-type arrangement will be suitable depends very much on context, in particular whether the local community entrusts governance more to the federal government/country-wide majority than to the constituent unit government/majority.

3.4. Further re-territorialization

An obvious albeit extreme option, but worth including nevertheless, is the further subdivision of the territory into more constituent units. For example,

India has seen the number of states increase from 14 to 29, much of this driven by the need to enable communities which were linguistic minorities in one state to become linguistic majorities in a new state.

Another option at the more extreme end of the scale in terms of governance complexity is to ‘federalize’ the constituent unit itself. For example, in Bosnia and Herzegovina, one of the two entities—the Federation of Bosnia and Herzegovina—is further divided into 10 cantons which are situated between the second level of government and local/municipal government. These cantons have their own administrations and constitutions, and provide governance on issues such as police, education and culture.

This option needs to be balanced against the undesirability of creating too many states, which can lead to the fragmentation of a country into ever smaller and more numerous constituent units which may be unsustainable in terms of the financial and human capacity needed to run each state.

4. Recognition and representation at state level

While local territorial autonomy—as explained in the section above—provides for self-rule for local minority groups within constituent units, shared rule at state level is also an important consideration. This can take different forms:

4.1. Recognizing a plural community through state constitutions

Some, but not all, federal countries allow or mandate constituent units to have their own constitutions (within the framework, and in compliance with, the federal constitution). As at the federal level, constitutions in constituent units can make declarations of both symbolic and legal import regarding the political community they govern, as well as detailing the composition of representative institutions (covered in the next section).

Some ethnic groups may use their constitution-making majority to draft language that purports to establish an ethnonational homeland. For example, the Oromia Constitution in Ethiopia declares that ‘the Oromo nation’ is the owner of the constitution and the Region of Oromia, despite the presence of significant numbers of other minority ethnic groups (Fessha 2017). By way of contrast, the Amhara State Constitution recognizes explicitly the existing pluralism within the state, for example in article 9 where it states, ‘the supreme power of the national regional state resides in and belongs to the peoples of the Amhara Region’ (emphasis added). Article 39 of the same constitution goes further in delineating ‘the rights of the peoples of the Amhara National Regional State’, which include the right to preserve identity, the right to self-government and—under certain conditions—even the right to secede from the country.

4.2. Representation in state political institutions

A well-known and often-used mechanism to promote agency of, and protection for, minority groups at the country-wide level is through guarantees of representation in central-state institutions. While this is not commonly constitutionalized at the constituent unit level, there is no reason why electoral systems, quotas, second legislative chambers or other institutions and mechanisms could not be used to provide guarantees to minorities within minorities within constituent units.

Ethiopia, with its system of ethnic federalism, again provides an instructive example. The Federal Constitution guarantees all ethnic groups ‘equitable representation’ in state and federal governments (article 39(3)). The manner of ensuring representation at the state level is left to the states themselves. The Southern Nations, Nationalities and Peoples’ Region (SNNPR) has a bicameral parliament, replicating the structure of the federal parliament. One

of these houses—the Council of Nationalities—is composed of representatives of nations, nationalities and peoples present in the state. Each group is entitled to at least one member, with additional members allocated depending on population (articles 58(1) and 58(2) of the SNNPR Constitution). While SNNPR is a state of minorities, with no dominant majority group, the system of representation is nevertheless instructive for contexts of minorities within minorities.

While not explicitly designed to cater for a minorities within minorities context, in Nepal, the Federal Constitution contains safeguards for political plurality in the provincial legislatures. Article 176(6) requires all political parties to include candidates from a range of minority and marginalized groups on their party lists for election at the provincial level.

For an extensive set of measures aimed at ensuring inclusive representation at the constituent level, the province of South Tyrol/Alto Adige in Italy is a successful example of using the law to construct political representation mechanisms, which can assuage conflict between different ethnic (in this case linguistic) groups. Formerly part of the Austro-Hungarian Empire, the province is home to a majority (approximately 69 per cent) German-speaking community, a ‘majority within a minority’ Italian-speaking population (approximately 26% per cent and a ‘minority within a minority’ Ladin linguistic group (approximately 5 per cent) (De Villiers 2017).

The provincial legislature in South Tyrol is elected through proportional representation, with the small Ladin community guaranteed at least one seat (out of 35). If either of the main language communities feel that a certain legislative measure threatens the cultural equality of citizens in their language group, or threatens their linguistic/cultural identity, the parliamentary representatives of the community can request the bill to be sent to the Constitutional Court (article 56, Statuto Speciale Per Il Trentino-Alto Adige). The provincial executive is elected by the legislature and must represent the proportion of the linguistic communities in the legislature, including a deputy president each for the two main language groups, and an allowance for a Ladin community member even if not warranted by the proportionality of the legislature (De Villiers 2017).

In sum, shared rule at the constituent unit level can be an important mechanism for the protection of minorities within minorities, and—while not commonplace—there are important adaptations of measures found at national level to the contexts of constituent unit political institutions.

5. Non-territorial autonomy

The second and third categories of institutional mechanisms for the protection of minorities within minorities detailed above are forms of territorial organization of power. However—in particular where ethnic communities are geographically dispersed—consideration should also be given to mechanisms of non-territorial autonomy (NTA).

NTA may come in different forms, but generally it involves formal institutions which have assigned responsibilities to govern certain sectors in the lives of citizens belonging to a particular ethnocultural group. There are three principal considerations in the design of NTAs: their scope, their powers and their financing.

The scope of responsibilities of NTA institutions varies, but generally they cover sectors relating to cultural identity—for example education, language and the preservation of cultural history. In terms of powers, some NTA institutions may only have the right to be consulted, whereas others may

have actual governing powers. Finally, decisions on how NTA institutions are financed are critical in determining their effectiveness and reach.

There are a broad variety of NTA institutions found in different political systems around the world, but a few examples can help illustrate the options available.

In Canada, education is managed at the provincial level but the Constitution (section 23) provides a right for citizens who are part of a linguistic minority in the province where they reside to be educated in their own language. This has been institutionalized in the form of minority school boards—of which there are 38 in total, including nine ‘minority within a minority’ English-language school boards in Quebec. These school boards provide an important mechanism of ‘educational self-management’ (Bourgeois 2015) through adapting the school curriculum (set by the Provincial Government) to the minority’s culture and integrating aspects of culture (such as historical figures and events) into the curriculum.

While not a federal country, the Serbian model of NTA is illustrative of the kinds of mechanisms which can be used to protect and promote equity and agency for dispersed ethnocultural populations. The Constitution of Serbia has a series of rights specifically aimed at national minorities (articles 75–81). These include a ‘right to preservation of specificity’ which consists of a bundle of rights protecting the ‘expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity’ (article 79) and a prohibition on forced assimilation (article 78). Of particular interest regarding NTA, article 75 stipulates that ‘persons belonging to national minorities shall take part in decision-making or decide independently on certain issues related to their culture, education information and . . . language and script’, and that such persons ‘may elect their national councils in order to exercise the right self-governance’ in these fields.

These national councils can be said to have three objectives (Korhecz 2015): to demonstrate to the international community the determination of the Serbian state to protect ethnocultural minorities; to better integrate ethnocultural groups into the legal and political framework so that they accept Serbia as their state; and lastly to neutralize the more extremist claims of ethnocultural minorities, in particular relating to claims for territorial autonomy, by allowing for the demands of the majority to be pursued through non-territorial mechanisms.

In terms of their composition, national councils have 15–35 elected members, depending on the size of the population of the national minority represented. Elections generally take place by direct election from those who have registered as a member of the relevant national minority with the Ministry of Justice.

The powers of national councils range from expressing opinions to consent and proposal to actual decision-making powers and are generally linked to the ‘management of public educational and cultural institutions that are vital for the identity of the respective national minority’ (Korhecz 2015: 81). In concrete terms, this may range from proposing school/museum board members for national minority institutions to complete management, accompanied with financial subsidies, by the national council.

In sum, NTA mechanisms provide a more ‘light’ form of ethnocultural collective self-governance, which can be particularly appropriate where groups are small and/or dispersed, and where the issues of most concern are specifically related to cultural specificity promotion and preservation. One important caveat to note, however, is that many of these kinds of mechanisms involve

the self-identification of individuals as belonging to a particular minority group which has a particular risk and history of state-based oppression, the most notorious and egregious example being the treatment of Jews and other minorities in Nazi Germany.

6. Religious law and official language

Much of the above pertains to mechanisms for ensuring political expression for groups which are minorities within minorities in constituent units of federations. Political representation is crucial in having a voice concerning how a community and an individual's future is shaped. However, it is also important to cover briefly two forms of cultural expression insofar as they relate to the context of minorities within minorities: the freedom to practise one's own religion and the official language.

With regard to religion, in addition to fundamental rights protections in federal and state constitutions, some countries provide for certain laws relating to religion to apply to the person regardless of where that person may be located. For example, in India, issues of 'personal law' (generally relating to aspects of family law such as marriage, divorce, inheritance, etc.) are governed by different legal jurisdictions for different religious communities, regardless of where the individual is located. In other words, the law follows and governs the person regardless of their domicile, rather than the law governing a geographical area.

Language presents a thorny problem in that the state cannot remain neutral as can be the case with religion, race or ethnicity (Choudhry 2009). There must be an official language, or languages, which are recognized for official communications, both among public officials—for example in parliamentary debates—and between citizens and public officials—for example in court.

Countries with linguistic diversity will often allow constituent units to select their own official languages. This is the case in India (article 345), South Africa (section 6.3a) and Ethiopia (article 5.3). But where constituent units are empowered to select their own official language(s), it may be the case that the local linguistic majority chooses its own language, to the disadvantage and disempowerment of linguistic minorities living within the constituent unit. There are different approaches for alleviating this burden.

In South Africa, the constitution directs that each level of government must use at least two official languages selected from a list of 11 official languages. In practice, all but one province have recognized at least four official languages, with the other (Western Cape) recognizing three. This multiple-language policy has enabled at least formal inclusion of the vast majority of the population in the provincial official language policies.

In India, the Constitution allows for 'one or more' official languages to be adopted by each state (article 345). Due in part to the reorganization of state boundaries based on linguistic demographics, many states have large linguistic majorities and have made their language the only official language. Only 12 out of 29 states recognize more than one official language. This myriad of different official languages in different states is made easier by the availability of English as a widely known 'link language' to serve as a common working language within public administration (Choudhry 2009). The Constitution also allows the President to direct the use of an additional official language if 'he is satisfied that a substantial proportion of the population of a State' so desire (Article 347). The specific article seems to contemplate the need for the Federal Government to step in to empower linguistic minorities within minorities.

Unlike in India and South Africa, in Ethiopia there is no multiple-language policy at constituent unit level. However, constituent units have adopted different approaches to official language policy depending on their context. In some constituent units where there is no dominant linguistic majority, such as the SNNPR, the federal official language (Amharic) is used. In other places, where there is a dominant linguistic majority—such as Oromia—the language of the majority is used as the sole official language at the level of the constituent unit. However, under the principle of self-determination, lower levels of governance within the constituent unit—at the zonal or ward level—may adopt their own official language.

In sum, the issue of official language merits particular attention in contexts of linguistic diversity due to its fundamental role in the workings of governance institutions and the interaction of public bodies with citizens. Different approaches include mandatory multiple-language policies (South Africa), appeals to the Federal Government to mandate a second official language (India), and devolution of official language use to subconstituent unit level (Ethiopia).

While this section has focused on the issue of official language at the constituent unit level, it is worth noting the issue of the language of education, which is a commonly contested issue, especially where there is linguistic diversity within constituent units. Determining the language in educational establishments will usually be a consequence of where the political responsibility for education lies, either at the centre or at the constituent unit level. The issues covered in previous sections, related to local territorial autonomy, representation at the state level and NTA will therefore be a primary consideration in how language in educational institutions works.

However, there are examples of federal constitutions providing specific consideration for the issue of linguistic diversity in educational institutions within constituent units.

For example, article 350A of the Constitution of India provides that ‘It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups.’ Further, article 30 provides a framework of guarantees for all minorities, language- or religion-based, to establish and administer educational institutions of their choice. This has led to the Supreme Court of India trying to find a balance between the right of intra-state minorities to educate their children in their own language, and the interest of the state government in ensuring fluency or functionality in the language of the regional majority, which may also be the official government language in the state (Choudhry 2016).

Conclusion

In summary, in ethnically diverse countries emerging from conflict, it is becoming increasingly common to see federalism as a means of conflict transformation. However, wherever constituent unit boundaries are drawn to give a particular group a majority, this creates a situation where minorities within those constituent units fear marginalization, deprivation of equal opportunity or even oppression.

There are a range of constitutional design options which can be considered in this regard. These include strengthening autonomy for local minority groups within constituent units or strengthening their representation in constituent unit governance, strengthening autonomy for the group regardless of their location and ensuring robust protection of fundamental rights. Further,

the issues of official language and freedom of religion warrant particular consideration.

Which of these options, or more likely, set of options, should be used will depend very much on the particular context—the political dynamics, geography, economy and history. However, some important preliminary considerations to guide these choices may include:

- What is the overall division of power between the constituent unit and the centre?
- What is the level of trust between the minority at constituent unit level, and the national majority/central government? Where this is strong, the protection of constitutional rights may be more effective than where it is weak (see section 2).
- How widespread is the phenomenon of intra-state diversity? Where it only applies to a few localities, some form of specific local autonomy arrangements may be more suitable than country-wide institutional arrangements (see section 3).
- Are minority populations territorially concentrated or dispersed? If the latter, then forms of NTA could be considered (see section 5). If the former, then—depending on the size of the minority populations—special zones (such as in Ethiopia), empowered local government or (in extreme cases where the minority population is large) re-territorialization could be considered (see section 3).
- Are political demands one for broad autonomy, or are they specific to certain identity-related issues such as preservation of culture and use of language? If the latter, then forms of non-territorial autonomy could be considered as they can be tailored to deal with specific issues of concern (see section 5).
- Where there are religious or linguistic minorities within minorities, what specific measures should be considered, in terms of plural legal jurisdiction or multiple-language policies (see section 6)?

References

- Bisarya, S., 'The Foundations of the Rule of Law – Time to Think and Act Politically', PeaceLab Blog, 16 April 2019, <<https://peacelab.blog/2019/04/the-foundations-of-the-rule-of-law-time-to-think-and-act-politically>>, accessed 4 July 2019
- Bourgeois, D., 'Minority Educational Self-Management in Canada' in T. H. Malloy, A. Osipov and B. Vizi (eds), *Managing Diversity through Non-Territorial Autonomy: Assessing Advantages, Deficiencies, and Risks* (Oxford: Oxford University Press, 2015), <<https://doi.org/10.1093/acprof:oso/9780198738459.003.0008>>
- Choudhry, S., 'Does the world need more Canada? The politics of the Canadian model in constitutional politics and political theory', *International Journal of Constitutional Law*, 5/4 (2007), pp. 606–38, <<https://doi.org/10.1093/icon/mom028>>
- , 'Managing linguistic nationalism through constitutional design: lessons from South Asia', *International Journal of Constitutional Law*, 7/4 (2009), pp. 577–618, <<https://doi.org/10.1093/icon/mop026>>
- , 'Language' in S. Choudhry, M. Khosla and P.B. Mehta (eds), *The Oxford Handbook of the Indian Constitution* (Oxford: Oxford University Press, 2016)

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- De Villiers, B., 'Power-sharing options in complex societies – possible lessons from South Tyrol for young democracies on ways to protect ethnic minorities at regional level', *Journal on Ethnopolitics and Minority Issues in Europe*, 16/1 (2017), pp. 1–31, <<https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/resources/docs/ECMI-JEMIE%202017%20Issue%201.pdf>>, accessed 3 February 2020
- Fessha, Y.T., 'Federalism, the subnational constitutional framework and local government: accommodating minorities within minorities', *Southern African Public Law*, 27/1 (2012), pp. 158–77
- , 'The original sin of Ethiopian federalism', *Ethnopolitics*, 16/3 (2017), pp. 232–45, <<https://doi.org/10.1080/17449057.2016.1254410>>
- Korhecz, T., 'National Minority Councils in Serbia' in T.H. Malloy, A. Osipov and B. Vizi (eds), *Managing Diversity through Non-Territorial Autonomy: Assessing Advantages, Deficiencies, and Risks* (Oxford: Oxford University Press, 2015), <<https://doi.org/10.1093/acprof:oso/9780198738459.003.0005>>
- Pahud De Mortanges, R., 'The cross in public places: The legal situation in Switzerland' (2016). Translated from 'Religiose Symbole in der Schule' in C. Danz and A. Ritters (eds), *Zwischen Krizifix und Kreuz. Religion im Fokus der Öffentlichkeit* [Between Krizifix and Kreuz. Religion in the public eye] (Munster: Waxmann, 2012)
- Palermo, F., 'Owned or Shared? Territorial Autonomy in the Minority Discourse', in T. Malloy and F. Palermo (eds), *Minority Accommodation through Territorial and Non Territorial Autonomy* (Oxford: Oxford University Press, 2015)
- Regassa, T., 'Sub-national constitutions in Ethiopia: towards entrenching constitutionalism at state level', *Mizan Law Review*, 3/1 (2009), pp. 33–69, <<https://doi.org/10.4314/mlr.v3i1.54006>>

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