Diversity, Violence and Recognition:

Implementation Codings

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This file contains accompanying documentation for Elisabeth King and Cyrus Samii, *Diversity, Violence and Recognition: How Recognizing Ethnic Identities Promotes Peace* (Oxford University Press, 2020).

This file contains details for our coding in 52 country cases of the implementation of recognition strategies. It is current as of 2018. We code for implementation in the following domains:

1. Executive
2. Legislative/Assembly/Electoral
3. Security
4. Justice
5. Civil Service
6. Education
7. Language

The following is a list of the country cases included here, all coded as of 2018:

1. Afghanistan
2. Algeria
3. Angola
4. Burundi
5. CAR
6. Cambodia
7. Colombia
8. Congo
9. Cote_DIvoire
10. DRC
11. Djibouti
12. El_Salvador
13. Ethiopia
14. Georgia
15. Guatemala
16. Guinea
17. Guinea_Bissau
18. Haiti
19. Iraq
20. Kenya
21. Laos
22. Liberia
23. Macedonia
24. Madagascar

25. Mali
26. Moldova
27. Mozambique
28. Myanmar
29. Nepal
30. Nicaragua
31. Niger
32. Nigeria
33. Pakistan
34. Papua New Guinea
35. Peru
36. Philippines
37. Russia
38. Rwanda
39. Serbia Montenegro
40. Sierra Leone
41. Somalia
42. South Africa
43. South Sudan
44. Sudan
45. Tajikistan
46. Thailand
47. Turkey
48. UK/Northern Ireland
49. Uganda
50. Yemen
51. Yugoslavia
52. Zimbabwe

Countries are coded as implementing recognition strategies according to the following rubric:

- "Yes" means both *de facto* and *de jure* implementation.
- "Partial" means either *de jure* recognition that is not clearly implemented or *de facto* recognition practices that are not clearly codified.
- "No" means no *de jure* or *de facto* implementation of recognition strategies.

Each entry provides sources and a discussion of the basis of the coding.

The next two pages show a summary table. Following that are the detailed entries for each case.

Country Name	Year of last constitution/settlement	Executive	Legislative	Security	Justice	Civil Service	Education	Language
Afghanistan	2004	Partial	Yes	Yes	Partial	No	Yes	Yes
Algeria	2008	No	No	No	No	No	No	Yes
Angola	2002	Partial	Partial	No	No	No	No	No
Bangladesh	1997	Partial	No	Yes	Yes	Partial	Partial	No
Bosnia & Herzegovina	1995	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Burundi	2005	Yes	Yes	Yes	Partial	Yes	Partial	N/A
Cambodia	1993	No	No	No	No	Partial	Partial	No
Central African Republic	2004	No	No	No	No	No	No	No
Chad	2005	No	Partial	Partial	Partial	No	Partial	No
Colombia	1991	Yes	Yes	No	Yes	Yes	Yes	Yes
Congo, Democratic Republic of	2005	Partial	No	No	No	No	Partial	Yes
Congo	2001	No	No	No	No	No	Partial	No
Cote d'Ivoire	2007	Partial	Partial	Partial	No	No	No	No
Djibouti	2001	Partial	Partial	Partial	No	No	No	Partial
El Salvador	1992	No	No	No	No	No	No	Partial
Eritrea	1997	No	No	No	Yes	No	Yes	Yes
Ethiopia (1993-)	1994	Partial	Yes	Partial	Yes	Yes	Yes	Yes
Georgia	2006	No	Yes	No	No	No	Yes	Yes
Guatemala	1996	Partial	No	No	No	Partial	Partial	Partial
Guinea	2010	No	Partial	No	No	No	Partial	Partial
Guinea-Bissau	1998	No	No	No	No	No	No	No
Haiti	1993	No	No	No	No	No	No	No
India	1993	Yes	Yes	No	Yes	Yes	Yes	Yes
Indonesia	2005	Yes	No	No	Yes	Yes	Yes	No
Iraq	2005	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kenya	2010	Partial	Partial	Partial	No	Yes	Yes	Partial
Laos	1991	No	No	No	Partial	No	No	No
Liberia	2003	No	Partial	No	No	No	No	No
Macedonia	2001	Partial	Yes	No	Partial	Partial	Partial	Yes

Madagascar	2010	No	No	No	No	No	No	No
Mali	1992	No	Partial	Partial	No	Yes	Partial	No
Moldova	1994	Yes	No	Partial	Partial	Partial	Partial	Yes
Mozambique	1992	No	No	No	Partial	No	Partial	No
Myanmar	2008	Partial	Partial	No	No	No	No	No
Nepal	2007	Yes	Yes	Yes	No	Partial	Partial	Partial
Nicaragua	1990	No	Yes	Partial	Yes	No	Yes	Yes
Niger	1995	No	Partial	Partial	Partial	Partial	Yes	Yes
Nigeria	1999	No	Partial	No	Yes	Partial	Yes	Yes
Pakistan (1971-)	2011	No	Yes	Yes	Yes	Yes	Partial	Partial
Papua New Guinea	2001	No	No	No	No	No	Yes	Yes
Peru	1993	No	Yes	No	Partial	No	Yes	Yes
Philippines	1996	No	Yes	Yes	Yes	Yes	Yes	Yes
Russia		No	Partial	No	No	No	Partial	Partial
Rwanda	2003	No	No	No	No	No	No	N/A
Serbia & Montenegro	1999	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sierra Leone	2002	No	No	No	No	No	No	Yes
Somalia	2004	Yes	Yes	Partial	No	Partial	No	Yes
South Africa	1996	No	No	Yes	Yes	Yes	Yes	Yes
South Sudan	2011	Partial	Partial	Partial	Partial	Partial	Partial	Partial
Sudan (-2011)	2005	Partial	Partial	Partial	Partial	Partial	No	Yes
Tajikistan	1999	No	Partial	No	Partial	No	Yes	Yes
Thailand	2007	No	No	No	No	No	No	No
Turkey	2010	No	No	No	No	No	Partial	Partial
Uganda	2005	No	Partial	No	No	No	Partial	Partial
United Kingdom	1998	No	Yes	Yes	Yes	Yes	Yes	Yes
Yemen	1994	No	No	No	Partial	No	No	N/A
Yugoslavia	1991	Yes	Yes	Yes	No	No	Yes	Yes
Zimbabwe	2008	No	Yes	No	No	No	Yes	Yes

Note: N/A in language implies that ethnic groups throughout the country speak the same language (i.e. in Rwanda, both Hutus and Tutsis speak Kinyarwanda).

AFGHANISTAN

	2017
Overall Score	5
Executive	0.5
Legislative/Assembly/Electoral	1
Security	1
Justice	0.5
Civil Service	0
Education	1
Language	1

Country Context and Overview:

Constitution was ratified in 2004, after the fall of the Taliban in 2001.

Constitutional Document(s):

Constitution of the Islamic Republic of Afghanistan, 2004

Ethnic Group(s):[1]

Pashtun, 41%
Tajik, 25%
Hazara, 11%
Uzbek, 8%
Other, 15%

Country Language(s):[2]

Dari (official, lingua franca), 50%
Pashto (official), 35%
Turkic Languages (Uzbek and Turkmen), 11%
30 minor languages (primarily Balochi and Pashai), 4%

Note: Turkic Languages of Uzbek and Turkmen, and Balochi, Pashai, Nuristani, and Pamiri are considered the third official language where the majority speaks them.

Notes:

Article 4 of the Constitution states "The nation of Afghanistan is comprised of the following ethnic groups: Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pashai, Nuristani, Aymaq, Qirghiz, Qizilbash, Gujur, Brahwi, and others."[3]

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[1] Ethnic Power Relations. 2014. Accessed March 10, 2017. Data available at: https://icr.ethz.ch/data/epr/core/

[2] CIA WorldFactbook. 2017. "Afghanistan." Accessed March 10. https://www.cia.gov/library/publications/the-world-factbook/geos/af.html

[3] Afghanistan Const. 2004. art. IV

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	Partial
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There are no formal provisions for ethnic quotas in the constitution, however, the cabinet of Hamid Karzai, the President of Afghanistan from 2001-2014, was ethnically diverse.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws. The Afghan President and Vice President must both be Muslim, but no specification with regards to Sunni or Shia sect.[4] Further, there are no ethnic or religious provisions to becoming a cabinet member.[5]

De jure implementation:

N/A

De facto:

Yes. Hamid Karzai (President of Afghanistan, 2001-2014) had cabinets that were ethnically balanced. For example, in 2005, the cabinet consisted of 10 Pashtuns, 8 Tajiks, 5 Hazara, 2 Uzbeks, 1 Turkmen, and 1 Baloch, although ethnic Pashtuns were allocated the positions of Ministers of Defense, Interior, and Finance.[6]

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2. Legislative

	2017	
Overall	1	Yes
De Jure	1	Yes
De Jure Implementation	1	
De Facto	1	

Evidence:

The constitution provides for representation for the Kochis in the process to select Senators, and as of 2010, Kochis are allocated 10 seats in the lower house of parliament. Further, the election process de factor provides for ethnic recognition along provincial lines, such that each province is allocated seats proportionally.

De jure:

Yes. The constitution provides for representation of the Kochis in the decision-making process for appointing senators.

[4] See: Afghanistan Const. 2004. art. LXII.
[5] See: Afghanistan Const. 2004. Art. LXXII.
[6] Adeney, Katharine. 2008. "Constitutional Design and the Political Salience of 'Community' Identity in Afghanistan: Prospects of the Emergence of Ethnic Conflicts in the Post-Taliban Era" *Asian Survey* 48 (4): 535-557.

De jure implementation:

Yes. Kochis are allocated 10 seats (7 male, 3 female) in the Wolesi Jirga 2010 (Lower House of Parliament) of Afghanistan.

De facto:

While there are no specific provisions ethnic representation in both Houses of Parliament, the process through which members are elected allows for de facto recognition, such that each province is given proportionate representation in the Wolesi Jirga (lower house) according to its population.[7]

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3. Security

	2017	
Overall	1	Yes
De Jure	1	Yes
De Jure Implementation	1	
De Facto	N/A	

Evidence:

There are extensive quotas in both the Ministry of Defense and the Armed Forces, based on the Central Intelligence Agency's (2003) estimates of population distribution.

De jure:

Yes. Ethnic quotas are institutionalized for the Ministry of Defense (MoD), with positions allocated according to the Central Intelligence Agency's (2003) estimate of ethnic breakdown, plus or minus 5 percentage points: Pashtuns 40%, Tajiks 30%, Hazaras 15% and Uzbeks 10%, and 5% going to smaller ethnic groups.[8] Ethnic quotas are institutionalized for the army, along similar breakdowns to the Ministry of Defense.[9]

De jure implementation:

Yes. According to the DCAF, recruitment in the Ministry of Defense is conducted as per above. Further, within the senior field levels of the four army corps in 2005, the nine top positions in the four army corps then active were thus divided: 3 Pashtuns (33 percent), 3 Tajiks (33 percent), 2 Uzbeks (22 percent) and one Hazara (11 percent). At the MoD level, in 2011 the 26 top positions were occupied by 11 Pashtuns (42 percent), 9 Tajiks (35 percent), 4 Hazaras (15 percent), 1 Nuristani and 1 Uzbek (4 percent each).[10]

Furthermore, the current security arena is "considered an arena where Pashtuns and Tajiks have worked together relatively well."[11] Further, while the major security ministries and organizations do have an over-

[7] Embassy of the Islamic Republic of Afghanistan, Oslo. 2017. "Parliament." Accessed March 14. http://www.afghanistanembassy.no/afghanistan/government/the-parliament.
[8] The Geneva Centre for the Democratic Control of Armed Forces. 2011. *Afghanistan's Security Sector Governance Challenges.* DCAF Afghanistan Working Group. Geneva: Procon Ltd. www.dcaf.ch/content/download/73136/1118012/file/DCAF_RPS_Afghanistan.pdf
[9] Antonio Giutozzi and Peter Quentin. 2014. *The Afghan National Army: Sustainability Challenges beyond Financial Aspects*. Kabul, Afghanistan: Afghanistan Research and Evaluation Unit. https://www.ecoi.net/file_upload/1226_1400655058_ana-20issues-20paper.pdf
[10] Ibid. pg. 3.
[11] Katzman, Kenneth. 2011. "Afghanistan: Politics, Elections, and Government Performance." *Russia, China and Eurasia: Social, Historical and Cultural Issues* 27 (1): 8. https://fas.org/sgp/crs/row/RS21922.pdf

abundance of Pashtuns – with only the National Directorate for Security headed by a non-Pashtun – the key deputy and subordinate positions tend to be non-Pasthuns.[12]

De facto:

N/A.

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4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	Partial
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There are no formal provisions, however, Afghanistan has an extensive tribal/traditional justice system that retains substantial authority over legal issues.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A

De facto:

Yes. Afghanistan's informal legal and traditional legal system allows for various ethnic groups to have authority over legal matters in their respective regions, and local tribunals handle a wide variety of legal issues. [13] These informal Shure (or Jirga) are particularly important in Persian/Dari and Pashto-dominated regions.[14]

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[12] Ibid.

[13] McCullough, Katherine. 2006. "Out with the Old and in with the New: the Long Struggle for Judicial Reform in Afghanistan." *The Georgetown Journal of Legal Ethics* 19 (3): 821-843. http://www.heinonline.org/HOL/Page?handle=hein.journals/geojlege19&div=40; Swenson, Geoffrey and Sugerman Eli. 2011. "Building the Rule of Law in Afghanistan: The Importance of Legal Education." *Hague Journal on the Rule of Law* 3: 130-146. doi: 10.1017/S187640451110007X; See also: Suhrke, Astri and Borchgrevink Kaja. 2009. "Negotiating justice sector reform in Afghanistan." *Criminal Law and Social Change* 51: 211-230; Wardak Ali. 2004 "Building a post-war justice system in Afghanistan." *Crime, Law and Social Change* 41, no. 4: 319-341. doi: 10.1007/s10611-008-9154-0

[14] United States Agency for International Development (USAID). 2005. *Afghanistan Rule of Law Project*. Kabul, Afghanistan: USAID. http://pdf.usaid.gov/pdf_docs/Pnadf590.pdf

5. Civil Service

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

De jure:

No. Article 50 of the Constitution provides for non-discrimination in appointments to the bureaucracy and any other aspect of the civil service.[15]

De jure implementation:

N/A

De facto:

None found. Data on the "ethnic composition of the bureaucracy are currently not available; given the central government's decision not to include ethnicity as a question in the census, it is unlikely that official data will be forthcoming soon."[16]

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6. Education

	2017	
Overall	1	Yes
De Jure	1	Yes
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Constitution of Afghanistan (2004) provides for the state to expand education for all across Afghanistan, it also requires the opportunity to teach native languages.[17] Further, the Afghanistan Education Law mandates education in local regional languages.

De jure:

Yes. The *Afghanistan Education Law, Article 32* states:

> "(1) Teaching in the public educational institutions, stated in this law, national private educational institutions and educational and training programs and centers for literacy and basic practical education, shall be taught in one of the state official languages (Pashto and Dari). Language of teaching shall be selected from one of the two state official languages, based on the current language spoken by the majority of the population residing in the area, in accordance with its related rule;
> - "(2) Learning Pashto and Dari languages in the schools and educational institutions is compulsory;
> - "(3) In the areas where spoken language of the majority of the people is the third official language in the country (Uzbiki, Turkmani, Pashai, Nooristani, Balochi, Pamiry and other languages), in addition to teach Pashto and Dari languages, opportunities for teaching of the third language as a teaching subject shall be prepared;

[15] Afghanistan Const. 2004. art. L; see also: Adeney. 2008: 550.
[16] Adeney. 2008: 551.
[17] Afghanistan Const. 2004. art. XLIII.

- "(4) In order to teach the third official languages of the country, the ministry of education in the field of teachers training, textbooks, teaching materials, shall provide and apply effective programs."[18]

De jure implementation:

Yes. The Afghanistan Ministry of Education Strategic Plan (2010-2014) is also taking steps to implement bilingual Dari-Pashto education national[19]; "there is also a plan to develop textbook for grades 1-12 teaching in Turkmen, Uzbek, Pashai, Baluch, as well as Pamiri and Nurestani languages to be completed by 2014."[20]

De facto:

N/A.

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7. Language

	2017	
Overall	1	Yes
De Jure	1	Yes
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Constitution explicitly states that Pashto and Dari are to be the official languages, with other local languages to be official regional languages when spoken by the majority of the population in that region/province. Radio, newspapers, and television reflect the diversity of these official languages.

De jure:

Yes. The Constitution of Afghanistan states:

- "From among the languages of Pashtu, Dari, Uzbeki, Turkmani, Baluchi, Pashai, Nuristani, Pamiri (alsana), Arab and other languages spoken in the country, Pashtu and Dari are the official languages of the state. The Turkic languages (Uzbaki and Turkmen), Baluchi, Pashai, Nuristani and Pamiri (alsana) are – in addition to Pashto and Dari – the third official language in areas where the majority speaks them."[21]

De jure implementation:

Yes. List of newspapers published in various languages *The Daily Afghanistan* (Pashto & Dari), *The Pashtun Times* (English, Urdu, Pashto, & German), *Sedaye America* (Dari), *Wadsam* (English), *Tolafghan* (Pashto & Dari*), Bassirat* (French).

De facto:
N/A.

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[18] Afghanistan, Ministry of Education. N.d. "Education Law: Decree #56".
[19] Afghanistan, Ministry of Education. 2010. "Draft National Education Strategic Plan for Afghanistan" (1389-1393/2010-2014). Kabul, Afghanistan: *Department of Planning and Evaluation*
[20] Bahry, Stephen A. "Language in Afghanistan's Education Reform," in *Language Issues in Comparative Education: Inclusive Teaching in Non-Dominant Languages and Cultures*, ed. Carol Benson and Kimmo Kosonen, 59-76. Boston: SensePublishers, p. 66. See also: Adeney. 2008.
[21] Afghanistan Const. 2004. art. XVI.

ALGERIA

Country Context and Overview:
Civil war from 1991-1996

Constitutional Document(s):
Constitution of Algeria, 1996;
Amended 2008

Ethnic Group(s):
Arab (72%); Berber (28%)[1]

Country Language(s):[2]
Arabic (official)
French (lingua franca)
Berber or Tamazight (official)

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0.5

Note: Recognition: "Arabs" are referenced throughout the constitution and considered the dominant ethnic group, Berbers are not officially recognized as an ethnic group in the constitution apart from as a language group.

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[1] Ethnic Power Relations (EPR). 2014. Available at: https://icr.ethz.ch/data/epr/core/
[2] CIA WorldFactbook. 2017. "Algeria" CIA WorldFactbook. Accessed February 26. https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html.

1. Executive

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:
No formal provisions or de facto recognition found.

De Jure:

No. The constitution provides stipulations that the president must be of Algerian nationality in origin, Muslim, and provide justification for involvement (or parents involvement) in the November 1954 revolution (Constitution of Algeria, Article 73). However, there is no specification of ethnic recognition for executive branch.

The current president, Abelaziz Bouteflika, has been in power since 1999 with no strong opposition party.

De Jure Implementation:

N/A.

De Facto:

None found; the Berber ethnic group is not officially recognized and considered "powerless" according to the Ethnic Power Relations dataset.[3]

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2. Legislative/Assembly/Electoral

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None. Parties cannot form explicitly along ethnic or religious lines, and the Front Islamique de Salut, which swept the 1990 and 1991 elections, remains banned on this basis.[4]

[3] EPR, 2014.
[4] FreedomHourse.org. 2016. "Algeria." Freedom House. Accessed: February 26, 2017. https://freedomhouse.org/report/freedom-world/2016/algeria

3. Security

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto: None found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None Found.

5. Civil Service

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

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6. Education

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A

De facto:

No. The 1990 Arabization bill projected the complete Arabization of the administration and schools by 1992 and of higher education institutions by 2000.[5]

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[5] MinorityRightsGroup.org. 2017. "Berbers." Minority Rights Group. Accessed March 10. http://minorityrights.org/minorities/berbers/

7. Language

Evidence:

No formal provisions or de facto recognition found.

	2017	
Overall	0.5	Partial
De Jure	0	Partial
De Jure Implementation	N/A	
De Facto	1	

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De Facto:

Yes. "Looking at the situation in Algeria… we can easily see that the situation in Algeria is far more advanced regarding cultural and linguistic autonomy than in Morocco. [In Algeria] it is common to see street signs in Tifinagh on the streets of Kabylia."[6]

[6] El Aissati, Abderraham. 2001. "Ethnic Identity, Language Shift, and the Amazigh Voice in Morocco and Algeria" *Race, Gender and Class, 8*(3): 57-69. http://www.jstor.org/stable/41674983

ANGOLA

	2017
Overall Score	1
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:

Civil war from 1975-2002

Constitutional Document(s):

Constitution of Angola (1992)
Lusaka Protocol (1994)
Memorandum of Understanding (2002)
Constitution of Angola (2010)

Ethnic Group(s):[1]

Ovimbundu, 37%
Kimbundu, 25%
Bakongo, 13%
Mestico (mixed European and native African), 2%
European, 1%
Other, 22%[2]

Country Language(s)[3]

Portuguese (official), 71.2%
Umbundu, 23%,
Kikongo, 8.2%,
Kimbundu, 7.8%

Notes:

The three major Angolan liberation movements, the MPLA (Movimento Popular de Libertação de Angola), the FNLA (Frente Nacional de Libertação de Angola, and the UNITA (União Nacional para a Independência Total de Angola), all had Angolan nationalist perspectives. All three officially rejected tribalism and regionalism, and none relied exclusively on one ethnic group for support. That said, as the conflict progressed each rebel group increasingly relied on the support of specific ethnic groups: MPLA among the Mbundu (Kimbundu); FNLA among the Bakongos; UNITA among the Ovimbundus.[4]

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[1] CIA WorldFactbook. 2017. "Angola" CIA WorldFactbook. Accessed March 10. https://www.cia.gov/library/publications/the-world-factbook/geos/ao.html

[2] According to EPR (2014), Kimbundu are considered a "Senior partner", whereas the Ovimbundu and Bakongo and identified as "Junior Partners", all other groups are considered "Powerless." Data available at: https://icr.ethz.ch/data/epr/core/

[3] CIA WorldFactbook. 2017. "Angola"

[4] Nyhamar, Tore. 1994. "Transitions to Democratic Constitutions in Ethnic Conflicts." *Peace and Conflict Studies* 4 (2): 4.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	Partial
De Jure Implementation	N/A	
De Facto	1	

Evidence:

Neither the constitution and the Lusaka Protocol mention the ethnicity explicitly, but the Lusaka Protocol does provide for UNITA members to hold offices at all levels of administration – provisions which, de facto, allow for ethnic recognition of the Ovimbundu ethnic group, though not exclusively.

De Jure:

No. Neither the constitution nor the Lusaka Protocol contain specific provisions pertaining to ethnic recognition. The Lusaka Protocol (1994) does allow for UNITA rebel group members to be integrated into government positions and administration, without specific quotas mentioned. UNITA recruited mostly, though not exclusively, from the Ovimbundu ethnic group.[5]

- "1. In application of the relevant provisions of Article 4 (c) of the general principles of National Reconciliation above, the concrete modalities of participation by UNITA in the various posts in the Government, State administration and diplomatic missions abroad, as agreed between the Government and UNITA and which appear in a document which is an integral part of the annex of the Lusaka Protocol relating to National Reconciliation, shall be specified in a letter to be written by the Angolan authorities to the leaders of that party."[6]
- "9. The replacement of any holder of the offices allocated to UNITA at all levels of State administration, during the period that the Lusaka Protocol remains in force, shall be effected in accordance with the provisions of the Protocol."[7]

De jure implementation:

N/A.

De facto:

Yes. Subsequent to the Lusaka Accord, UNITA assumed four ministerial posts.[8] However, the ruling Popular Movement for the Liberation of Angola (MPLA), whose core base is the Kimbundu (Mbundu) ethnic group, has been in power since 1975, led by President Jose Eduardo dos Santos.[9]

[5] Prunier, Gérard. 2009. *Africa's World War: Congo, the Rwandan Genocide and the Making of a Continental Catastrophe.* Oxford: Oxford University Press: 90.
[6] Lusaka Protocol. 1994. annex VI, agenda item II.4: III.
[7] ibid.
[8] Jarstad, Anna K. 2008. "Power sharing: former enemies in joint government" in *From War to Democracy: Dilemmas of Peacebuilding*, ed. Anna K. Jarstad and Timothy D. Sisk, 105-133. Cambridge: Cambridge University Press.
[9] US State Department. 2011. *Angola Executive Summary.* https://2009-2017.state.gov/documents/organization/192890.pdf

2. Legislative/Assembly/Electoral

	2017	
Overall	0.5	Partial
De Jure	0	Partial
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No formal provisions for ethnic recognition exist, however, the 2008 Legislative elections led to representation of all the major ethnic groups and political parties must be represented in all 18 provinces.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De Facto:

Yes. According to the US Department of State (2011), after the 2008 legislative elections, the countries three linguistic (and ethnic) groups, the Ovimbundu, Mbundu, and Bakongo (a combined 77% of the population) were all represented in the government. Further, political parties must be represented in all 18 provinces, and by law no political party can limit party membership based on ethnicity, race or gender.[10]

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3. Security

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

No. The security services are loyal to the ruling MPLA and are often called upon to act in the defense of its interest.[11]

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[10] ibid.
[11] Center for Strategic International Studies. 2011. *Angola: Assessing Risks To Stability*. Washington, D.C.: CSIS. http://elibrary.bsu.az/books_163/N_4.pdf

4. Justice

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions or de facto recognition found.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

Local administration is decentralized according to the constitution (Articles 199, 201)[12], however there is no specific mention of ethnic groups.

De jure implementation:

N/A.

De facto:

None Found.

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[12] Angola Const. 2010. art. CXCIX, art. CCI.

6. Education

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions found, although article 79 of the constitution states that government shall provide access to literacy and education for all.[13]

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None Found.

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6. Language

	2017	
Overall	0	No
De Jure	0	No
De Jure Implementation	N/A	
De Facto	0	

Evidence:

According to the Constitution (2010), Article 19, the official language of the Republic of Angola is Portuguese,[14] with no reference to local/ethnic languages.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

No. While all three major linguistic groups (Ovimbundu, Mbundu, and Bakongo) represented in the government (see above, re: Legislative Branch), there are no known norms for the promotion of these languages beyond the government.

[13] Angola Const. 2010. art. LXXIX.
[14] Angola Const. 2010. art. XIX.

BURUNDI

	2017
Overall Score	5.5
Executive	1
Legislative/Assembly/Electoral	1
Security	1
Justice	0.5
Civil Service	1
Education	0.5
Language	N/A

Country Context and Overview:
Constitution and Arusha Peace and Reconciliation Agreement stem from the 1993-2000 civil war.

Constitutional Document(s):

Arusha Peace and Reconciliation Agreement (2000)
Constitution of the Republic of Burundi (2005)

Ethnic Groups:[1]

Hutu, 85%
Tutsi, 14%
Twa, 1%

Language(s):[2]

Kirundi (official), 98%
French (official), 0.3%

Notes:

- The preamble to the constitution requires the protection and the inclusion of ethnic, cultural and religious minority groups.

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[1] CIA WorldFactbook. 2017 "Burundi." CIA WorldFactbook. Accessed March 17. https://www.cia.gov/library/publications/the-world-factbook/geos/by.html
[2] Ibid.

1. Executive

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Burundi's constitution provides for a President voted in by majority vote and additional provisions in the constitution provide for two Vice-Presidents, one from each ethnicity (Hutu and Tutsi); this has consistently been implemented since 2005.

De jure:

Yes. The Constitution provides for majority vote for the President, but the two Vice Presidents must belong to separate ethnic groups and political parties.[3] The Constitution also requires that 60% of the Ministers are Hutu and 40% are Tutsi.[4]

De jure implementation:

Yes. Since its implementation in 2005, the vice presidents have belonged to different ethnic groups. As of August 20, 2015, the First Vice President is Gaston Sindimwo, a Tutsi, and the Second Vice President is Joseph Butore, a Hutu. The first cabinet announced by President Pierre Nkurunziza on November 14, 2007 consisted of 14 Hutus and 6 Tutsis. The government announced a new cabinet on August 29, 2010 consisting of 10 Hutus, 5 Tutsis, and 5 of undisclosed ethnicity.[5] Recent information regarding the ethnicity of cabinet members post-2015 is unavailable.

De facto:

N/A.

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2. Legislative

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

The constitution provides for specific percentages of Hutu and Tutsi (and Twa) in the legislature and the ministry, including an over-representation of Tutsi (40%); all government appointments must be done in order to consistently maintain ethnic balances; electoral representation is also balanced according to ethnicity; the two senators from each province must be from different ethnic groups; and seats are specifically allocated for ethnic Twa.

[3] Const. of Burundi. 2005. Title V.I. art. CXXIV. See also: Vandeginste, Stef. 2014. "Governing ethnicity after genocide: ethnic amnesia in Rwanda versus ethnic power-sharing in Burundi" Journal of Eastern African Studies 8, 2: 263-277. doi: 10.1080/17531055.2014.891784, pg. 268.
[4] Const. of Burundi. 2005. Title V.I. art. CXXIX.
[5] A Friend of Burundi. 2011. Members of Cabinet. https://afriendofburundi.wordpress.com/2011/09/02/members-of-cabinet/

De jure:

Yes. The National Assembly is required to "consist of at least one hundred Deputies on the basis of 60% of Hutu and 40% of Tutsi, including a minimum of 30% of women, elected by universal direct suffrage for a mandate of five years, and of three Deputies originating from the Twa ethnicity co-opted in accordance with the electoral code."[6] Fundamental to Burundi's electoral system is that political parties must present blocked lists of candidates (with candidates presented in ranked order that respects the minimum requirements for ethnic balance.)[7] The members of the National Legislature are voted via proportional representation from each party, with each member ranked in order to ensure ethnic balanced (and gender balance). Article 168 provides further specifications regarding the representation of ethnicities in ballot bloc lists for proportional representation.[8] Regionally proportionate representation results from the use of the 17 provinces as electoral circumscriptions and the number of seats reflecting the size of the population in the province.[9] Finally, if the outcome of an election does not match the constitution the electoral commission can co-opt additional MPs to ensure the ethnic balanced.[10]

De jure implementation:

Yes. The legislative/electoral branches occur as stated above.[11] The 2015-2020 legislature consists of 71 Hutus (60%), 44 Tutsis (37.5%) and 3 Twa (2.5%). Representatives from the majority CNDD-FDD consist of 56 Hutus, 29 Tutsis (85 seats); the opposition Abigenga Mizero y'Ababurundi (Hope for Burundi) representatives consist of 15 Hutus and 13 Tutsis. The minority UPRONA consists of two Tutsi representatives (two seats). The three Twa representatives are appointed by law.[12] Records also indicate that the senate currently consists of two senators from each of the 17 provinces and Bujumbura, one from each ethnicity. In addition, there are three additional appointed Twa senators, and three former Presidents (Pierre Buyoya, Domitien Ndayizeye, and Sylvestre Ntibantunganya). As such, Bururi and Gitega provinces have 4 senators each, and Kayanza and Mwaro provinces have 3 senators each. Finally, the though more recent information does not exist, in 2005, of 17 governors, 13 were Hutu and 4 were Tutsi, and administrator posts were allocated with 86 Hutus and 43 Tutsis.[13]

De facto:

N/A.

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[6] Const. of Burundi. 2005. Title V.I. art. CXXIX.
[7] Vandeginste. 2014. Pg. 268.
[8] Const. of Burundi. 2005. Title VI.I. art. CLXVIII.
[9] Vandeginste. 2014. Pg. 268.
[10] Ibid.
[11] FreedomHouse.org. 2016. "Freedom in the World – Burundi, 2016." FreedomHouse.org. Accessed: March 18, 2017. https://freedomhouse.org/report/freedom-world/2016/burundi
[12] National Assembly of Burundi. 2017. "Deputy List". http://www.assemblee.bi/Liste-des-deputes Accessed: December 4, 2017.
[13] Watt, Nigel. 2009. *Burundi: Biography of a Small African Country*. Columbia University Press: New York, NY.

3. Security

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence

In addition to ethnic quotas that ensure the army is 50/50 Hutu/Tutsi, the Minister for National Police and the Minister for National Defense cannot be from the same ethnicity.

De jure:

Yes. According to the Constitution, "The President of the Republic, after consultation with the two Vice-Presidents of the Republic, sees to it that the Minister given the charge of the Force of National Defense is not of the same ethnicity as the Minister responsible for the National Police."[14]

De jure implementation:

Yes, while there was some debate as to the extent to which the distribution of military posts have been implemented, where the current opposition, a predominantly Tutsi, party (UPRONA) argued that the quotas were not being met,[15] more systematic reviews of the ethnic composition of the army show that ethnic quotas have been met as per above.[16]

De facto:

N/A.

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4. Justice

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

Partial. The judiciary needs to consist of – both the judicial corps and the Superior Council of Magistrates must be ethnically balanced. However, the most recent available information indicates that Tutsis still dominate the judiciary branch.

[14] Const. of Burundi. 2005. Title V.III. art. CXXX.
[15] Agence France-Presse. 2007. "Burundi accused of favouring Hutus in security forces," August 08, 2017. Accessed March 21, 2017, http://infoweb.newsbank.com/resources/doc/nb/news/11AEB637B9BE0B20?p=AWNB.
[16] Samii, Cyrus. 2013. "Perils or Promise of Ethnic Integration: Evidence from a Hard Case in Burundi." American Political Science Review 107, 3: p. 558-573

De jure:

Yes. The Constitution of stipulates that judicial power must consist of an ethnic "equilibrium" [50/50][17], it also requires that the Superior Council of the Magistrature consist of a balance of ethnicities.[18]

De jure implementation:

No. As of 2006, the minority ethnic group (Tutsis) still dominated the judiciary.[19]

De Facto:

N/A.

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5. Civil Service

Evidence:

Members of the civil service must be ethnically representative, and there is a mandate that requires no commune's administration can have more than 67% of its members from one ethnic group.

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

De jure:
Yes. Article 135 of the constitution requires that the members of the Government make or propose the appointments in the public administration and to the diplomatic posts taking into account the necessity to maintain an ethnic, regional, political and gender equilibrium. Further, no more than 67% of all commune administrators should belong to the same ethnic group (art 266, para. 2). Additionally, regarding appointments in public administration and in diplomatic posts, the government must keep in mind the need to preserve an ethnic, regional, political, and gender balance (art. 135 of the Constitution). As far as the positions in state-owned companies are concerned, appointments should be carried out on a 60% Hutu/40% Tutsi basis (art. 143).[20]

De jure implementation:

Yes. Implemented as above

De facto:

N/A.

[17] Const. of Burundi. 2005. Title VIII. art. CCVIII.
[18] Const. of Burundi. 2005. Title VIII. art. CCXVII.
[19] Peace Accord Matrix. "Arusha Peace and Reconciliation Agreement for Burundi" 2017. Accessed: March 17. https://peaceaccords.nd.edu/accord/arusha-peace-and-reconciliation-agreement-burundi
[20] Vandeginste, S. 2014.

6. Education

Evidence:

Partial. The constitution recognizes the right to equal access to education for all Burundians, but does not specify based on ethnicity. Though there are some documents that require parity for ethnic groups in schools.

	2017	
Overall	0.5	Partial.
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

De jure:
Yes. Article 53 of the constitution requires that "Every citizen has [a] right to the equal access to instruction, to education and to culture. The State has the duty to organize public education and to favor [its] access. However, the right to establish private schools is guaranteed within the conditions established by the law." Further, the *System Educatif Burundi* states that ethnic quotas in education should be put in place. However, Law # 1/22 of the 30 December (2013) requires that in both secondary and tertiary education the admissions process cannot discriminate based on ethnicity.

De jure implementation:

None found. While the Burundian government has consistently increased access to primary and secondary education since 2005, as per the above, there is no evidence of ethnic quotas in place at any level of schooling, rather, the government has focused on increasing access for all to education.

De facto:
N/A.

8. Language

Not applicable – both ethnicities speak the official language of Kirundi.

CAMBODIA

	2017
Overall Score	1
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0.5
Education	0.5
Language	0

Country Context and Overview:

The 1991 Paris Accords were signed to mark the official end of the Cambodian-Vietnamese War. The Constitution was ratified shortly thereafter.

Constitutional Document(s):

Paris Agreement, 1991
Constitution of Cambodia, 1993

Ethnic Groups:[1]

Khmer, 97.6%
Cham, 1.2%
Vietnamese, 0.1%
Other, 0.9%

Language(s):[2]

Khmer (official), 96.3%
Other, 3.7%

Notes:

The Paris Agreement (1991) foresaw that "the United Nations would send a mission to Cambodia (UNTAC) until 1993 which would supervise the ceasefire, prepare the country for a new Constitution and for free and fair elections. Importantly, the UN mission was explicitly mandated to foster "an environment in which respect for human rights shall be ensured" so that the policies and practices of the past should not return."[3] Although there was a settlement, Cambodian state is still exclusionary, and it does not follow the Western path of recognition.[4]

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[1] CIA WorldFactbook. 2017. "Cambodia" CIA WorldFactbook. Accessed: April 1. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/cb.html. According to the Ethnic Power Relations dataset (v. 3.01), the Khmer ethnic group is a senior partner, and the Cham is a junior partner, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", *American Sociological Review* 74 (2): 316-337.

[2] Ibid.

[3] United Nations Human Rights. 2011. "Cambodia – 20 years on from the Paris Peace Agreement." UN Human Rights. Accessed: April 1. http://www.ohchr.org/EN/NewsEvents/Pages/Cambodia-20yearsonfromtheParisPeace.aspx

[4] Amer, Ramses. 1994. "The ethnic Vietnamese in Cambodia: a minority at risk?" *Contemporary Southeast Asia*: 210-238.; Ehrentraut, Stefan. 2011. "Perpetually temporary: citizenship and ethnic Vietnamese in Cambodia." *Ethnic & Racial Studies* 34, no. 5: 779-798. *Criminal Justice Abstracts with Full Text*, EBSCO*host* (accessed March 29, 2016).; Simbolon, Indira. 2009. "Law reforms and recognition of indigenous peoples' communal rights in Cambodia." *Land and Cultural Survival*. Swift, Peter. "Changing ethnic identities among the Kuy in Cambodia: Assimilation, reassertion and the making of Indigenous identity." *Asia Pacific Viewpoint* 54, no. 3 (December 2013): 296-308. *Business Source Alumni Edition*, EBSCO*host* (accessed March 29, 2016)

1. Executive

Evidence:

The constitution does not provide any provisions for power sharing and ethnic recognition, further the Cambodian People's Party (CPP) has governed Cambodia since 1979.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found. The Prime Minister is Hun Sen (2017), a former Khmer Rouge member. His party, the Cambodian People's Party, has abandoned its Marxist-Leninist ideology, but has governed Cambodia since 1979. The executive rather has interknit ties, and it is oligopolistic[5]. It is also pointed out by others that Cambodian elite neglected minority sentiments.[6] There was a brief attempt at power sharing in the 1990s, but the attempts collapsed in during a coup in 1997, during which the CPP overthrew Prime Minister Norodom Ranariddh, which formally ended power-sharing in the country.[7]

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2. Legislative

Evidence:

See above. The constitution of Cambodia does not provide explicit recognition, and further, there is ample evidence (see below) that elections are coercive and dominated by one-party rule.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

[5] Heder, Steve. 2005. "Hun Sen's consolidation: death or beginning of reform?" *Southeast Asian Affairs* no. 2005 (1):111-130.
[6] Amer, Ramses. 1994. "The ethnic Vietnamese in Cambodia: a minority at risk?" *Contemporary Southeast Asia*:210-238.
[7] Peace Accords Matrix. 2015. "Powersharing Transitional Government: Framework for a Comprehensive Political Settlement of the Cambodia Conflict." Peace Accords Matrix. Accessed: April 1, 2017. Available at: https://peaceaccords.nd.edu/provision/powersharing-transitional-government-framework-comprehensive-political-settlement-cambodia

De Facto:

None Found. The party system is affected by the civil war time origins, and political exclusion sets the tone for unbalanced party competition[8]. Majority of the CPP also reflects that exclusionary aspect, "it has also become clear that international party assistance as such has not fundamentally altered the structures of individual parties nor changed the often violent and one-party dominant nature of party competition."[9] Further, the CPP and the state have established a coercive party mechanism, coopted and coerced voters, and restricted opposition parties' activities in rural areas[10].

---

3. Security

Evidence:

There is no formal recognition of ethnic groups in the constitution or peace agreement. Further, after the peace agreement/constitution was signed, the President reshuffled top leaders, such that all three branches of government including the military are headed by the CPP.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Further, "In order to maintain the allegiance of the military and proximity to its profits from illegal logging and trafficking, Hun Sen has reshuffled top leaders such that the three branches of the military are all now headed by CPP loyalists"[11]

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4. Justice

Evidence:

There is no evidence of ethnic recognition and indigenous groups are systematically marginalized within the judiciary.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

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[8] De Zeeuw, Jeroen. 2010. "'Sons of war': parties and party systems in post-war El Salvador and Cambodia." *Democratization* no. 17 (6):1176-1201.
[9] Ibid.
[10] Un, Kheang. 2005. "Patronage politics and hybrid democracy: Political change in Cambodia, 1993-2003." *Asian Perspective*: 203-230.
[11] International Crisis Group. 2000. "Cambodia: The Elusive Peace Dividend." ICG Asia Report, 8. Phnom Penh/Brussels: International Crisis Group.

De Jure Implementation:

N/A. Further, evidence suggest that indigenous peoples in Cambodia are marginalized with access to the formal legal system.[12]

De Facto:

None found; "although the CPP's stated agenda focuses on reforming the government – which includes improving the judiciary, paring down the bloated armed forces, improving the quality of governance and fighting corruption – these appear to be priorities of international donors, not of the Party itself. The CPP clearly prefers to stick to the age-old strategy of patronage and intimidation, rather than real reform, to ensure popular support."[13]

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5. Civil Service

Evidence:

There is are no direct clauses with ethnic recognition or quotas are found in the constitution, the Common Stature on Civil Servants stipulates that there should be representation of ethnic minorities in the civil service should be prioritized.

	2017	
Overall	0	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	0	

De Jure:

Yes. While there are no direct clauses with reference to ethnic quotas, Article 6 of the Common Statute of Civil Servants of the Kingdom of Cambodia states that "candidates belonging to ethnic minorities, coming from remote regions, as well as women, may benefit from facilities or prioritized measures of recruitment."[14]

De Jure Implementation:

None found. All commune chiefs are individuals backed by the CPP.[15] The Draft Administrative Law (Policy on Capacity Development in the Cambodian Civil Service) aims at increasing the efficiency of the public-sector system, and it addresses inclusion of minorities and women in the civil service. However, there is no other indication, or a road map showing the policies to be implemented.[16] The legislation aims a structural reform in civil service to increase efficiency rather than focusing on recognition and inclusion. Although the draft legislation points out the necessity of inclusion of different ethnic groups in the civil service, there are no clear guidelines, or statistics showing further inclusion of different ethnic groups. In dfferent ILO reports, it is stated that the Cambodian state didn't provide information and guidelines in increasing diversity in the public sector, including the very recent report in 2015.[17]

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[12] Ministry of Justice, Ministry of Interior and UNDP Cambodia. 2007. "A case study of indigenous traditional legal systems and conflict resolution in Ratanakiri and Mondulkiri Provinces, Cambodia."
[13] International Crisis Group. 2000.
[14] ????
[15] ibid.
[16] Please see the draft legislation document, and also the World Bank report added.
[17] N.A. 2016. "Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Cambodia (Ratification: 1999)" Accessed: April 1, 2017. Available at:
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3254923

De Facto:

None found.

---

6. Education

Evidence:

While the Education Law allows for use of indigenous language in schools, there is no evidence for that these languages have been incorporated into schools.

	2017	
Overall	0	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	0	

De Jure:

Yes. Article 24 of the Education Law allows for the use of indigenous language with the condition that the official language is not ignored.[18] The *Education Strategic Plan 2006-2010* also includes clauses to increase inclusion of ethnic minorities. However, the same document shows that no actions were taken.[19]

De Jure Implementation:

None found. "At the end of 2006, the Cambodian government proposed to offer bilingual education for indigenous students up to grade three in several north-eastern provinces, however the government has yet to fully implement any such programme. Despite numerous statements by state officials that bilingual education is a key way to address the low levels of school participation in indigenous communities, the country's 2003 – 2015 National Education for All Plan does not set a goal of education in minority or indigenous languages. The only schools that offer bilingual education are generally operated through NGOs, not the Cambodian government."[20] Furthermore, "… primary education continues to be a problem for the various ethnic minorities in the north and east of the country, where there are 20 minority languages spoken by these groups as their mother tongue while the formal education curriculum has only used Khmer as the medium of instruction."[21]

De Facto:

None found.

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[18] Education Law. Article 24
[19] ILO
[20] ??
[21] UN Committee on Economic, Social, and Cultural Rights. 2009. "Cambodia" Accessed: April 1. Available at: http://www.bayefsky.com//pdf/cambodia_t4_cescr_42.pdf

7. Language

Evidence:

While there are stipulations for indigenous language education, there are no direct language laws, and minority groups that speak theses languages are consistently marginalized.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No. The Constitution designates Khmer as the official language, it offers protection of it, and it does not mention any other use of languages. The Article 65 offers a standardized education, and promotion of Khmer language.[22]

De Jure Implementation:

N/A. Further, "the majority Khmer language is exclusively used in the public sphere; this creates serious obstacles for minority and indigenous populations. Even in Khmer Loeu-dominated regions, local councils only use Khmer, thus excluding the indigenous highland population from contributing to their own affairs. Language and cultural barriers, as well as poverty and physical remoteness, contribute to Khmer Loeu not accessing adequate healthcare, leading to poor health outcomes in Ratanakiri province."[23]

De Facto:

None found.

[22] Education Law. Article 65.
[23] Minority Rights Group International. N.d. "Cambodia." World Directory of Minorities and Indigenous Peoples. Accessed: April 1, 2017. Available at: http://minorityrights.org/country/cambodia/

CENTRAL AFRICAN REPUBLIC

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:
The constitution was signed in 2004, after an attempted coup d'état in 2003.

Constitutional Document(s):

Constitution of the Central African Republic, 2004.

Ethnic Groups:[1]

Baya, 33%[2]
Banda, 27%
Madjia, 13%
Sara, 10%

Language(s):[3]

French (official)
Sangho (lingua franca and national language)

Notes:

- The preamble to the constitution requires the protection and the inclusion of ethnic, cultural and religious minority groups.
- Note: analysis presented here does not include the new constitution of the Central African Republic, ratified in 2013.

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[1] CIA WorldFactbook. 2017. "Central African Republic." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html

[2] According to the Ethnic Power Relations Dataset, the Baya are the dominant ethnic group, while all other groups are considered powerless. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal provisions pertaining to the security sector that indicate ethnic integration or ethnic recognition. Further, as of 2012 there has been a relatively complete collapse of the security sector, and a 2013 coup resulted in a significant number of official armed forces members leaving to join rebel movements, leaving the country without an operational defense force.[4]

De Jure

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation.

N/A.

De Facto:

None found.

---

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The constitution references particular criteria for supreme court judges, however none are based on ethnicity – only that 3 must be female; all judges are appointed by the president.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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[4] http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Central-African-Republic-Background-Note

5. Civil Service

Evidence

The constitution specifies that the national assembly and council of ministers appoint civil servants, however there is no evidence of ethnic requirements or quotas.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

---

6. Education

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

---

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The official language of the government is French, and the only recognized lingua franca is Sango.[5]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A

De Facto:

None found.

[5] Const. Central African Republic. Art. XVIII.

COLOMBIA

Country Context and Overview:

The constitution of 1991 replaces the constitution of 1886 and was initially drafted as an attempt to involve the population and mitigate the ongoing civil conflict.[1]

	2017
Overall Score	6
Executive	1
Legislative/Assembly/Electoral	1
Security	0
Justice	1
Civil Service	1
Education	1
Language	1

Constitutional Document(s):

Constitution of the Republic of Colombia, 1991 (with amendments through 2005)

Ethnic Groups:[2]

Mestizo and white, 84.2%
Afro-Colombian, 10.4%
Amerindian, 3.4%
Roma <0.1%
Unspecified, 2.1%

Language(s):[3]

Spanish (Official).

Notes:

Indigenous people remained neutral in Colombia's civil conflict, but their neutrality has been ignored, as each armed group justifies their action against indigenous people by rationalizing their formal war goals.[4] Several authors have noted that the constitution promotes multicultural citizenship and decentralization.[5]

The current analysis does not include the 2016 comprehensive peace agreement, ratified on November 24, 2016.[6]

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[1] ConstitutionNet.org. 2016. "Constitutional History of Colombia." ConstitutionNet. Accessed: April 2, 2017. Available at: http://www.constitutionnet.org/country/constitutional-history-colombia.

[2] CIA WorldFactbook.org. 2017. "Colombia." CIA World Factbook. Accessed: April 2. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/co.html. Note: these statistics are based on a 2005 estimate. According to the Ethnic Power Relations, Colombians (73%) are dominant, and Afrocolombians (23%) and Indigenous Peoples (1.7%) both have regional autonomy – these estimates are from 2010, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.

[3] CIA WorldFactbook. 2017.

[4] Zuluaga, Felipe, and Lindsey Michelle Jones. 2006. "Protecting Indigenous Rights in Colombia." *Peace Review: A Journal of Social Justice* no. 18 (1):55-61.

[5] Hooker, Juliet. 2005. "Indigenous inclusion/black exclusion: Race, ethnicity and multicultural citizenship in Latin America." *Journal of Latin American Studies* no. 37 (2):285-310; Hoyos, Viviane A. Morales. 1999. "Religious liberty and cultural and ethnic pluralism in the Colombian constitution of 1991." *BYU L. Rev.*:561. See also: Const. Republic of Colombia. 1991. Article 7.

[6] See: http://peacemaker.un.org/node/2924 for peace agreement text.

1. Executive

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

While there are no provisions for ethnic recognition per se within the executive branch, the constitution establishes the presence of indigenous territorial regions with local autonomy.

De Jure:

Yes. Article 112 of the constitution provides that minority parties have the right to participate in executive committees.[7] Further, Articles 329 and 330 of the constitution provide for the establishment of indigenous territorial entities with separate executive authorities.[8]

De Jure Implementation:

According to several sources, the 1991 constitution has indeed resulted in the establishment of indigenous territories with local autonomy, which is communal and inalienable. These authorities are responsible for managing natural resources and for the application of national legal norms. They further have the ability to design policies and programs for the social and economic development of these territories.[9] Sources further recognize that Colombia, among other Latin American countries, places a strong emphasis multicultural rights based on indigenous autonomy and ethnically-defined electoral and governing rights.[10]

De Facto:

N/A.

---

2. Legislative

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Constitution allocates seats in both the senate and the house of representatives for indigenous persons and Afrocolombians.

De Jure:

Yes. Article 171 of the constitution reserves two out of 102 senate seats for indigenous communities, although those wishing to become senators from these communities must be endorsed by a Minister of the

[7] Const. Republic of Colombia. Article CXII.
[8] Hoyos, 1999.
[9] Van de Sandt, Joris. 2003. "Communal Resource Tenure and the Quest for Indigenous Autonomy: On state law and ethnic reorganization in two Colombian resguardos." *The Journal of Legal Pluralism and Unofficial Law* no. 35 (48):125-162. See also: Cepeda, 1995. Roldan, 2000., Arango Ochoa and Sanchez, 1998: 307.
[10] Van Cott, Donna Lee. 2005. "Building inclusive democracies: Indigenous peoples and ethnic minorities in Latin America." *Democratisation* no. 12 (5):820-837.

Government.[11] Furthermore, Article 176 allots one representative for Indigenous peoples and one representative for Afro-Colombians to the House of Representatives.[12] There are no ethnic quotas for representatives on the National Election Council.

De Jure Implementation:

Yes. The required seats have been allotted throughout subsequent elections.[13]

De Facto:

N/A.

---

3. Security

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

There is no formal ethnic representation in the security sector.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

---

4. Security

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Judicial reform has sought to incorporate indigenous rights and established the power of indigenous peoples to exercise judicial autonomy within their territories.

De Jure:

Yes. Article 246 f the Constitution explicitly establishes that indigenous peoples may exercise their jurisdictional functions within their territories in accordance with their own laws.[14]

[11] Const. Republic of Colombia. Article 171.
[12] Const. Republic of Colombia. Article 176.
[13] Van Cott and Donna Lee. 2005.
[14] Const. Republic of Colombia. Article 246.

De Jure Implementation:

Yes. Judicial reform was prioritized in subsequent administrations, especially with respect to the establishment of indigenous courts and indigenous rights.[15] That said, there have been difficulties in implementing these courts, due to "subordination of indigenous jurisdiction to the Colombian Constitution"[16]

De Facto:

N/A.

---

5. Civil Service

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The indigenous autonomous regions also have the right to an autonomous civil service with indigenous representation.

De Jure:

Yes. In line with executive and judicial authorities of the indigenous communities, the Constitution provides authority over civil service in those communities as a result.[17] The article 130 of the also Constitution establishes the functions of the National Civil Service Commission, NCSC, with financial and technical autonomy.[18]

De Jure Implementation:

Yes, these changes to the civil service have been implemented as above, "[a]nother of the most important changes of the late twentieth century is the reform of the Colombia Constitution in 1991, which deepened the administrative decentralization both politically and economically, even in the administrative career."[19]

De Facto:

N/A.

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[15] Ibid. See also: Van Cott, Donna Lee. 2000. "A political analysis of legal pluralism in Bolivia and Colombia." *Journal of Latin American Studies* no. 32 (01):207-234: 213
[16] Van Cott and Lee. 2000: pg. 215.
[17] Const. Republic of Colombia. Article 356.
[18] Const. Republic of Colombia. Article 130.
[19] Cardona, Ángel Emilio Muñoz. 2014. "The new public management in Sabaneta, Antioquia." *Open Journal of Political Science* no. 4 (03):180.

6. Education

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Constitution mandates that education is provided by indigenous communities with their own linguistic traditions, however implementation has been inconsistent.

De Jure:

Yes. Article 10 of the Constitution mandates that education can be provided in communities with their own linguistic traditions, provided the education is also bilingual.[20]

De Jure Implementation:

Yes. Although there is a tendency to focus on English-Spanish bilingualism at the expense of indigenous languages, there has been concerted efforts to implement the constitutional principles of indigenous language education.[21] This is seen as providing access to a highly `visible`, socially-accepted form of bilingualism, leading to the possibility of employment in the global market-place. In contrast, bilingualism in minority Amerindian or Creole languages has been generally undervalued and associated with an `invisible` form of bilingualism related to underdevelopment, poverty and backwardness."[22]

De Facto:

N/A.

---

7. Language

	2017	
Overall		Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Constitution establishes that indigenous languages are official within their territories.

De Jure:

Yes. While Article 10 of the Constitution establishes Spanish as the only official language, it also notes that languages and dialects of ethnic groups are also official in their territories.[23]

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[20] Const. Republic of Colombia. Article 10.

[21] de Mejía, Anne-Marie. 2006. "Bilingual education in Colombia: Towards a recognition of languages, cultures and identities." *Colombian Applied Linguistics Journal* (8):152-168.

[22] López, Luis Enrique, and Inge Sichra. 2008. "Intercultural bilingual education among indigenous peoples in Latin America." In *Encyclopedia of language and education*, 1732-1746. Springer. See also: Usma, Jaime. 2009. "Globalization and language and education reform in Colombia: A critical outlook." *Íkala, revista de lenguaje y cultura* 14, no. 22: 19-42.

[23] Const. Republic of Colombia. Article X.

De Jure Implementation:

Yes. The government specifically commissioned studies of the legal system of indigenous languages and established the right to education in indigenous languages.[24]

De Facto:

N/A.

[24] Van Cott, Donna Lee. 2005. See also: Moya, Ruth. 1998. *Reformas educativas e interculturalidad en América Latina*: Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura; López, Luis Enrique, and Inge Sichra. 2008. "Intercultural bilingual education among indigenous peoples in Latin America." In *Encyclopedia of language and education*, 1732-1746. Springer.

REPUBLIC OF THE CONGO

Country Context and Overview:
Civil war from 1997-1999.

Constitutional Document(s):
Constitution of the Republic of Congo, 2001

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0.5
Language	0

Ethnic Groups:[1]
Kongo (48%),
Sangha (20%),
M'Bochi (12%),[2]
Teke (17%),
Europeans and Other (3%).

Language(s):[3]
French (official),
Lingala and Monokutuba (lingua franca trade languages),
Many local languages and trade language (of which Kikongo is the most widespread)

Religion:[4]
Christian (75.3%),
Muslim (1.6%),
Other (11.8%),
None (11.3%).

Notes:

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[1] CIA WorldFactbook. 2017. "United Kingdom" CIA WorldFactbook. Accessed: April 19. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/uk.html.
[2] According to the Ethnic Power Relations (v3.01) database, M'bochi are considered Senior Partners. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009
[3] CIA WorldFactbook. 2017.
[4] Ibid.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De facto:

None found. In fact, President Sassou N'Guesso has largely filled cabinet posts with members from his own ethnic and regional groups.[5]

---

2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws. In fact, the Constitution forbids parties that lack a national character and identify themselves with an ethnic group, a region of the country, a religion or a cult.[6]

De Jure Implementation:

N/A.

De Facto:

None Found.

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[5] US Department of State, Republic of Congo, 2014.
[6] Const. Republic of the Congo. Articles 52, 53, 55.

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

6. Education

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws, although Article 23 of the constitution guarantees the right to education and equal access to instruction and "professional formation."[7]

De Jure Implementation:

N/A.

De Facto:

There has been some effort to improve access of indigenous populations to education. Studies on the cost of free schooling, schools applying the observer, réfléchir, agir (observe, think, act) (ORA) methodology for indigenous populations and school enrolment for girls were taken into account in the development of the national education strategy, which served as the foundation for the plan of action under the *Global Partnership for Education*.[8]

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[7] Const. Republic of the Congo. Article 23.
[8] UNICEF Report, 2014.

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, as well as no de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. French is the only official language.

De Jure Implementation:

N/A.

De Facto:

None found.

COTE D'IVOIRE

	2017
Overall Score	1.5
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	0.5
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:

Agreements were signed after fighting broke out in 2002.

Constitutional Document(s):

Linas-Marcoussis Agreement, 2003
Ouagadougou Agreement, 2007
Accra Agreements, 2004
Pretoria Agreement, 2005

Ethnic Groups:[1]

Akan 32.1%,
Voltaique or Gur 15%,
Northern Mande 12.4%,
Krou 9.8%,[2]
Southern Mande 9%

Language(s):[3]

French (official), 60+ additional dialects

Notes:

- The divide itself is largely along North vs. South ethnic groups – that is, northern groups (languages = Gur/Mande) vs. Southern groups (Kur/Kwa languages)

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[1] CIA WorldFactbook. 2017. "Cote D'Ivoire." CIA WorldFactbook. Accessed May 15. https://www.cia.gov/library/publications/the-world-factbook/geos/iv.html

[2] According to the Ethnic Power Relations Dataset (v.3.1), the Kru ethnic group is considered "Senior Partner". see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

One critical element of the peace deal, not mentioned in the text of Ouagadougou Agreement, was the power-sharing arrangement between Gbagbo and Soro. Gbagbo nominated Soro to be Prime Minister shortly after signing the agreement.[4]

---

2. Legislative/Assembly/Electoral

	2017	
Overall	0	Partial.
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

LMA requires parity between the parties in the legislative assembly. The Ougadougou Agreement and constitution specify that everyone has the right to vote and right to run for government. However, ethnic parties are considered to be ethnically aligned.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Each of the signatories to the Linas-Marcoussis Agreement was offered two representatives to the Central Commission of the IEC, on the understanding that six would be from the FN. The Bureau of the Central

[4] Bah, A. B. 2010. "Democracy and Civil War: Citizenship and Peacemaking in Cote D'Ivoire." *African Affairs, 109*(37), pg. 597-615. DOI: 10.1093/afaf/adq046. p. 613.

Commission would consist of one representative of the President, the president of the National Assembly, and each of the ten parties to the Linas-Marcoussis Agreement. But the predictable demise of the agreement was evident in the failure to agree on eligibility for the presidency.[5] The first largely peaceful and fair parliamentary elections in more than a decade were held in December 2011. Ouattara's RDR party won 127 seats in the National Assembly, while the Democratic Party of Côte d'Ivoire–African Democratic Rally (PDCI-RDA) placed second with 77 seats. The FPI boycotted the vote, levying claims of bias against the electoral commission, protesting the jailing of its senior leadership, and accusing state security forces of intimidation.[6]

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

In both the LMA and OA defense forces were integrated and required parity of access and representation for each of the FANCI and FAFN forces in the army.

De Jure

The formal provisions call for integration of the armed forces according to rebel groups, however, they do not reference ethnic groups (see de facto).

De Jure Implementation.

N/A.

De Facto:

Yes. Ouagadougou Agreement states that "The Integrated Command Center will adopt its organization chart and will be under the joint command of the Chief of Staff of FANCI and FAFN. It will be made up, with parity of representation, of officers appointed by the two Chiefs of Staff."[7] Further, the Linus-Marcoussiss Agreement created a fifteen-member National Security Council comprised of the President, Prime Minister, and a representative of each of the signatories to the agreement, the military, the gendarmerie, and the police. The Council was to oversee the contentious ministries of defense and interior.[8] In terms of implementing the military reform provision of the agreement, President Laurent Gbagbo signed a decree on 16 March 2007 to create the CCI for the purpose of deploying mixed units comprised of equal numbers of officers from both sides and integrating both armed forces into one. In terms of restructuring and reorganizing the Defence and Security Forces and integrating the two armed forces, both sides finally agreed to integrate 5,000 Forces Nouvelles out of an estimated force of 35,000.[9]

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[5] Bah, 2010, p. 609
[6] Freehouse.org. 2015. "Cote d'Ivoire" Freedomhouse.org. Accessed: May 16, 2017. Available at: https://freedomhouse.org/report/freedom-world/2015/c-te-divoire
[7] Ouagadougou Agreement, 3.1.2.; See also: Bah, 2010 (pg. 613).
[8] Bah, 2010, p. 608
[9] Peace Accords Matrix. 2015. "Ouagadogou Political Agreement" Accessed: May 16, 2017. Available at: https://peaceaccords.nd.edu/accord/ouagadougou-political-agreement-opa

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The judicial branch is not mentioned in either agreement and the constitution only mandates that there is a judicial council, without reference to the ethnic/regional makeup of the courts.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence

There is no evidence of ethnic quotas existing in Cote d'Ivoire for the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Neither Agreement mentions education in terms of service provision or access, only in terms of the validation of exam results in the North. However, education levels were traditionally higher for Akam and Kru, compared to Bande, but this discrepancy is never addressed in the agreements;[10] constitution mentions universal education and duty to educate all children

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

[10] Langer, A. 2005. Horizontal Inequalities and Violent Group Mobilization Cote d'Ivoire. *Oxford Development Studies, 33*(1): 25-45.

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Official language is stated as French – there are 60+ languages that fall in to two main categories, however neither is discussed.[11]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A

De Facto:

None found.

[11] Const. Republic of Cote d'Ivoire. Chapter 1. Article 29.

DJIBOUTI

	2017
Overall Score	2
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	0.5
Justice	0
Civil Service	0
Education	0
Language	0.5

Country Context and Overview:

Peace agreement signed as a result of the Djiboutian civil war (1991-1994). War is also known as the Afar Insurgency.

Constitutional Document(s):

Constitution of Djibouti, 2001
Agreement on Peace and National Reconciliation, 1994

Ethnic Groups:[1]

Somali (60%),
Afar (35%),
Other (5%).

Language(s):[2]

French (official),
Arabic (official),
Somali,
Afar

Notes:

[1] CIA WorldFactbook. 2017. "Djibouti." CIA WorldFactbook. Accessed May 24. https://www.cia.gov/library/publications/the-world-factbook/geos/dj.html
[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There are no formal provisions, and yet there is a norm that the President is Issa and the Prime Minister is Afar.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

However, the party based quota provisions provides a form of de facto ethnic recognition, while President Guella is from the Issa clan, his prime minister is Afar."[3]

---

2. Legislative/Assembly/Electoral

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, however there is de facto recognition of the Afar minority in the cabinet and legislature.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. From the 2010 Polity IV country report, "As of 2009, the fragile political reconciliation between the country's dominant ethnic clans continued to function as the Somali Issas, who constitute over 60% of the country's population, and the Ethiopian Afar minority, who comprise 35% of the total population, held a roughly equal number of top level cabinet posts. Additionally, the legislature included members from all clans within Djibouti society. While Issa representatives commanded 45% of the seats, Afars held 40% and the smaller minority groups constituted the remaining 15%."[4]

[3] Center for Systemic Peace. 2010. "Polity IV Country Report 2010: Djibouti." Accessed: May 24, 2017. http://www.systemicpeace.org/polity/Djibouti2010.pdf
[4] Ibid.

3. Security

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No. The accords do not mention the ethnicities explicitly, they do, however, mention the FRUD combatants, but the sources indicate that the FRUD was originally founded by Afar rebels[5] and this is widely understood.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws; see de facto.

De jure implementation:

De facto:
Yes. The 1994 accord states that "the Government engages to guarantee the FRUD combatants jobs and integration within the political, military, administrative, social and economic fields, in concordance with the stipulations and quotas fixed jointly by the two parties and recorded in the annex of the present Peace agreement. The stipulations concerning the integration of the combatants within the military field will regard the return of a quota of FRUD combatants with their arms." Thus, Afar rebel units integrated into national army as part of 1994 and 2001 accord. Further, evidence suggests some degree of implementation, with "FRUD combatants… assembled in two locations, Ribta and Waddi, in the north of the country to be demobilized, disarmed and integrated into the country's security forces. According to a report, 1,160 combatants were counted and only 300 members of FRUD were enrolled in the armed forces and the police"[6]

---

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

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[5] Bogdan, Michael. "Legal Pluralism in the Comoros and Djibouti." Nordic Journal of International Law 69, no. 2 (2000): 195-208. see also: FRUD description under AFAR in Encyclopedia of the World's Minorities, p.12 https://books.google.com/books?id=yXYKAgAAQBAJ&pg=PA12&lpg=PA12&dq=education+in+afar+djibouti&source=bl&ots=2JU9JG8qlu&sig=tkKZhi62iu0me9gqnhPwt7mgF9c&hl=en&sa=X&ved=0ahUKEwir9azh7-zRAhVF74MKHXdgCnEQ6AEISTAI#v=onepage&q=education%20in%20afar%20djibouti&f=false

[6] Peace Accords Matrix

De Jure Implementation:

N/A.

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The are no formal provisions for ethnic recognition in the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal provisions for ethnic recognition education.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The official languages are Arabic and French, there are no provisions for language recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. In Djibouti, Afar is a recognized national language.[7]

[7] CIA WorldFactbook. 2017.

DEMOCRATIC REPUBLIC OF THE CONGO

	2017
Overall Score	2
Executive	0.5
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0.5
Language	1

Country Context and Overview:

Civil war has persisted throughout much of the Democratic Republic of the Congo since 1996. The constitution was signed in this context in 2003, however additional agreements exist surrounding ceasefires and global frameworks for peace that are both intra- and inter-country from around this same time period.

Constitutional Document(s):

Constitution of the Democratic Republic of the Congo, 2003.

Ethnic Groups:

There are over 200 ethnic groups in the Democratic Republic of the Congo (DRC), the four largest tribes - Mongo, Luba, Kongo (all Bantu), and the Mangbetu-Azande (Hamitic) make up about 45% of the population. [1]

According to the Ethnic Power Relations Dataset[2], the following power-sharing dynamics exist:

Lunda-Yeke, 5.6% - Senior Partner;
Luba Kasai, 7% - Senior Partner;
Tutsi-Banyamulenge, 2% - Junior Partner;
Other Kivu Groups, 5% - Junior Partner;
Mongo, 16% - Powerless;
Bakongo (Kongo), 10.3% - Powerless;
Mangbetu-Azande, 7% - Powerless.

Language(s):[3]

French (official),
Lingala (lingua franca for trade),
Kingwana (dialect of Swahili),
Kikongo,
Tshiluba.

Notes:

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[1] CIA WorldFactbook. 2017. "Congo, Democratic Republic of the" CIA WorldFactbook. Accessed: April 2. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html.

[2] see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337

[3]

1. Executive

Evidence:

Power sharing occurred in the 2002 peace accords, though this not in the present in the constitution; further, president is voted by universal suffrage as mandated in the constitution. This power sharing, however, is indicated based on rebel groups, rather than naming specific ethnic groups.

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

De Jure:

The Inter-Congolese Dialogue, Political Negotiations on the Peace Process and on Transition in the DRC (2002) provides extensive power sharing within the executive branch, specifically for the vice presidents, however, the agreement does not specify ethnic groups.

De Jure Implementation:

N/A.

De Facto:

The different rebel groups are all ethnically aligned, and consequently the power sharing for the four vice presidents represents a norm for ethnic recognition in this branch. Evidence suggests that these norms were implemented.[4] The result was a transitional government headed by President Joseph Kabila and consisting of four vice-presidents: Jean-Pierre Bemba representing the *Mouvement pour la libération du Congo* (MLC); Abdoulaye Yerodia Ndombasi, the *Parti du peuple pour la reconstruction et la démocratie* (PPRD); Azarias Ruberwa, the *Rassemblement congolais pour la démocratie/Goma* (RCD-G); and Zahidi Ngoma, the unarmed opposition.

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2. Legislative/Assembly/Electoral

Evidence:

Constitution provides that no political party may be based solely on regional groups; peace accord stipulates specific breakdowns of each position according to rebel groups.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No. The constitution does not provide for specific allocations of seats based on ethnic or regional lines. Although the Senate is not directly voted in, rather senators are allocated based on provincial nominations.[5]

[4] LeMarchand, R. (2007) "Consociationalism and Power Sharing in Africa: Rwanda, Burundi, and the Democratic Republic of Congo." *African Affairs 106*(422): 1-20. DOI: https://doi.org/10.1093/afraf/adl041
[5] Mangu and Budeli (2008).

De Jure Implementation:

N/A.

According to FreedomHouse.org "The majority of the DRC's indigenous population does not take part in the political process because of ethnic discrimination and lack of access to institutions in rural areas. The government does not effectively protect their political rights."[6]

De Facto:

None Found.

---

3. Security

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Army was formed as a result of the Inter-Congolese Dialogue Agreement and calls for an integrated and restructured army, however there is no mention of rebel groups/regional groups/ethnic groups and quotas pertaining to their restructuring; constitution specifies that national police and army are apolitical

De Jure:

No. The national police and the armed forces both have mandates to be apolitical and represent the entirety of the country.[7]

De Jure Implementation:

N/A.

De Facto:

None found.

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[6] FreedomHouse. 2017. "Congo, Democratic Republic of (Kinshasa)." FreedomHouse.org. Accessed: May 15, 2017. Available at: https://freedomhouse.org/report/freedom-world/2016/congo-democratic-republic-kinshasa

[7] Const. Dem. Rep. Congo. (2005). Title III, Section VI, Art. 183/188; see also Rogier, E. (n.d.) "The Inter-Congolese Dialogue: A Critical Review" *Challenges of Peace Implementation.*

4. Justice

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

President has the power to appoint members of the judiciary; there is no requirement for ethnic/regional quotas

De Jure:

No. The president appoints the magistrates and members of the Supreme Court.[8]

De Jure Implementation:

Kabila appoints members of the judiciary, which remains subject to corruption and political manipulation. Courts are concentrated in urban areas, and the majority of the country relies on customary courts.[9]

De Facto:

None found.

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5. Civil Service

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No direct mention of civil service or its regional/ethnic make-up.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found

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[8] Const. Dem. Rep. Congo. (2005). Title III, Chapter I, Art. 83;
[9] FreedomHouse. 2017. "Congo, Democratic Republic of (Kinshasa)." FreedomHouse.org. Accessed: May 15, 2017. Available at: https://freedomhouse.org/report/freedom-world/2016/congo-democratic-republic-kinshasa

6. Education

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

Constitution guarantees free education for all, without discrimination based on ethnic or linguistic grounds, however in practice the central government has implemented these provisions. There is, however, de facto provincial control of education in some parts of the country.

De Jure:

No. The constitution provides for education for all, without discrimination based on ethnicity, however there is no direct ethnic recognition of educational provisions.[10]

De Jure Implementation:

N/A.

De Facto:

Yes. There is de facto control of education in some provinces.[11]

---

7. Language

	2017	
Overall	1	Partial
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence: While the official language is French, the government officially recognizes four other local languages as official languages and assures the legal protection of any other local Congolese language

De Jure:

Yes. Its official language is French. The national languages are Kikongo, Lingala, Swahili and Tshiluba. The State assures their promotion without discrimination. The other languages of the country are part of the Congolese cultural patrimony of which the State assures the protection.[12]

De Jure Implementation:

Yes. Implemented as above.

De Facto:
N/A.

[10] Const. Dem. Rep. Congo. (2005). Title II, Chapter I, Art. 13/45.;
[11] Titeca, K., and T. De Herdt, (2011) "Real Governance Beyond the 'Failed State': Negotiating Education in the Democratic Republic of Congo" *African Affairs, 110*(439), p. 213-231; p. 226.
[12] Const. Dem. Rep. Congo. (2005). Title I, Chapter I, Art. I.

EL SALVADOR

Country Context and Overview:

"This comprehensive agreement concluded the peace process in El Salvador. It deals with the comprehensive reform of the armed forces, civilian police, justice system, electoral system, economic and social arrangements, land and property issues. The agreement also includes provisions for the political participation of the FMLN and for a final ceasefire with the disarmament, demobilisation and reintegration of the armed groups."[1]

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0.5

Constitutional Document(s):

Chapultepec Agreement, 1992.

Ethnic Groups:[2]

Mestizo 86.3%,
White 12.7%,
Amerindian 0.2% (includes Lenca, Kakawira, Nahua-Pipil),
Black 0.1%,
Other 0.6% (2007 est.)

Language(s):[3]

French (official)
Sangho (lingua franca and national language)

Notes:

A constitutional amendment recognizes the rights of indigenous people, but there is no law regarding the use of indigenous land, indigenous persons also face employment and workplace discrimination.[4]

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[1] http://peacemaker.un.org/elsalvador-chapultepec92
[2] CIA WorldFactbook. 2017. "Central African Republic." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html
[3] CIA WorldFactbook. 2017.
[4] https://sansalvador.usembassy.gov/reports/2016/hrr.html

1. Executive

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions exist pertaining to ethnic recognition at the executive level.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. No written sources indicate any form of ethnic representation of the indigenous communities in the cabinet.

---

2. Legislative

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions exist pertaining to ethnic recognition at the legislative level.

De Jure:

While the constitution mandates a proportional representation, there are no formal provisions for ethnic recognition in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:
None found. Although the elections are based on localities, as there are two parties, recognition depends on parties' policies in their lists. Sources also indicate unequal institutionalization and ruling party dominance as products of the war[5]. Sources do not indicate any party policies for representation of different groups.

[5] De Zeeuw, Jeroen. 2010. "'Sons of war': parties and party systems in post-war El Salvador and Cambodia." *Democratization* no. 17 (6):1176-1201.; see also: España-Nájera, Annabella. 2016. "The legislative elections in El Salvador, 2012 and 2015." *Electoral Studies*.

3. Security

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal provisions to indicate recognition in the security forces, and while the police forces were re-organized after the peace agreement was signed, there is no indication that there are any ethnic quotas in place.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

While the military was downsized from 60,000 to 17,000[6] and the police force was reorganized to the National Civil Police (PNC), there is no explicit ethnic recognition or evidence for norms for ethnic quotas in either case.[7]

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4. Judiciary

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

[6] https://peaceaccords.nd.edu/accord/chapultepec-peace-agreement
[7] Stanley, William. 1999. "Building new police forces in El Salvador and Guatemala: Learning and counter-learning." *International Peacekeeping* no. 6 (4):113-134. See also: https://peaceaccords.nd.edu/accord/chapultepec-peace-agreement

5. Civil Service

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Education is generally considered to be decentralized, although there are no formal mechanisms as such and few people are provided access to the indigenous and locally run schools.

De Jure:

While the education system is generally recognized as decentralized[8], no formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

"The corollary of this is that the Indian lacks education. We visited several rural areas where no more than a handful of children were enrolled in the first levels of primary school. Again, the economic situation of the Indian precludes sending his children to school, for they must have uniforms, shoes, and notebooks, and pay an initial enrollment fee (which amounts to no more than several dollars, but is still beyond their means)."[9]

De Facto:

None found.

[8] Const. Republic of El Salvador. 1983. Article 54.
[9] https://www.culturalsurvival.org/publications/cultural-survival-quarterly/el-salvador/500000-invisible-indians-el-salvador

7. Language

Evidence:

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

Yes. "The official language of El Salvador is Spanish. The government is obligated to keep watch for its conservation and teaching. The native languages that are spoken in the national territory form part of the cultural patrimony and shall be the object of preservation, dissemination and respect."[10]

De Jure Implementation:

There is little evidence to suggest that efforts to support the implementation of the language laws regarding indigenous languages have been successful.[11]

De Facto:

None found.

[10] Const. Republic of El Salvador. Article 62. Amendment. See also: http://indiancountrytodaymedianetwork.com/2014/06/30/its-about-time-indigenous-recognition-added-el-salvador-constitution-155561

[11] http://www.mintpressnews.com/newly-recognised-indigenous-rights-a-dead-letter/203094/

ETHIOPIA (1993-)

	2017
Overall Score	6
Executive	0.5
Legislative/Assembly/Electoral	1
Security	0.5
Justice	1
Civil Service	1
Education	1
Language	1

Country Context and Overview:
The constitution in Ethiopia was set up to pursue "ethnic democracy" in the country after the independence of Eritrea in 1993.[1]

Constitutional Document(s):
Constitution of Ethiopia, 1994

Ethnic Groups:[2]
Tigray, 6%
Oroma, 34%
Amhara, 27%
Somali (Ogaden), 6%
Afar, 1.8%
Beni-Shugal-Gumez, 0.5%
Harari, 0.04%
Other Southern Nations, 19%

Language(s):[3]
Oromo (official working language in the State of Oromiya) 33.8%,
Amharic (official national language) 29.3%,
Somali (official working language of the State of Sumale) 6.2%,
Tigrigna (Tigrinya) (official working language of the State of Tigray) 5.9%,
Afar (official working language of the State of Afar) 1.7%
English (major foreign language taught in schools),
Arabic (2007 est.)
Sidamo 4%, Wolaytta 2.2%, Gurage 2%, Hadiyya 1.7%, Gamo 1.5%, Gedeo 1.3%, Opuuo 1.2%, Kafa 1.1%, other 8.1%,

Notes:

[1] Constitution Net. 2017. "Constitutional history of Ethiopia." ConstituionNet, Access November 27. http://www.constitutionnet.org/country/constitutional-history-ethiopia
[2]See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009
[3] CIA WorldFactbook. 2017. "Ethiopia." CIA WorldFactbook. Accessed June 7. https://www.cia.gov/library/publications/the-world-factbook/geos/et.html

1. Executive

	2017	
Overall	0	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

In 2016, the Ethiopian president reshuffled his cabinet posts and allocation in order to provide greater representation of ethnic groups within the cabinet, with a specific focus on greater representation for the Oromo group.[4]

---

2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The constitution requires representation in the legislature for minorities, and these provisions have been enacted.

De Jure:

Yes. Ethiopia is considered a federation with each state afforded its own legislative, executive and judicial powers. The states are generally considered to be along ethnic lines. Further, Article 54 of the Constitution requires special representation in the legislature for minorities, stating that "minority Nationalities and Peoples shall have at least 20 seats."[5]

De Jure Implementation:

Yes. According to Habtu (2003), "The House of Federation (upper house) is the guardian and interpreter of the constitution. It is the chamber in which 'nations, nationalities, and peoples' (i.e., ethnic groups) are directly and proportionately represented. The House is composed of at least one representative from each of 67 ethnic groups in the country, and one additional representative for every one million population of

[4] https://www.voanews.com/a/ethiopia-cabinet-reshuffle-state-of-emergency/3574532.html; https://eastafricamonitor.com/ethiopias-pm-hands-cabinet-roles-oromo-people-reshuffle/
[5] Constitution of Ethiopia. 1994. Article 54.1

each ethnic group. As a result, most ethnic groups are represented in the 112- member House of Federation."[6]

De Facto:

N/A.

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3. Security

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

While there are requirements for representation of ethnic minorities in the armed forces, there is no evidence that this has occurred.

De Jure:

Yes. Article 87 of the Constitution requires "the composition of the national armed forces shall reflect the equitable representation of the Nations, Nationalities and Peoples of Ethiopia."[7] Furthermore, Article 51.6 indicates that ethnically aligned states have the authority to form their own police forces.[8]

De Jure Implementation:

No. In the security domain, top positions are dominated by the Tigrayans and Amharas, with few minorities present.[9] Additionally, 93.5% of all key military positions in the National Defense Forces were occupied by ethnic Tigrayans.[10]

De Facto:

N/A.

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[6] Habtu, Alem. "Ethnic federalism in Ethiopia: background, present conditions and future prospects." In *Paper submitted to the second EAF international symposium on contemporary development issues in Ethiopia, Addis Ababa, Jul*, pp. 11-12. 2003.
[7] Constitution of Ethiopia, 1994. Article 87.
[8] Ibid. Article 51.
[9] Joireman, Sandra F., and Thomas S. Szayna. "The Ethiopian prospective case." (2000): 193.
[10] http://www.ginbot7.org/the-total-domination-of-the-ethiopian-army-by-ethnic-tigrean-officers/

4. Justice

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

The state level courts are explicitly ethnically aligned and have the right to determine the law being practiced.

De Jure:

Yes. State level courts and states are explicitly ethnically aligned, thus provisions pertaining to the courts provides recognition in the judicial domain.[11]

De Jure Implementation:

Yes. Specifically, Sharia courts exist throughout the country and have their own appellate system and further, "parties must voluntarily submit to the jurisdiction of these courts, or the dispute should be redirected to the regular courts."[12]

De Facto:

N/A.

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5. Justice

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The constitution requires that the government equitably represent the state, and as of 2008, the government represented a diversity of ethnic groups.

De Jure:

Yes. Article 39 of the Constitution requires that each group has the right to equitable represent in state and federal governments.

De Jure Implementation:

Yes. Statistics from the Government of Ethiopia indicate that several ethnic groups are represented with the federal government as of 2008 – for instance, Amhara, 50%, Oromo, 18%, Tigrayan, 8%, Gurage, 4%, Wolaita, 1%, Sidama, 0.5%, and Somali, 0.12%.[13] Further, "regions have chosen their own official working languages for their respective civil service institutions which have been reiterated as the major opportunity brought by the multinational federal policy of the country."[14]

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[11] http://www.nyulawglobal.org/globalex/Ethiopia.html#thejudiciary; see also Const. of Ethiopia, 1994. Art. 34.5
[12] Ibid.
[13] Midega, Milkessa. "The politics of language and representative bureaucracy in Ethiopia: the case of Federal Government." *Journal of Public Administration and Policy Research* 7, no. 1 (2015): 15.
[14] Midega, Milkessa. "The politics of language and representative bureaucracy in Ethiopia: the case of Federal Government." *Journal of Public Administration and Policy Research* 7, no. 1 (2015): 15.

De Facto:

N/A.

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6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Education is explicitly aligned with ethnic languages and materials have been provided as such.

De Jure:

Yes. Article 27 of the Constitution requires that education can be established according to religious beliefs, and Article 39 allows for states to establish their educational institutions.

De Jure Implementation:

Yes. Further, textbooks are printed in local languages and there are plans for regional media units that can transmit educational programs in local languages.[15]

De facto:

N/A.

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[15] Habtu, Alem. "Ethnic federalism in Ethiopia: background, present conditions and future prospects." In *Paper submitted to the second EAF international symposium on contemporary development issues in Ethiopia, Addis Ababa, Jul*, pp. 11-12. 2003.

7. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

Yes. The official language of Ethiopia is Amharic and is the working language of the federal government, however each state can determine its own working language.[16]

De Jure:

Yes. Article 15 of the Constitution allows states to set their own working languages.[17]

De Jure Implementation:

Yes. According to the CIA WorldFactbook, Oromo is the official working language in the State of Oromiya, Somali is the official working language of the State of Sumale, Tigrigna (Tigrinya) is official working language of the State of Tigray, and Afar is the official working language of the State of Afar.[18]

De facto: none found

[16] Article 5.
[17] Ibid.
[18] CIA WorldFactbook. 2017

GEORGIA

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	1
Security	0
Justice	0
Civil Service	0
Education	1
Language	1

Country Context and Overview:
The constitution of Georgia was ratified after the civil war between 1992-1993, with the Abkhazia and South Ossetia regions. The calls for an extension revision of the 1921 constitution started with Eduard Sevardnadze in 1993.

Constitutional Document(s):
Constitution of the Republic of Georgia, 1996

Ethnic Groups:[1]
Georgian (86.8%),[2]
Azeri (6.3%),
Armenian (4.5%),
Other (2.3%),

Language(s):[3]
Georgian – official (87.6%),
Azeri (6.2%),
Armenian (3.9%),
Russian (1.2%),
Other (1%)

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[1] CIA WorldFactbook. 2017. "Georgia." CIA WorldFactbook. Accessed May 25. https://www.cia.gov/library/publications/the-world-factbook/geos/g.html

[2] According to the Ethnic Power Relations Dataset, the Baya are the dominant ethnic group, while all other groups are considered powerless. Further, the Adzhars are considered to have regional autonomy, whereas the Ossetians (South) and Abkhazians are considered to have "separatist autonomy". See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws. Further, sources indicate isolation of minorities in the executive and legislative branch.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. "Senior government posts tend to be occupied by ethnic Georgians, and there is a firm perception of ethnic discrimination in personnel appointments, especially in law enforcement agencies. Political representation is also an issue, both on national and local levels. Georgia's single-chamber parliament does not provide any special arrangements for the representation of minorities. Minorities are represented by only eight members in the 150 member-strong Parliament. As not all of these MPs understand Georgian perfectly, it is unclear how they participate in parliamentary legislative work. Also problematic has been the government's practice of appointing judges and administrators who speak only Georgian in minority-populated areas. Locals complain that this system leads to unfair treatment and court decisions." [4]

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2. Legislative

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

There are regional quotas for Senators in the legislative branch, though there is a specific ban on regional parties, where region is highly correlated with ethnicity.

De Jure:

Article 4 of the Constitution states that "The Senate shall consist of members elected from Abkhazia, the Autonomous Republic of Ajara and other territorial units of Georgia and five members appointed by the President of Georgia."[5]

[4] Mirzoev, Agit. 2008. *Ethnic Minorities in Georgia: Current Situation. Available at:* http://www.osce.org/odihr/33813?download=true. Public Movement "Multinational Georgia."
[5] Constitution of Georgia. Article 4.

De Jure Implementation:

While minorities are poorly represented in the legislative system, the quotas mentioned above have been implemented.[6]

De Facto:

N/A.

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are regional quotas for Senators in the legislative branch, though there is a specific ban on regional parties, where region is highly correlated with ethnicity.

De Jure

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation.

N/A.

De Facto:

None found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are regional quotas for Senators in the legislative branch, though there is a specific ban on regional parties, where region is highly correlated with ethnicity.

De Jure

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation.

N/A.

[6] European_Parliament_Minority_Status, 2014; US Department of State, Georgia. 2011.

De Facto:

None found. There were no members of minorities in the Supreme Court,[7] furthermore the government tends to only appoint judges and administrators who speak only Georgian in minority-populated areas. Locals complain that this system leads to unfair treatment and court decisions[8]

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are regional quotas for Senators in the legislative branch, though there is a specific ban on regional parties, where region is highly correlated with ethnicity.

De Jure

No formal provisions for ethnic recognition found in the constitution or other laws. Further, while the "Georgian legislation does not set up any obvious barriers for ethnic minorities to participate in public or political life of a country. At the same time, legislation does not foresee development of special schemes with respect to electoral quotas, proportional representation of ethnic groups in public service, or promotion of careers of minority representatives."[9]

De Jure Implementation.

N/A.

De Facto:

None found. Additional barriers to participation in civil service include language: "it is mandatory for potential employees of central or local authorities to be in proper command of state language... As noted above, proper command of Georgian language is a rather acute problem for a majority of ethnic minorities settled in the regions. Accordingly, this norm foreseen under the law creates a hidden hurdle for ethnic minorities to be involved in a decision-making process at a local level. Existing situation is aggravated more due to the fact that Sakrebulos or other local agencies operating in regions settled with ethnic minorities are considerably limited from the point of human and financial resources." [10]

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[7] US Department of State, Georgia. 2011.
[8] http://www.osce.org/odihr/33813?download=true
[9] Mirzoev, Agit. 2008.
[10] https://icres.files.wordpress.com/2014/05/policy-analysis-of-civil-integration-of-ethnic-minorities-in-georgia.pdf; See also: Minority_Issues_South_Caucasus, 2011, p. 106

6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

At the primary and secondary level, educational access is guaranteed for all. At the university level, universities are required to provide a minimum of 10 percent of the available spots to Armenians and Azeris.[11]

De Jure:

Yes. A quota system required that a minimum of 10 percent of all national university seats be allocated to Armenian and Azeri-speaking students who passed the entrance exams.

De Jure Implementation:

According to government statistics issued during the year, 124 Armenian and 175 Azeri speakers were admitted to the public universities through the quota system. This only represented 1.3 percent of the seats available.[12] However, in 2008, the Ministry of Education and Science took steps to support more minority entrants. "Specifically, the regulation of unified national exams was modified, and the national minorities were given the option of taking the general skills tests in Armenian and Azerbaijani languages. The Ministry also continued providing national minorities with the training courses for unified national exams. Important step was the establishment and accreditation of Javakheti College, a new legal entity of the public law, on the basis of the Javakheti Branch of Ivane Javakhishvili State University. In 2008, as result of the education reform, the Georgian language schools did not have any school graduates, which further increased the national minority chances for enrollment in higher education institutions. All the above mentioned has increased the number of registered and enrolled students belonging to national minorities in 2008. For example, 113 entrants took the general skills test in Armenian language, and 46 of them (40.7%) have successfully enrolled. 250 entrants took the test in Azerbaijani language, out of which only 29 have successfully enrolled (11.6%). Statistical data indicates that allowing the exams in national languages, has increased the number of both registered and enrolled national minority students (especially Armenian language entrants. In 2009, Non-Georgian Language schools also did not have graduates, which gave entrants a good opportunity, two years to prepare better for united national entrance exams."[13]

The Law of General Education stipulates that the language of instruction in all schools is Georgian,100 although minority language education is protected. Schools choosing to avail themselves of the right to education in minority languages are obliged to also teach the Georgian language. The introduction of multilingual education on the initial basis of 40 pilot schools is a very promising development.[14] There are 40 Russian-language schools, 34 Armenian-language and 19 Georgian-language schools in Abkhazia, with the Abkhaz language and history being taught in all of them irrespective of the primary language of instruction. In South Ossetia education at all levels takes place mainly in Russian, while Ossetian is sometimes used in primary schools.[15]

[11] US Department of State, Georgia, 2011.
[12] Ibid.
[13] http://files.eric.ed.gov/fulltext/ED555611.pdf
[14] Minority_Issues_South_Caucasus, 2011, p. 117.
[15] European_Parliament_Minority_Status, 2014, p.21-22.

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Article 8 of the constitution stipulates that while the official language of Georgia is Georgian, in Abkhazia the official language is Abkhazian.

De Jure:

Article 8 of the constitution stipulates that while the official language of Georgia is Georgian, in Abkhazia the official language is Abkhazian.

De Jure Implementation:

The Law of General Education stipulates that the language of instruction in all schools is Georgian, although minority language education is protected. Schools choosing to avail themselves of the right to education in minority languages are obliged to also teach the Georgian language. The introduction of multilingual education on the initial basis of 40 pilot schools is a very promising development.[16]

De Facto:

None Found.

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[16] Minority_Issues_South_Caucasus, 2011, p. 117.

GUATEMALA

	2017
Overall Score	0
Executive	0.5
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0.5
Education	0.5
Language	0.5

Country Context and Overview:

Conflict in Guatemala dates back to 1960, and it ran until 1996, between the government, and various leftist groups mainly supported by Mayan indigenous people, and Ladino peasants (the rural poor). So, while the conflict has a political aspect as in other Latin American countries, it also had more ethnic aspect. Land played a big role[1]. The government is condemned for committing genocide against the Mayan population. The conflict ended with Accord for a Firm and Lasting Peace in 1996.

Constitutional Document(s):

Constitution of Guatemala, 1993
Agreement on a Firm and Lasting Peace, 1996

Ethnic Groups:[2]

Mestizo and European 59.4%,
K'iche 9.1%, Kaqchikel 8.4%,
Mam 7.9%,
Q'eqchi 6.3%,
other Mayan 8.6%,
indigenous non-Mayan 0.2%,
other 0.1%

Language(s):[3]

Spanish (official) 60%,
Amerindian languages 40%

Note:
There are 23 officially recognized Amerindian languages, including Quiche, Cakchiquel, Kekchi, Mam, Garifuna, and Xinca.

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[1] Mauro, Annelisse, and Michel Merlet. 2003. "Access to Land and Recognition of Land Rights in Guatemala." *International Land Coalition. Rome. Italy*.
[2] CIA WorldFactbook. 2017. "Guatemala." CIA WorldFactbook. Accessed May 25. https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html
[3] Ibid.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	0	

Evidence:

While the constitution official mandates territorial autonomy for indigenous communities, there is little indication that these have been put into place.

De Jure:

No formal provisions for ethnic recognition found in the constitution with regards to specific ethnic recognition in the executive branch; however, "the indigenous communities and others that hold lands that historically belong to them and which they have traditionally administered in special form, will maintain that system." (Article 67). In other words, territorial autonomy is given to indigenous communities without specifying the conditions[4]

De Jure Implementation:

None found.

De Facto:

None Found.

---

2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

[4] Sieder, Rachel. 1999. "Rethinking democratisation and citizenship: legal pluralism and institutional reform in Guatemala." *Citizenship studies* no. 3 (1):103-118.

3. Security

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Although communal security arrangements were included in the reform package that is voted in the referendum, they were also rejected along with others[5]. Failure of implementation of indigenous recognition is also pointed out by the Peace Accords Matrix[6]. The Matrix points out to the reforms in military in terms of decreasing the role of military, and demobilization of the military in the society.

---

4. Justice

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A. "The judicial system had largely failed to adapt to guarantee equal access and equal rights for indigenous persons, and the provisions in the agreement to facilitate indigenous communities' access to communications media had not been implemented either."[7] Further, litigation is not permitted in indigenous languages, and the numbers of interpreters employed in the justice system is nowhere near sufficient to meet demand... In short, the peace process brought the judicial apparatus of the state closer to indigenous people; it raised their hopes of receiving more-adequate treatment and a defense of their rights through the state institutions and by the courts. Yet these expectations have been largely frustrated."[8]

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[5] Sieder, Rachel. 2007. "The judiciary and indigenous rights in Guatemala." *International Journal of Constitutional Law* no. 5 (2):211-241: 218
[6] https://peaceaccords.nd.edu/provision/indigenous-minority-rights-accord-firm-and-lasting-peace
[7] ibid
[8] Sieder, Rachel. 2007. "The judiciary and indigenous rights in Guatemala." *International Journal of Constitutional Law* no. 5 (2):211-241: 218

De Facto:

None found.

---

5. Civil Service

Evidence:

	2017	
Overall	0	No
De Jure	1	
De Jure Implementation	0	
De Facto	0	

While the constitution officially mandates that the civil service be more responsive to the indigenous populations, there is no evidence that this has occurred.

De Jure:

"The Government made significant improvements in the decentralization of civil administration. With the passage of three new laws, previously excluded segments of the population were drawn into local decision-making structures and the decisions of Departmental Development Councils were respected by the Government."

De Jure Implementation:

None found.

De Facto:

None found. "A 2003 external review of several civil service systems is generally not positive. It reported that the "recruitment conditions do not tally with the real capabilities of the candidates, the necessary guarantee mechanisms and procedures needed to avoid arbitrariness in the admission process have not been established, the selection instruments have not been adequately designed, and promotion practices do not match with previously systematized criteria."[9]

---

6. Education

Evidence:

	2017	
Overall	0.5	Partial.
De Jure	1	
De Jure Implementation	0	
De Facto	0	

Schools in indigenous areas must provide

De Jure:

Yes. Education reform did not necessitate a constitutional change, and through changes in laws, recognition in education was implemented. Article 76 of the Constitution: "In the schools established in regions with a predominantly indigenous population, the education must be provided preferentially in [a] bilingual form." Further, "by September 2001, only the Ministry of Education had recognized the right of indigenous persons to wear their traditional attire. However, the Ministry of Education had so far failed to implement comprehensive intercultural and bilingual education programs or improve indigenous communities' access to education at the levels

[9] https://peaceaccords.nd.edu/accord/accord-firm-and-lasting-peace

stipulated by the agreements"[10] Further, the *Agreement on Identity and Rights of Indigenous Peoples* of 1995, requires expansion of education and improvement of socio-economic conditions, especially for indigenous communities.[11]

De Jure Implementation:

N/A.

De Facto:

None found.

---

7. Language

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	0	

De Jure:

The constitution of Guatemala provides the following with regards to language rights:

- Article 66: "The State recognizes, respects, and promotes their forms of life, customs, traditions, forms of social organization, the use of the indigenous attire by men and women, [and their] languages and dialects."
- Article 18: "In the course of the year following its effectiveness, the Constitution shall be broadly disseminated in the Quiché, Mam, Cakchiquel, and Kekchí languages."

De Jure Implementation:

No. "The majority continue to lack access to the official justice system in their own language. Very few judges or lawyers are Mayan or speak indigenous languages. Litigation is not permitted in indigenous languages, and the numbers of interpreters employed in the justice system is nowhere near sufficient to meet demand… As of 2009, only 17% of judicial bodies in the country had Maya language interpreters."[12]

De Facto:

None found.

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[10] https://peaceaccords.nd.edu/provision/indigenous-minority-rights-accord-firm-and-lasting-peace#footnoteref11_ro5qlex

[11] AIRIP. 1995. Agreement on identity and rights of indigenous peoples, signed 31 March 1995, UN ref. No. A/49/882-s/1995/256. http://www.c-r.org/accord/guat/accord2/identity.shtml.; See also: Poppema, M. (2009) "Guatemala, the Peace Accords and education: a post- conflict struggle for equal opportunities, cultural recognition and participation in education" *Globalisation, Societies and Education,* 7:4, 383-408, DOI: 10.1080/14767720903412218

[12] http://icon.oxfordjournals.org/content/5/2/211.full

GUINEA

	2017
Overall Score	1.5
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0
Civil Service	0
Education	0.5
Language	0.5

Country Context and Overview:
The constitution of 2010 was signed after President Lasana Conté and his successor, Moussa Dadis Camara, left the country, whrein Guinea returned to civilian rule

Constitutional Document(s):

Constitution of Guinea, 1996
Constitution of Guinea, 2010

Ethnic Groups:[1]

Baya, 33%
Fulani (Peul) 33.9%,
Malinke 31.1%,[2]
Susu 19.1%,
Guerze 6%,
Kissi 4.7%,
Toma 2.6%,
Other/no answer 2.7%

Language(s):[3]

French (official)

Notes:

[1] CIA WorldFactbook. 2017. "Guinea." CIA WorldFactbook. Accessed May 25. https://www.cia.gov/library/publications/the-world-factbook/geos/gv.html
[2] According to the Ethnic Power Relations Dataset, the Malinke are senior partners, while Puel and Susu are discriminated against. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009
[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The Constitution only provides that the President of the Guinean Republic must be of Guinean nationality,[4] further evidence suggests that nearly all of the political advisors are from the president's own ethnic group.[5]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	1	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

The Constitution does not provide for ethnic recognition in the legislative branch, however, the political parties are generally considered ethnically aligned.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

"Parties are mostly ethnically and personality based. The Peul-based Union of Democratic Forces (UFDG) rallied some 45% of voters in 2010 and is now allied with many smaller parties. Opposition candidates recognised Conde's presidential victory but distrust his will to organise fair parliamentary polls diluting his power"[6]

[4] Article 26.
[5] Guinea_Country_Watch 2015: 11
[6] Guinea_Delayed_Polls_Fuel_Ethnic_Tensions 2012: 2

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The Constitution does not provide for ethnic recognition in the armed forces or police.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

---

4. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The Constitution does not provide for ethnic recognition in the armed forces or police.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The Constitution does not provide for ethnic recognition in the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

---

6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The Constitution does not provide for ethnic recognition in education; however, there is a mandate to teach eight of the native languages in school.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. While opportunities for education are limited, the average literacy rate is at 30.5 percent, "eight languages besides French, the official language, are taught in Guinea's schools; they are Basari, Kissi, Koniagi, Kpelle, Loma, Malinke, Susu and Pular - a dialect of Fulfulde, the language of the Fulani people."[7]

[7] (Guinea_Country_Watch 2015: 131-132).

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The Constitution does not provide for ethnic recognition in the constitution, although there are

De jure:

No formal provisions for language recognition, with French as the official language stated in the constitution.

De jure implementation:

N/A.

De facto:

However, there are eight languages besides French, the official language, are taught in Guinea's schools; they are Basari, Kissi, Koniagi, Kpelle, Loma, Malinke, Susu and Pular - a dialect of Fulfulde, the language of the Fulani people.[8]

[8] Guinea_Country_Watch 2015: 131.

GUINEA-BISSAU

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:

Civil war from 1998-1999 triggered by an attempted coup against the government.

Constitutional Document(s):

Constitution of the Republic of Guinea-Bissau, 1996
Abuja Peace Agreement, 1998

Ethnic Groups:[1]

Fulani (28.5%),
Balanta (22.5%),[2]
Mandinga (14.7%),
Papel (9.1%),
Manjaco (8.3%),
Beafada (3.5%),
Mancanha (3.1%),
Bijaco (2.1%),
Felupe (1.7%),
Mansoanca (1.4%),
Balanta Mane (1%)
Other (1.8%).

Language(s):[3]

Crioulo (90.4%),
Portuguese (27.1%) (official),
French (5.1%)
English (2.9%)

Notes:

[1] CIA WorldFactbook. 2017. "Guinea-Bissau." CIA WorldFactbook. Accessed April 19. https://www.cia.gov/library/publications/the-world-factbook/geos/pu.html
[2] According to the Ethnic Power Relations (v.3), Balanta are "Senior Partners" and Papel are "Junior Partners." See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009.
[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, no de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

---

2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, no de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. Article 4 of the Constitution explicitly prohibits the formation of political parties along ethnic lines.

De jure implementation:

N/A. The Balanta ethnic group, mainly through its predominance in the armed forces, controlled the political system.[4]

De facto:

None found.

---

[4] US Department of State Guinea-Bissau??

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

The Balanta ethnic group dominates the armed forces.[5]

---

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, no de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

[5] (http://www.crisisgroup.org/en/regions/africa/west-africa/guinea-bissau/b109-security-sector-reform-in-guinea-bissau-an-opportunity-not-to-be-missed.aspx).

5. Civil Service

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, no de facto recognition.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

6. Education

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, no de facto recognition.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

7. Language

Evidence:

Portuguese is the only official language of Guinea-Bissau.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

HAITI

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0.5

Country Context and Overview:
The Governor's Island Agreement laid the foundations for the settlement between Astride and Cedras after an attempted coup by Cedras, which re-installed Astride as president.

Constitutional Document(s):
Governor's Island Agreement, 1993

Ethnic Groups:[1]
Black, 95%
Mulatto and White, 5%.

Language(s):[2]
French (official),
Creole (official).

Notes:

[1] CIA WorldFactbook. 2017. "Haiti." CIA WorldFactbook. Accessed April 19. https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html
[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

2. Legislative/Assembly/Electoral

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Although the constitution mandates that education is the responsibility of both the State and its territorial divisions, and that education is a universal right, there is no indication of recognition along ethnic lines.[3]

De jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De jure implementation:

N/A.

De facto:

None found.

---

7. Language

	2017	
Overall	0	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A.	

Evidence:

Partial. While the official language of Haiti is French, provisions exist for the promotion of the Creole language in government and laws.

De Jure:

Yes. According to the Constitution of Haiti, the State has the obligation to publicize in the oral, written and televised press in the Creole and French languages all laws, orders, decrees, international agreements, treaties, and conventions on everything affecting the national life, except for information concerning national security.[4]

De jure implementation:

None Found.

De Facto:

N/A.

[3] See: Constitution of the Republic of Haiti. Amendment. 2011. Article 32, Article 32.1, Article 32.2
[4] Constitution of the Republic of Haiti, Aritcle 40, Article 213, and Article 5.

IRAQ

Country Context and Overview:

Constitution signed after the 2003 US invasion of Iraq and fall of Sadam Hussein.

	2017
Overall Score	7
Executive	1
Legislative/Assembly/Electoral	1
Security	1
Justice	1
Civil Service	1
Education	1
Language	1

Constitutional Document(s):

Constitution of Iraq, 2005.

Ethnic Groups:[1]

Arab 75%-80%,
Kurdish 15%-20%,
Turkmen,
Assyrian,
Shabak,
Yazidi,
Other 5%

Language(s):[2]

Arabic (official), Kurdish (official), Turkmen (a Turkish dialect), Syriac (Neo-Aramaic), and Armenian are official in areas where native speakers of these languages constitute a majority of the population)

Religion:

Muslim (official) 99% (Shia 55-60%, Sunni 40%), Christian <.1%, Yazidi <.1%, Sabean Mandaean <.1%, Baha'i <.1%, Zoroastrian <.1%, Hindu <0.1%, Buddhist <0.1%, Jewish <0.1%, folk religion <0.1, unafilliated 0.1%, other <0.1%

Note:

Recognition in this analysis is focused on the Kurdish ethnicity, primarily. "The Kurdish members had clearer ideas about what they wanted, and had a team of US and European experts supporting them."[3] They succeeded in preventing any discussion of the TAL; hence maintaining the broad sense of federalism, their rights to control their federal entity, to claim Kirkuk in their federal region and to confirm their share of the wealth of the state. On the other hand, the Sunni members were concerned about the Arab identity of a united state."[4]

[1] CIA WorldFactbook. 2017. "Iraq." CIA WorldFactbook. Accessed January 1, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html.

[2] CIA WorldFactbook. 2017.

[3] Arato, Andrew. 2009."Constitution Making Under Occupation: The Politics of Imposed Revolution in Iraq", *Columbia University Press.*

[4] Jawad, Saad. 2013. "The Iraqi constitution: structual flaws and political implications*" LSE Middle East Centre Paper Series, 01*. LSE Middle East Centre, London, UK.

1. Executive

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Executive branch consists of a President and the Council of Ministers, with the three Vice Presidents representing the three major groups: Shiite, Sunni, and Kurds.

De Jure:

The Executive branch consists of the President and the Council of Ministers. Iraq also has three vice presidents. The Kurdistan region is recognized by the Constitution, and it has its own government.[5] Further, each region is required to adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution, although the Kurdistan region still does not have a constitution.[6] Article 121 recognizes the regional powers as having the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government. Finally, the constitution recognizes the region of Kurdistan as a federal region,[7] with its existing authorities, where the Kurdistan Regional Government assumed executive and legislative roles.

De Jure Implementation:

Although there are no formal written rules, the Presidency Council, consisted of the President and the Vice Presidents, represent the major groups: Sunni Muslim Arabs, Shiite Muslim Arabs, and the Kurds. Both of the presidents elected after the 2005 Constitution were Kurdish. Moreover, the federal structure of the constitution ensures protection of these different groups within the society. points out that the Kurds hold the posts of president, foreign minister and several other cabinet positions, but also questions the sustainability of this system in the long term.[8]

De Facto:

N/A.

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[5] Constitution of Iraq. 2005. Chapter 2; Article 116.
[6] Constitution of Iraq. 2005. Chapter 2; Article 120.
[7] Constitution of Iraq. 2005. Chapter 2; Article 117.
[8] Gunter, Michael M. 2011. "Arab–Kurdish Relations and the Future of Iraq." *Third World Quarterly* no. 32 (9):1623-1635.

2. Legislative

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The constitution allows regional powers to exercise legislative powers in their regions.

De Jure:

While the constitution mandates the composition of the Council of representative, there are no specific rules or quotas for representation of different groups in Iraqi society in the Council of Representatives. However, Article 121 allows regional powers to exercise legislative powers in the regions. The Parliament of Kurdistan is the legislative body for the Iraqi Kurdistan region. The Draft Constitution of Iraqi Kurdistan (Article 41) requires fair representation of all geographic localities, ethnic and religious groups, and women. While there is a 30% quota for women, there are no specific numbers for different ethnic and religious groups.

De Jure Implementation:

These provisions have been implemented as mandated.

De Facto:

N/A.

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3. Security

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Security sector forces must be representative of the Iraqi population, and further the Peshmerga forces are allotted to provide security within the Kurdistan Regional Government.

De Jure:

The Iraqi armed forces and security service to be representative of Iraqi people with due consideration given to their balance and representation without discrimination or exclusion.[9] There is a Ministry of Peshmerga Affairs within the Kurdistan Regional Government in Iraq.[10] Article 121 leaves the responsibility of formation of local security forces such as police and internal security forces to the regional governments.

De Jure Implementation:

Further, the Draft Constitution of Iraq designates Peshmarga as the guardian force of the Kurdistan Region, Article 9 of the Federal Constitution prohibits formation of militias beyond the Iraq armed forces. At that point, it is important to keep the fight against ISIS, and the role of Peshmarga today. Against ISIS,

[9] Constitution of Iraq. 2005. Article 9.
[10] Government of Iraq. 2014. "Ministries and Department." Available at: http://cabinet.gov.krd/p/p.aspx?l=12&p=228 Accessed: January 1, 2018.

Peshmarga and Iraqi Military Forces cooperate. Peshmerga not only acts the primary security force in Iraqi Kurdistan, but it is also a force against the ISIS[11] Haddad, Fanar. 2015. "The Hashd: Redrawing the Military and Political Map of Iraq." *Middle East Institute* 9.[12] This further consolidates the legitimate role of the Peshmerga in Iraq as the security forces of Iraqi Kurdistan

De Facto:

N/A.

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4. Justice

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. While there are no specific quotas in the federal courts, Kurdistan has its own independent judiciary system.

De Jure:

The Judiciary System of Federal Iraq is consisted of independent courts. There are no specific ethnic quotas or mandates for different groups. However, the Kurdistan Region has its own independent judiciary system and the constitution authorizes regional responsibilities.[13] There are also extensive laws that that pre-date the constitution which establish judicial authority of the Kurdistan Regional Government.[14]

De Jure Implementation:

Save for laws relating to the exclusive federal powers as listed in Article 110 of the 2005 Constitution, post 1992, new laws and amendments to existing law originating from Baghdad are not recognised as applicable in the Kurdistan Region of Iraq unless expressly endorsed by legislation of the Kurdistan Parliament. This includes the CPA orders issued in 2003 / 2004 – despite the wording of Articles 26 and 54(B) of the Transitional Administrative Law.[15]

De Facto:

N/A.

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[12] Keane, Jack, and Danielle Pletka. 2014. "An American-Led Coalition Can Defeat ISIS." *Wall Street Journal*; Muhammedally, Sahr. 2015. "Iraq: Learning Civilian Protection the Hard Way." *Stability: International Journal of Security and Development* 4, no. 1.; Global Justice Project: Iraq. 2009. "The Judiciary and the Law in the Kurdistan Region of Iraq. Available at: http://gjpi.org/2009/08/14/the-judiciary-and-the-law-in-the-kurdistan-region-of-iraq/

[13] Constitution of Iraq. 2005. Article 121.

[14] Decree No. 11. August 1992.; Judicial Authority Law No. 44. 1992.

[15] Stansfield, Gareth RV. 2003. *Iraqi Kurdistan: Political development and emergent democracy*. Routledge.

5. Civil Service

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Kurdistan Regional Government has a decentralized structure and has authority over balanced representation of the Kurdistan autonomous region in government.

De Jure:

Public administration in Iraq is based on a decentralized system. Regions, and also governorates that are not incorporated into the regions are granted broad administrative and financial means to enable them to manage administration parallel with decentralization principle.[16] Further, the Constitution guarantees the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.[17] Finally, the Draft Iraqi Kurdistan Constitution states that there shall be "Equitable participation, in a balanced and proportionate manner, in the administration of the different institutions of the federal state, in academic deputations and scholarships, in delegations and in regional and international conferences."[18]

De Jure Implementation:

The Kurdistan Regional government structures have been implemented as above.

De Facto:

N/A.

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6. Education

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Education in Kurdistan is run by the Kurdish Regional Government. Further, the constitution mandates the right to education in their native language, including Arabic and Kurdish in Kurdistan.

De Jure:

Article 125 of the constitution guarantees the educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.[19] Further, Article 4 guarantees the rights of Iraqis to education their children in their native language.[20] As Kurdish is

[16] Constitution of Iraq. 2005. Article 122, Article 116, Article 120.
[17] Constitution of Iraq. 2005. Article 125.
[18] Article 9 of the Iraqi Kurdistan Constitution
[19] Constitution of Iraq. 2005. Article 125.
[20] Constitution of Iraq. 2005. Article 4.

one of the official languages of the Iraqi state, Article 4 also ensures opening of schools that teach the two languages, Arabic and Kurdish. The Draft Iraqi Kurdistan Constitution also recognizes similar principles. Article 14 of Kurdistan Constitution: "Kurdish and Arabic shall be the two official languages of the Kurdistan Region. This Constitution guarantees the right of the citizens of the Kurdistan Region to educate their children in their mother tongue, including Turkmen, Assyrian, and Armenian, in the government's educational institutions and in accordance with pedagogical guidelines." [21]

De Jure Implementation:

The KRG has authority over education within the region and "acknowledges the critical role of education in creating a just and sustainable democracy in which the rights of traditionally disadvantaged and vulnerable groups and individuals, including women, children and minorities, are protected." [22]

De Facto:

N/A.

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7. Language

Evidence:

Yes. Arabic and Kurdish languages are both official languages and are mandates their use in official publications and throughout the government.

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

De Jure:

Language is clearly recognized in Iraq, as Kurdish and Arabic are the official languages of the Iraqi State, including: publication of the Official Gazette in both languages; Speech, conversation, and expression in official domains, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages; Recognition and publication of official documents and correspondence in the two languages; Opening schools that teach the two languages, in accordance with the educational guidelines; Use of both languages in any matter enjoined by the principle of equality such as bank notes, passports, and stamps.[23]

De Jure Implementation:

Language laws have been implemented as above.

De Facto:

N/A.

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[21] Osler, A. H., and Chalank Yahya. 2013. "Challenges and complexity in human rights education: teachers' understandings of democratic participation and gender equity in post-conflict Kurdistan-Iraq." *Education Inquiry* 4, no. 1: 189-210.
[22] Osler, A. H., and Chalank Yahya. 2013.
[23] Constitution of Iraq. 2005. Article 4.

KENYA

Country Context and Overview:

	2017
Overall Score	4
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	0.5
Justice	0
Civil Service	1
Education	1
Language	0.5

Constitutional Document(s):

Constitution of the Republic of Kenya, 2010.

Ethnic Groups:[1]

Kikuyu 22%,
Luhya 14%,
Luo 13%,
Kalenjin 12%,
Kamba 11%,
Kisii 6%,
Meru 6%, o
ther African 15%,
non-African (Asian, European, and Arab) 1%

Language(s):[2]

English (official), Kiswahili (official), numerous indigenous languages

Note:

The coding for this analysis reveals a "partial" in most instances, given that the quotas and references to ethnic groups do not name ethnic groups, but rather encourage ethnic balance to reflect the ethnic diversity of Kenya.

[1] CIA WorldFactbook. 2017. "Kenya." CIA WorldFactbook. Accessed January 1, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html.

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0.5	
De Jure Implementation	0.5	
De Facto	N/A	

Evidence:

Partial. The composition of the executive is meant to reflect the ethnic diversity of Kenya, with no direct mention of ethnic groups.

De Jure:

The Constitution states that (1) The national executive of the Republic comprises the President, the Deputy President and the rest of the Cabinet. (2) The composition of the national executive shall reflect the regional and ethnic diversity of the people of Kenya.[3]

De Jure Implementation:

The cabinet and executive are dominated by Kikuyu still, particularly in the top-level positions, however a current list of official appointments does reveal a variety of different ethnic groups (Kikuyu, Kalenjin, Kamba, Meru, Masaii, Embu, etc.).[4]

De Facto:

N/A.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0.5	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

Partial. The composition of the legislature is meant to reflect the ethnic diversity of Kenya, with no direct mention of ethnic groups.

De Jure:

The Constitution of Kenya requires that political party lists reflect the regional and ethnic diversity of Kenya,[5] and further requires that minorities and marginalized groups must be represented within the parties.[6] The Constitution also requires that parliament enacts legislation to promote the representation of ethnic minority and marginalized communities.[7] Finally, parliament is required enact legislation to— (*a*) ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee; and (*b*) prescribe mechanisms to protect minorities within counties.[8]

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[3] Constitution of the Republic of Kenya. 2010. Article 130.
[4] Holmquist, Frank and wa Githinji, Mwangi. n.d. "The Default Politics of Ethnicity in Kenya." *The Brown Journal of World Affairs.* https://www.questia.com/magazine/1P3-1982228051/the-default-politics-of-ethnicity-in-kenya. Accessed: July 5, 2016.
[5] Constitution of the Republic of Kenya. Chapter Seven. Part 2. Article 90.c.
[6] Constitution of the Republic of Kenya. Chapter Seven. Part 3. Article 91.1
[7] Constitution of the Republic of Kenya. Chapter Eight. Part 2. Article 100.
[8] Constitution of the Republic of Kenya. Chapter Eleven. Part 7. Article 197.

To reinforce this commitment to diversity, parliament passed the Political Parties act of 2011, which requires political parties have memberships in 24 of 27 regions to reflect the diversity of the country and minimize the chance of any one ethnic group or region dominating a political party.[9] Political parties must provide detailed membership information including identification details, region, ethnicity, gender and county[10] and requires that "In selecting, nominating, approving or appointing the chairperson and members of the Selection Committee, the nominating bodies, the National Assembly, the Senate and the President shall ensure that the Selection Committee reflects the regional and ethnic diversity of the people of Kenya."[11]

De Jure Implementation:

Of all 182 registered political parties, none of which explicitly reference ethnic or regional diversity.[12] If anything, the political parties do seem to still be largely based divided along ethnic lines.[13]

De Facto:

N/A.

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3. Security

	2017	
Overall	0.5	Partial
De Jure	0.5	
De Jure Implementation	0.5	
De Facto	N/A	

Evidence:

Partial. The composition of the security forces is meant to reflect the ethnic diversity of Kenya, with no direct mention of ethnic groups.

De Jure:

The constitution requires that the composition of the command of the Kenyan Defense Forces shall reflect the regional and ethnic diversity of the people of Kenya.[14] Article 9.4 of the Kenya Defence Forces Act (2012) require that the Commander in Chief of the Armed Forces must make appointments reflect the regional and ethnic diversity of the people of Kenya.[15]

[9] Republic of Kenya, 2011. Political Parties Act of 2011, Article 7.2 (2). Available at: http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PoliticalPartiesAct.pdf. See also: Cotrell and Ghai. 2007. "Constitution Making and Democratization in Kenya (2000–2005)" *Democratization,* vol. 14, no.1, February 2007, pp.1–25.

[10] Ibid. Schedule 6. Article 6.

[11] Ibid. Schedule 7. Article 7.

[12] Mzalendo. Eye on Kenyan Government. Available at : http://info.mzalendo.com/organisation/is/party/

[13] Kimenyi, Mwangi, S. 2013. "Kenya's Elections: Implications for Ethnic Rivalries and International Intervention." Brookings. Available at: http://www.brookings.edu/research/opinions/2013/02/12-kenya-elections-kimenyi. Accessed: July 25, 2016.

[14] Constitution of the Republic of Kenya. Chapter Fourteen. Part 2. Article 241.4; See also: Republic of Kenya, Kenya Defence Forces Act (2012), Part 2. Article 3.

[15] Republic of Kenya, Kenya Defence Forces Act (2012), Part 2. Article 9.4

De Jure Implementation:

Evidence suggests that the security forces do represent the ethnic and regional diversity of the country.[16]

De Facto:

N/A.

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4. Justice

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. No mention of ethnic recognition in the judiciary in the constitution or other laws.

De Jure:

No mention of ethnic recognition in the judiciary in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

A report written by the Chief Justice of the Supreme Court of Kenya that judiciary is still ethnically unbalanced and rife with ethnic/gender tensions.[17]

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5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. Laws were passed in 2011 in order to address ethnic imbalances in the civil service,

De Jure:

The constitution requires that values and principles of public service include (h) representation of Kenya's diverse communities.[18] Further, the *Public Service (Values and Principles) Act* (2015) seeks to balance the "share of public jobs in favour of the smaller communities even at the expense of merit" such that it reflects the "face of Kenya."[19] This is widely

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[16] Global Security. n.d. "Kenya Defence Forces." Available at: https://www.globalsecurity.org/military/world/kenya/kdf.htm Accessed: July 25, 2016.

[17] http://www.nation.co.ke/news/Ethnicity+gender+division+rife+at+Judiciary+willy+mutunga/-/1056/1988286/-/n99fq/-/index.html

[18] Constitution of the Republic of Kenya. 2010. Chapter 13. Part 1. Article 232.

[19] Business Daily, 2015. "How ethnic groups have colonized the civil service." http://www.businessdailyafrica.com/How-ethnic-groups-have-colonised-the-Civil-Service/-/539546/2999416/-/5tk6ox/-/index.html. Accessed: July 25, 2016.

understood to mean "government's commitment to correcting the skewed hiring and inclusion of smaller tribes the public service as demanded by the Constitution."[20]

De Jure Implementation:

Yes, although not very effectively yet. As of 2015, 77 per cent of all public service positions are held by six ethnic groups.[21] "Contrary to expectations that remedial actions would be taken to lower the proportional representation advantage, the evidence is that MDAs (ministries, departments and agencies) did very little to ameliorate the situation."[22]

De Facto:

N/A.

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6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

Yes. While primary and secondary school are universal rights, there are programs to increase access to university from ASAL regions. Further, the constitution requires that affirmative action programs be put in place to ensure that minorities and marginalized groups are represented in universities.

De Jure:

The Constitution states that "he State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups - (a) participate and are represented in governance and other spheres of life; (b) are provided special opportunities in educational and economic fields.[23]

De Jure Implementation:

Evidence suggests that these policies have been put in place: "A mixture of the nature of socio-cultural activities and negative attitude from government policy implementers towards ASAL communities meant that the uptake of formal schooling was still low compared to other regions of the country."[24] As a consequence, the KUCCPS lowered university entry points for students from 14 counties.[25]

De Facto:
N/A.

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[20] Ibid.
[21] Daily Nation, 2015. "Six tribes take up more than half of all public sector jobs - Report." http://www.nation.co.ke/news/Six-tribes-take-up-more-than-half-of-all-public-sector-jobs-/1056-2859898-ch02m0/index.html Accessed: July 25, 2016.
[22] Business Daily 2015.
[23] Constitution of Kenya. Article 56.
[24] Obonyo, 2013
[25] Dickens, Kasami. 2015. "KUCCPS Lowers University Entry Points for 14 Countries." Available at : https://www.tuko.co.ke/49067-kuccps-government-lowers-university-entry-points-for-students-in-14-counties.html Accessed: July 25, 2016.

7. Language

	2017	
Overall	0.5	Partial.
De Jure	0.5	
De Jure Implementation	0.5	
De Facto	0	

Evidence:

Partial. Constitution promotes Kiswahili, English, and Sign Language as the official languages, as well as the promotion of the diversity of languages/indigenous languages in Kenya, without specific reference to language groups beyond Kiswahili

De Jure:

The official languages of Parliament shall be Kiswahili, English and Kenyan Sign language, and the business of Parliament may be conducted in English, Kiswahili and Kenyan Sign language.[26] Although the State must "(*a*) promote and protect the diversity of language of the people of Kenya; and (*b*) promote the development and use of indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities."[27]

De Jure Implementation:

Implemented as above.

De Facto:

N/A.

[26] Constitution of the Republic of Kenya. 2010. Chapter 9. Part 5. Article 120.1.; Chapter 4, Part 2, Article 44.1.
[27] Constitution of the Republic of Kenya, 2010, Chapter 2. Article 7.3. (a), (b)

LAOS

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0.5
Civil Service	0
Education	0.5
Language	0

Country Context and Overview:

The conflict is mainly between Laotian and Hmong groups. The conflict dates back to 1970s, and it is still ongoing, "the internal conflict between the Lao and ethnic Hmong minority is continuing unabated. Many Hmong are denied access to food and medical attention. The authorities continue to refuse access for humanitarian agencies from the United Nations to access Hmong needs. In the past few years, refugees of the conflict have started surfacing in Thailand."[1]

Constitutional Document(s):

Constitution of the Republic of Laos, 1991.

Ethnic Groups:[2]

Lao (54.6%),[3]
Khmou (10.9%),
Hmong (8.0%),[4]
Tai (3.8%),
Phutai (3.3%),
Lue (2.2%),
Katang (2.1%),
Makong (2.1%),
Akha (1.6%),
Other (104.%)

Language(s):[5]

Lao (official),
French,
English,
Various Ethnic Language.

Notes:

[1] CountryWatch. 2015. "Laos: 2015 Country Review." Houston, TX.: CountryWatch, Inc.
[2] CIA WorldFactbook. 2017. "Laos." CIA WorldFactbook. Accessed April 19. https://www.cia.gov/library/publications/the-world-factbook/geos/la.html
[3] According to the Ethnic Power Relations database (v.3), Lao are considered a Senior Partner and Hmong are considered a Junior Partner. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009.
[4] The Hmong group is considered to be marginalized.
[5] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found. Minorities are generally excluded from gormal mechanisms of power,[6] administrative authorities for local governments at each level are vested in party committees and administrative committees often headed by the same leaders."[7]

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A. The National Assembly is the legislative authority in the country, however as the country is a one-party country, the Assembly is dominated by the LPRP. Currently, 131 members out of 135 members of the parliament are from LPRP. The rest are independent.

De Facto:

None Found. Although the country does have elections, the single party system does not allow any other party to participate in central, national elections. Further, "Minority cadres may cultivate political patrons within the Party, but they lack the family links with powerful, predominantly ethnic Lao, senior politicians, and they lack social links with the ethnic Lao economic and commercial elite."[8]

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[6] Lestrelin, Guillaume. 2011. "Rethinking state–ethnic minority relations in Laos: Internal resettlement, land reform and counter-territorialization." *Political Geography* no. 30 (6):311-319.
[7] CountryWatch, 2015.
[8] Stuart-Fox, Martin. 2006. "The political culture of corruption in the Lao PDR." *Asian Studies Review* no. 30 (1):59-75.

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. Chapter 3 of the Constitution establishes the National Defense and Security sector but there is no mechanism for ensuring ethnic recognition. Further, Article 11 of the Constitution calls for the security of the country to be centralized.[9]

De Jure Implementation:

N/A.

De Facto:

None found.

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4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. While there are no formal provisions in the constitution for judicial recognition, most people solve conflict in a traditional manner, rather than through the legal system.[10]

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[9] Constitution of the Republic of Laos. 1991. Chapter 3; Article 11.
[10] Gustafsson, Sara. 2005. "Laos, law and education." *Int'l J. Educ. L. & Pol'y* no. 1:28.

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Independent civil society organizations were virtually non-existent and the government does not tolerate descent.[11]

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6. Education

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. The education is central, with a system allowing private sector investment (Article 22).

De Jure Implementation:

N/A.

De Facto:

None found. The language of instruction at all levels of education is Lao, and further no separate vernaculars are used in different regions, though there is some anecdotal evidence that vernaculars are used orally in classrooms for explaining subject matter, and in some cases an invented spelling is used to write local languages, further "the Hmong, one of the largest ethnic groups, commonly teach Hmong literacy informally to their children in the home, and there may be more Hmong who are literate in their L1 than in.

[11] Kyaw Yin, Hlaing. 2006. "LAOS: The State of the State." *Southeast Asian Affairs 2006* 127-147. *Historical Abstracts with Full Text*, EBSCO*host* (accessed April 12, 2016).

Written Hmong is widely used in letters and emails to relatives living in the West, and glossy Hmong language magazines published in the US are sold in a bookshop in the Lao capital, Vientiane."[12]

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7. Language

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

	2017	
Overall	0	Partial.
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws, "The official and dominant language is Lao, a tonal language of the Tai-Kadai linguistic group. French had been common in government and business, but its usage has declined with the departure of many former government officials. Since its involvement in the Association of Southeast Asian Nations (ASEAN) in 1997, the usage of English has been increasing in Laos."[13]

De Jure Implementation:

N/A.

De Facto:

None found.

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[12] Kosonen, Kimmo. 2005. "Vernaculars in literacy and basic education in Cambodia, Laos and Thailand." *Current Issues in Language Planning* no. 6 (2):122-142.
[13] Country Watch

LIBERIA

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:

The First Liberian Civil War took place from 1989 -1996, ending when Charles Taylor took the Presidency. The Second Liberian Civil War took place from 1999-2003. The Second Civil War ended in a comprehensive peace agreement and the National Transitional Government of Liberia, leading to general elections in 2005.

Constitutional Document(s):

Comprehensive Peace Agreement, 2003.

Ethnic Groups:[1]

Kpelle (20.3%),
Bassa (13.4%),
Grebo (10%),
Gio (8%),
Mano (7.9%),
Kru (6%),
Lorma (5.1%),
Kissi (4.8%),
Gola (4.4%),
Other (20.1%).

Language(s):[2]

English (official), 20%;
Approximately 20 ethnic languages

Notes:

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[1] CIA WorldFactbook. 2017. "Liberia" CIA WorldFactbook. Accessed April 26. https://www.cia.gov/library/publications/the-world-factbook/geos/li.html

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative

	2017	
Overall	0	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, however the peace agreement calls for political and regional quotas, which are an indirect form of ethnic recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. However, the peace agreement does specify quotas for different political parties, and evidence (see De Facto, below) suggests that these groups are considered ethnically aligned. Specifically, Article 24 of the peace agreement states:

> "… 3. The NTLA [National Transitional Legislative Assembly] shall have a maximum of seventy-six (76) members who shall come from the following entities:
>
> (a) Each of the fifteen (15) Counties;
>
> (b) The present Government of Liberia, the LURD, MODEL, the Political Parties, Civil Society and Interest Groups including the National Bar Association, the Liberian Business Organizations, Women Organizations, Trade Unions, Teachers Union, Refugees, the Liberians in the Diaspora/America and the Youth."[3]

De Jure Implementation:

[3] Government of Liberia. 2003. Comprehensive Peace Agreement. Article 24, Section 3.

The transitional government was established in 2004, parallel to the peace agreement.

De Facto:

Yes. The peace agreement calls for regional and political quotas, and generally political parties are understood to be along ethnic lines. That is, "the quest for power among politicians has engendered the sprouting of 22 political parties' representing various ethnic groups for the October presidential elections in Liberia… Some political leaders in Liberia are in the habit of allocating to their ethnic groups considerable state resources to extend their influence and control. Consequently, this practice encouraged corruption, rivalry, hatred, and conflict between ethnic groups."[4]

---

3. Security

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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[4] https://www.globalpolicy.org/component/content/article/194/39156.html

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. While local mechanisms are widely used in the justice system, it is due to a lack of resources in the formal judicial system, rather than specific norms relating to ethnic recognition.[5]

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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[5] http://www.state.gov/outofdate/bgn/liberia/124863.htm; see also Flomoku, Pewee, and Lemuel Reeves. 2012. "Formal and informal justice in Liberia." *London, Conciliation Resources*.

6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

---

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition found in the constitution or other laws, or de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution, peace agreement or other laws. English is the only official language of Liberia.

De Jure Implementation:

N/A.

De Facto:

None found.

MACEDONIA

Country Context and Overview:

The Ohrid Agreement was signed between the National Liberation Army and the Macedonian security forces in 2001, after the NLA insurgency starting in January of 2001.

	2017
Overall Score	
Executive	0.5
Legislative/Assembly/Electoral	1
Security	0
Justice	0.5
Civil Service	0.5
Education	0.5
Language	1

Constitutional Document(s):

Ohrid Agreement, 2001

Ethnic Groups:[1]

Macedonian 64.2%,
Albanian 25.2%,
Turkish 3.9%,
Romani 2.7%,
Serb 1.8%,
Other 2.2%

Language(s):[2]

Macedonian (official) 66.5%,
Albanian 25.1%,
Turkish 3.5%,
Romani 1.9%,
Serbian 1.2%,
Other 1.8%

Note:

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[1] CIA WorldFactbook. 2017. "Macedonia." CIA WorldFactbook. Accessed January 2, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Macedonians are considered a senior partner and Albanians are junior partners, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

Partial. While there is no formal recognition, there were 10 members of minority communities in the 26-member Council of Ministers.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. There were 10 members of minority communities in the 26-member Council of Ministers.[3]

---

2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Ohrid Agreement included articles on redrawing the district maps, and changing the electoral system. The district maps were redrawn in 2004 in line with the results of the census. The electoral system is proportional, and 20 MPs are elected from each district. These districts are ethnically aligned. The law does not mention any ethnicities; however, the Ohrid Agreement shows that the districts in the electoral law are determined by ethnicities. The first map below is the ethnicity map, and the second one is the electoral district map. However, de jure implementation shows that the legislative recognition only takes the Albanian minority into account, whereas the representation of other minorities, whose numbers are smaller, is still problematic.

De Jure:

Yes. The *Ohrid Agreement* mandated that electoral districts be redrawn in line with the various ethnic groups. The reform also revised the ballot by allowing the use of Macedonian and Albanian flag symbols to differentiate between parties.[4] On August 11, 2004, the parliament adopted the bill that would redraw the municipal boundaries and give ethnic Albanian minority greater power.The measure was adopted with 61-7 in the 120-seat assembly.[5] Article 21 of the *Electoral Code of Macedonia* requires that "When selecting the members of Municipal Election Commissions i.e. Election Commission of the City of Skopje and the Election Boards in the municipalities in which at least 20% of the citizens are members of other ethnic

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[3] US Department of State. 2014. "Macedonia 2014 Human Rights Report." Available at: https://www.state.gov/documents/organization/236762.pdf Accessed: February 6, 2016.

[4] Peace Accords Matrix, 2015. "Ohrid Agreement." Available at: https://peaceaccords.nd.edu/accord/ohrid-agreement Accessed: February 6, 2016.

[5] Peace Accords Matrix

communities the principle of adequate and equitable representation of all ethnic communities shall be respected."

De Jure Implementation:

Electoral redistricting occurred in 2004. Further, there were 27 ethnic Albanians, two ethnic Serbs, one ethnic Bosniak, two ethnic Turks, and one ethnic Roma in parliament.[6] Of the six territorial PR districts of 20 seats each, three electoral districts include a strong Albanian minority, and is thus represented with several parties.[7] Further, the proportion of seats held by Albanian minorities has progressively increased after the adoption of the proportional system.

De Facto:

N/A.

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There are formal provisions for ethnic recognition in constitutions or other laws.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

No. There are formal provisions for ethnic recognition in constitutions or other laws.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws.

De Jure Implementation: N/A.

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[6] US Department of State. 2014.

[7] Bochsler, Daniel. 2010. "Electoral rules and the representation of ethnic minorities in post-communist democracies." *European Yearbook of Minority Issues* 7, no. 2007/8: 153-180.

De Facto:

While ethnic Albanians are underrepresented in the judicial system, there are ethnic Albanian judges, though numbers are increasing. For example, "Only one of 13 students in the November 2013 class of the Judicial Academy, the institution responsible for initial and continuing education of judges and prosecutors, was ethnic Albanian; the rest were ethnic Macedonian. Ethnic Albanians were underrepresented in the justice system. As of July, 79 percent of judges were ethnic Macedonian and 15 percent were ethnic Albanian. Ethnic Macedonians represented 81 percent of the judicial court staff, while ethnic Albanians represented 14 percent."[8]

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5. Civil Service

	2017	
Overall	0.5	Partial
De Jure	0.5	
De Jure Implementation	0.5	
De Facto	0	

Evidence:

Partial. While the Ohrid Agreement states that employment in the public sector will include measure to ensure equitable representation of ethnic groups, and these guarantees have been provided for by the government to an extent for Albanians, minority groups continue to have difficulty accessing services and finding employment in the civil service and public sector.

De Jure:

Partial. The Annex C, Article 4.2 of the Ohrid Agreement states that "laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while respecting the rules concerning competence and integrity that govern public administration. The authorities will take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities."[9]

De Jure Implementation:

Partial. "As a result of the Ohrid Framework Agreement, important guarantees have been provided for ethnic Albanians, particularly as regards language use and participation in public life, including public-sector employment. However, ethnic Albanians remain overrepresented amongst the unemployed, still underrepresented in state employment, and those who live in areas where they do not constitute 20 per cent of the population face problems with language use in public administration and access to education in their mother tongue."[10] Further, the Roma are still discriminated extensively throughout the country, and especially in the public service.[11]

De Facto:

N/A.

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[8] US State Department. 2014.
[9] Ohrid Agreement, 2001. Annex C, Article 4.2.
[10] Minority Rights Group International. N.d. "Macedonia – Albanians" Available at: http://minorityrights.org/minorities/albanians-3/ Accessed: February 6, 2016
[11] Minority Rights Group International. N.d. "Macedonia – Roma" Available at: http://minorityrights.org/minorities/roma-11/ Accessed: February 6, 2016

6. Education

	2017	
Overall	0.5	Partial
De Jure	0.5	
De Jure Implementation	0.5	
De Facto	0	

Evidence:

Partial. The Ohrid Agreement provides the right of communities to establish schools and provide education in their own language. Further, the Albanian-language University of Tetovo is recognized by the state. However, Turkish and Roma students continue to be marginalized in schools.

De Jure:

Partial. The Ohrid Agreement requires that communities have the right to establish institutions for education in order to foster their development of culture and identity, further, they have the right to carry out instruction in their own language in primary and secondary school, although the Macedonian language must also be studied.[12] The agreement also requires that autonomy be provided to universities.[13]

De Jure Implementation:

Partial. According to the US Department of State, primary education is available in Macedonian, Albanian, Romani, Turkish, and Serbian languages and the number of minority students who obtain secondary education is increasing; however, Roma and Turkish students continue to be marginalized in schools.[14] The Albanian-language University of Tetovo has also been recognized by Macedonian authorities.[15]

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

De Jure:

Members of the Macedonian community have the right to language protections under the Ohrid agreement.[16] Further, the agreement specifies a commitment to "increase its assistance for projects in the area of media in order to further strengthen radio, TV and print media, including Albanian language and multiethnic media" as well as increase professional media training for members not in the majority in Macedonia.[17] Article 7 also stipulates that while the official language of Macedonia is Macedonian, any additional language wherein over 20% of the population speaks that

[12] Ohrid Agreement, 2001. Article 41; 44
[13] Ibid. Article 46.
[14] US Department of State, 2014; Minority Rights Group International. N.d. "Macedonia – Turkish" Available at: http://minorityrights.org/minorities/turks-3/ Accessed: February 6, 2016; see also Dikici, A. 2008. The Torbeshes of Macedonia: Religious and National Identity Questions of Macedonian-speaking Muslims. *Journal of Muslim Minority Affairs.* 28: 27-43, p. 38.
[15] Minority Rights, n.d. "Macadonia-Albanians"
[16] Ohrid Agreement, 2001. Article 48.1
[17] Ohrid Agreement, 2001. Article 48.6

language is also considered an official language.[18] As above, primary and secondary education are to be provided, in addition to the Macedonian language.[19] State funding is to be provided at the university level for education in languages spoken by at least 20% of the population,[20] and there are additional requirements of "positive discrimination" in State universities to ensure equitable enrolment reflecting the composition of the population of Macedonia.

De Jure Implementation:

Yes. See above re: implementation of language laws in education and other sectors.

De Facto:

N/A.

[18] Ohrid Agreement, 2001. Article 7.1
[19] Ibid. 6.1
[20] Ibid. 6.2

MADAGASCAR

Country Context and Overview:
The constitution of Madagascar launched the Fourth Republic of Madagascar and is generally seen as an attempt to consolidate power for Andry Rajoelina after a military-backed coup d'état against Marc Ravaloamanana.

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Constitutional Document(s):
Constitution of Madagascar, 2010

Ethnic Groups:[1]
Malayo-Indonesian (Merina and related Betsileo),
Cotiers (mixed African, Malayo-Indonesian, and Arab ancestry - Betsimisaraka, Tsimihety, Antaisaka, Sakalava),
French,
Indian,
Creole,
Comoran

Language(s):[2]
French (official),
Malagasy (official),
English.

Notes:

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[1] CIA WorldFactbook. 2017. "Madagascar" CIA WorldFactbook. Accessed April 26. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html
[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative/Assembly/Electoral

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

MALI

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0.5
Justice	0
Civil Service	1
Education	0.5
Language	0

Country Context and Overview:

The conflict is generally over Northern Malian rights – Tuareg in the North (region includes Northern Mali, Algeria, Niger, and Libya); and separatist movements demanding representation and/or their own state.

Constitutional Document(s):

Constitution of Mali (1992);
Pacte Nationale (1992).

Ethnic Groups:[1]

Bambara 34.1%,
Fulani (Peul) 14.7%,
Sarakole 10.8%,
Senufo 10.5%,
Dogon 8.9%,
Malinke 8.7%,
Bobo 2.9%,
Songhai 1.6%,
Tuareg 0.9%,
Other Malian 6.1%

Language(s):[2]

French (official),
Bambara 46.3%,
Peul/Foulfoulbe 9.4%,
Dogon 7.2%,
Maraka/Soninke 6.4%,
Malinke 5.6%,
Sonrhai/Djerma 5.6%,
Minianka 4.3%,
Tamacheq 3.5%,
Senoufo 2.6%,
Bobo 2.1%,
Onspecified 0.7%,
Other 6.3%;

Notes:

[1] CIA WorldFactbook. 2017. "Central African Republic." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html
[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Constitution provides only that the president be a native Malian; no mention of regional/ethnic structure of the executive branch in the constitution;[3] Peace Agreement (Pacte Nationale, 1992) allows for regional administration, but no evidence of ethnic recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	0	

Evidence:

The Pacte National and the Constitution stipulate regional autonomy for the North by providing additional seats to Northern regions.

De Jure:

Yes. Article 56 of the Constitution States: There will be, furthermore, one or two additional seats to ensure a fair representation of Malian populations ***essentially from the North but installed outside the country***, which will be part of those seats in the National Assembly which have been reserved for Malians living abroad.[4]

De Jure Implementation:

No. Following the 1992 peace agreement, the first National Assembly elections were held in April 1997. Nevertheless, the results of this election were cancelled by the Constitutional Court due to irregularities on 25 April 1997. Furthermore, the Tuareg political organization is fragmented, and has remained defined by traditional clan-based units.[5]

De Facto:
None Found.

[3] Constitution of Mali, 1992. Article 3.
[4] Constitution of Mali, 1992. Article 56.
[5] https://peaceaccords.nd.edu/provision/legislative-branch-reform-national-pact

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Partial. Officially, the MFUA forces were integrated into the formal armed forces of Mali; no ethnic group or regional currently dominates the security forces. Given that the MFUA represents the Tuareg ethnic group, this is considered de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:
Yes. The Pacte Nationale, Article 7A. an internal security corps will be instituted {Gendarmerie, Goum Guards, Police} composed of all sections of the local populations including integrated combatants from the Unified Movements and Fronts of Azawad (MFUA), which will be provided to local authorities within their police powers. Further, various rebel groups were explicitly integrated into the armed forces in 1996,[6] although as of 2012, no ethnic group dominates the government or security forces.[7]

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The judiciary, whose members are appointed by the president under the constitution, is beholden to the executive[8]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

[6] peaceaccords.nd.edu
[7] freedomhouse.org, 2015
[8] Ibid.

5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

Yes. Pacte nationale stipulates taking into account the northern Malians civil servants into government[9]

De Jure:

Yes. The Pacte Nationale, Article 53 states: "… the Government will make an effort while taking account of the qualifications required - to integrate officials from the Movements and people from among the populations of Northern Mali, into the various organs of the public and semi-public services."[10]

De Jure Implementation:

Yes. Integration into the public administration took place in 1996. This integration of a portion of the former combatants completes the civil administration reform that was agreed upon in the National Pact of 1992.[11]

De Facto:

N/A.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Partial. Specific References to Northern education autonomy; however general focus is on universal education.

De Jure:

Yes. The Pacte Nationale states "National unity requires equal rights and duties for all Malian citizens, it will find its best guarantee in an educational and training program fairly applied across the country. In this regard, a special program for civil and military training and education will be hired for the populations of northern Mali, program to be extended by a national map of egalitarian organization of education in the respective competencies each of the local, regional and national."[12]

De Jure Implementation:

N/A.

De Facto:
None Found.

[9] Ibid.
[10] Pacte Nationale. Article 53. See also Straus, 2015.
[11] Peace Accords.
[12] Pacte Nationale. Article 57.

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. French as an official language; no mention of local dialects or Arabic.[13]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

[13] Ibid.

MOLDOVA

Country Context and Overview:

Constitution signed and ratified after the 1991 Transnistrian War, between pro-Transnistria and pro-Moldovan forces.

	2017
Overall Score	
Executive	1
Legislative/Assembly/Electoral	0
Security	0.5
Justice	0.5
Civil Service	0.5
Education	0.5
Language	1

Constitutional Document(s):

Constitution of the Republic of Moldova, 1994

Ethnic Groups:[1]

Moldovan 75.1%,
Romanian 7%,
Ukrainian 6.6%,
Gagauz 4.6%,
Russian 4.1%,
Bulgarian 1.9%,
Other 0.8% (2014 est.)

Language(s):[2]

Moldovan/Romanian 80.2% (official) (56.7% identify their mother tongue as Moldovan, which is virtually the same as Romanian; 23.5% identify Romanian as their mother tongue), Russian 9.7%, Gagauz 4.2% (a Turkish language), Ukrainian 3.9%, Bulgarian 1.5%, Romani 0.3%, other 0.2% (2014 est.)

Note:

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[1] CIA WorldFactbook. 2017. "Moldova." CIA WorldFactbook. Accessed January 4, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Moldovans are senior partners, the Russian speakers are junior partners, the Transnistrians have separatist autonomy and Gagauz have regional autonomy, and the Bulgarians are powerless, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Article 24 and Article 78 contain provisions for minority members in the executive branch. These have been implemented as required.

De Jure:

Yes. Article 24 of the constitution requires that national minorities must be represented in approximate proportions to their overall population distribution in the executive and judicial power.[3] The Constitution and Code of Elections also "grant all the citizens regardless of their ethnic origin and knowledge of the official language equal rights to elect and to be elected. The exception is a candidate to the post of the Moldovan President and Bashkan of Gagauzia. The former must know Moldovan (Article 78(2)), the latter Gagauzian"[4]

De Jure Implementation:

Yes. The Moldovan President and Bashkan of Gaguazia are elected according to the requirements state above.

De Facto:

N/A.

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2. Legislative

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

No. There are no provisions that for ethnic recognition in the constitution or other laws.

De Jure:

No. While Article 24 of the Constitution requires that person belonging to the national minorities shall be represented in the Parliament and in the local councils through elections,[5] the "Moldovan constitution was less successful in providing guarantees for the representation of ethnic groups in elected bodies. The

[3] Constitution of the Republic of Moldova, 1994. Article 24; Law Concerning Rights of National Minorities, Chapter IV:, see also http://www.usefoundation.org/view/437

[4] Council of Europe. 2003. *Comments of the Government of the Republic of Moldova on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Moldova*. Available at: http://www.refworld.org/country/MDA.html; p. 15

[5] Constitution of the Republic of Moldova, 1994. Article 23. Law Concerning Rights of National Minorities, Chapter IV:, see also http://www.usefoundation.org/view/437

Moldovan constitution does not provide ethnic quotas for parliament nor uninominal electoral circumscriptions."[6]

De Jure Implementation:

N/A. Further, "Although some of the representatives of the national minorities claimed it would be beneficial for the country's representation to have 'reserved seats' in the unicameral Moldovan Parliament, so far this has been not seriously discussed by the national legislative, since it considers the equality principle – providing no discrimination (positive or negative) to the citizens – as a morally acceptable solution."[7] Most political parties "do not regulate strict quotas or other rules in their statutes for women as well as religious, ethnic or, other kinds of minorities."[8]

De Facto:

None found. Further, "The Gagauz minority in the southern part of Moldova is only one of many groups that *de facto* are excluded through national legal thresholds from entering parliament with their own party. The 6% threshold (until 1998, 4%) rules out any attempts to form a party of the Gagauz, who account for only 4.4% of the national population."[9]

---

3. Security

	2017	
Overall	1	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

Partial. While Article 24 requires that national minorities be represented in the army, there is no indication that this is the case.

De Jure

Yes. Article 24 requires that "Persons belonging to the national minorities have the right to be represented approximately proportionally in all levels of the executive and judicial powers, in the army, and in the official institutions of the state."[10]

De Jure Implementation:

No. The implementation mechanism of Article 24 of Moldova's Law on the rights of persons belonging to national minorities and legal status of their organizations No.382 of 07.19.2001 is not created."[11]

De Facto:

None Found.

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[6] Ethno-political Conflict in Moldova. n.d. Available at: http://www.bundesheer.at/pdf_pool/publikationen/wg3-sofransky.pdf; see also Mutneau, I. 2010. *Political Parties Legislation in Moldova: Review and Recommendations for Reform:* 175.

[7] Mutneau, I. 2010; p. 175.

[8] Ibid. see also: Putină, N. 2014. "Real and Imagined Borders in the Multiethnic States -- The Republic of Moldova Case." *Eurolimes*. Vol. 17, p107-122

[9] http://www.bochsler.eu/publi/Bochsler_eymi_edit1.pdf

[10] Constitution of the Republic of Moldova, Article 24.

[11] www2.ohchr.org/english/bodies/cescr/docs/ngos/CHRM_MoldovaWG44.doc

4. Justice

	2017	
Overall	1	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

Partial. See above, re: Article 24 and its implementation.

De Jure

Yes. Article 24 requires that "Persons belonging to the national minorities have the right to be represented approximately proportionally in all levels of the executive and judicial powers, in the army, and in the official institutions of the state."[12]

De Jure Implementation:

No. The implementation mechanism of Article 24 of Moldova's Law on the rights of persons belonging to national minorities and legal status of their organizations No.382 of 07.19.2001 is not created."[13]

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	1	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

Partial. See above, re: Article 24 and its implementation.

De Jure

Yes. Article 24 requires that "Persons belonging to the national minorities have the right to be represented approximately proportionally in all levels of the executive and judicial powers, in the army, and in the official institutions of the state."[14]

De Jure Implementation:

No. The implementation mechanism of Article 24 of Moldova's Law on the rights of persons belonging to national minorities and legal status of their organizations No.382 of 07.19.2001 is not created.[15] Further, "The local administration reform carried out in 2001-02 had direct negative effects on the Gagauz autonomy and potentially negative effects for the process of the greater self-management of the compactly populated national minorities. The administrative reforms have affected financial capacity of the local authorities; have excessively centralized a number of decision-making processes. The new Law on Public Administration represents the end of local public administration in the Republic of Moldova."[16]

De Facto:

None Found

[12] Constitution of the Republic of Moldova, Article 24.
[13] www2.ohchr.org/english/bodies/cescr/docs/ngos/CHRM_MoldovaWG44.doc
[14] Constitution of the Republic of Moldova, Article 24.
[15] www2.ohchr.org/english/bodies/cescr/docs/ngos/CHRM_MoldovaWG44.doc
[16] Moldova Implementation of Law on National Minorities).

6. Education

	2017	
Overall	1	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

Partial. While the law guarantees the rights of minorities in education, there has been little implementation.

De Jure:

Yes. Article 35 of the Constitution ensures that people have the right to choose the language for teaching and training, though the study of the official language is also required; further, the State guarantees freedom of religious education.

Article 6 further guarantees the right of minorities to attend primary, secondary, (general and vocational), higher, and postgraduate education in the Moldovan and Russian languages, and shall provide conditions for the exercise of said right to education and instruction in the mother tongue (Ukrainian, Gagauz, Bulgarian, Jewish, Yiddish etc.). This article also enshrines the right of minorities to obtain a higher education.[17]

De Jure Implementation:

No. Further, the separatist government in Transnistria outlawed the use of Moldovan in education, and parents whose children were studying in Romania or Moldova were dismissed from their positions.[18] The law itself is very weak on guaranteeing the rights of national minorities in education.[19]

De Facto:

None Found.

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7. Language

	2017	
Overall	1	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A	

Evidence:

De Jure:

Yes. Article 13 of the Constitution notes that while the official language is Moldovan, the state must "acknowledge and protect the right to the preservation, development and use of the Russian language and other languages spoken within the territory of the State."[20] **Article 20 additionally requires that "p**ublic information directly concerning the protection of health, public order and the security of citizens, as well as visual information displayed in the institutions of the Ministry of the Interior, Ministry of Justice, General Attorney, in health institutions in the important cities and towns, in means of transportation, stations and ports, in airports and on the highways, shall be inscribed in both Moldovan and Russian"; and that "in localities with a special autonomy status, information in paragraph (1) above may be inscribed in other official languages, as provided for in the laws granting such autonomy status. In territories where persons belonging to the national minorities amount to a significant

[17] Law Concerning Rights of National Minorities, Chapter II:, see also http://www.usefoundation.org/view/437
[18] Moldova Implementation of Law on National Minorities
[19] Ibid.
[20] Constitution of the Republic of Moldova. 1994. Article 13.

percentage of the population, information in paragraph (1) above shall be published, where necessary, also in the language of the respective minority."[21]

De Jure Implementation:

Yes. The Moldovan parliament established the Department of National Relations and Language Use in 1998. The Department is required to "promote official Moldovan policy in the area of national relations, to represent the interests of the majority ethnic group and of the cohabiting national minorities in the state administrative bodies and to ensure that use of the official state language and other languages spoken in the territory of the Republic of Moldova conforms with the linguistic legislation in force." [22]

De Facto:

None found. See above comments re: education.

[21] Ibid. Article 20.
[22] http://www.refworld.org/pdfid/4254f9004.pdf

MOZAMBIQUE

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0.5
Civil Service	0
Education	0.5
Language	0

Country Context and Overview:

The Mozambican civil war began in 1977 and lasted until 1992, with the signing of the Rome Accords. Fighting was primarily between the Front for Liberation of Mozambique (FRELIMO) and the Mozambique Resistance Movement (RENAMO).

Constitutional Document(s):

Rome Accords, 1992
Constitution of Mozambique, 2004

Ethnic Groups:[1]

Tsonga-Chopi, 28.7%
Makonde-Yao, 6.7%
Shona-Ndau, 9.8%

Language(s):[2]

Emakhuwa 25.3%,
Portuguese (official) 10.7%,
Xichangana 10.3%,
Cisena 7.5%,
Elomwe 7%,
Echuwabo 5.1%,
other Mozambican languages 30.1%,
other 0.3%,
unspecified 3.7%

Notes:

- The preamble to the constitution requires the protection and the inclusion of ethnic, cultural and religious minority groups.
- Note: analysis presented here does not include the new constitution of the Central African Republic, ratified in 2013.

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[1] CIA WorldFactbook. 2017. "Mozambique." CIA WorldFactbook. Accessed May 27. https://www.cia.gov/library/publications/the-world-factbook/geos/mz.html; According to the Ethnic Power Relations Dataset, the Tsonga-Chopi are the dominant ethnic group, while all other groups are considered powerless. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.[3]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

---

2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution bans ethnic parties, FRELIMO and RENAMO both continue to have seats in the parliament. The groups are not exclusive to one ethnicity; however they do tend to be dominated by one group.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. Further, "political parties are expressly prohibited from identifying exclusively with any religious or ethnic group."[4]

De Jure Implementation:

N/A.

[3] Constitution of Mozambique, 2004. Article 147.
[4] https://freedomhouse.org/report/freedom-world/2015/mozambique

De Facto:

The legislature has three main political parties, Frelimo, Renamo, and MDM, that all draw from multiple ethnic groups, though certain ethnicities dominate each party's leadership.[5] Ultimately, party affiliation tends to cause more tensions then ethnicity.[6]

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.[7]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0.5	Partia
De Jure	1	
De Jure Implementation	0	
De Facto	0	

Evidence:

Partial. While the constitution officially recognizes traditional authorities, there is no evidence of implementation.

De Jure:

Yes. Article 118 of the constitution states: "The State shall recognise and esteem traditional authority that is legitimate according to the people and to customary law… The State shall define the relationship between traditional authority and other institutions and the part that traditional authority should play in the economic, social and cultural affairs of the country, in accordance with the law."[8]

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[5] http://www.worldpoliticsreview.com/articles/17725/political-tensions-threaten-mozambique-s-tenuous-peace
[6] https://freedomhouse.org/sites/default/files/inline_images/MozambiqueFINAL.pdf
[7] Constitution of Mozambique, 2004. Article 147.
[8] Const. of Mozambique. Article 118.

De Jure Implementation:

None Found.

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.[9]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Partial. There are no formal recognition clauses in the constitution, however there is

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

[9] Constitution of Mozambique, 2004. Article 147.

De Facto:

Yes. "… a dual education policy of Portuguese and a national language is operating in in Mozambique. In the great majority of the country's 8000+ primary schools, Portuguese is the language of instruction. This is the only language policy mentioned in the national Education Strategy Plan for 2012-2016 (Ministry of Education 2012) or in the World Bank's 2012 report on education reform in Mozambique (Fox, Santibañez, Nguyen and André 2012). Two pilot bilingual education programmes have been operating since 1993: the first was a 5-year (1993-1997) bilingual education experiment in two languages of Mozambique, called Projecto de Escolarização Bilingue em Moçambique (Bilingual Schooling Project in Mozambique, PEBIMO)… By 2013, the programme was operating in 370 schools in 10 provinces, using 16 Mozambican languages (Capra International, 2013); as of 2015, 551 schools and 98,000 students were part of the programme."[10]

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7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.[11]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

[10] https://www.unicef.org/esaro/UNICEF(2016)LanguageandLearning-Mozambique.pdf
[11] Constitution of Mozambique, 2004. Article 147.

MYANMAR

	2017
Overall Score	1
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:

Myanmar's ethnic conflict is one of the longest running civil wars, dating back to 1948. Major conflicts occurred in Kachin, Kayah, Kayin, Rakhine, and Shan states over minority rights.[1]

Constitutional Document(s):

Constitution of the Union of Myanmar, 2008

Ethnic Groups:[2]

Baya, 33%[3]
Burman, 68%,
Shan, 9%
Karen, 7%
Rakhine, 4%
Chinese, 3%
Indian (2%), Mon (2%), other (5%).
Myanmar's government recognizes 135 ethnic groups, while they are grouped into 7 major national ethnic groups: Chin, Kachin, Kayin, Kayah, Mon, Rakhine, Shan[4]

Language(s):[5]

French (official)
Sangho (lingua franca and national language)

Notes:

[1] Vollan, Mr Kåre, Nils A. Butenschøn, and Mr Øyvind Stiansen. 2015. Power-sharing in Conflict-ridden Societies: Challenges for Building Peace and Democratic Stability: Ashgate Publishing, Ltd.
[2] CIA WorldFactbook. 2017. "Myanmar." CIA WorldFactbook. Accessed June 5. https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html
[3] According to the Ethnic Power Relations Dataset, the Burman are the dominant ethnic group, while all other groups are considered powerless or have regional/separatist autonomy. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009
[4] Article 49 of the Constitution
[5] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

The constitution does state that the executive branch power is to be shared among various regions, but does not explicitly state the names of ethnic groups.

De Jure:

None found.

De Jure Implementation:

N/A.

De Facto:

Yes. Article 17.a. of the constitution states that the executive power of the Union is shared among the Pyidaungsu, Regions and States; Self-Administrative power shall be shared between Self-Administered Areas as prescribed by this Constitution." Further, it states that the country consists of seven Regions and seven States that are of equal status (Article 9.a). The article 11.b states that executive, legislative and judiciary power are shared among the Union (Myanmar), regions, states, and self-administered areas. Given that these regions are closely aligned with ethnicity, this is considered de facto recognition. That said, there is limited evidence that this power sharing arrangement has been implemented to any extent.[6]

---

2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

The constitution does state that the executive branch power is to be shared among various regions of the country.

De Jure:

None Found.

De Jure Implementation:

N/A.

De Facto:

States and Regions have their own legislative bodies, called Region Hluttaw or State Hluttaw. The same article states that one of the Hluttaws' members are elected on the basis of township as well as population, and the other one is on an equal number of representatives elected from Regions and States. Article 99 gives

[6] Vollan, Mr Kåre, Nils A. Butenschøn, and Mr Øyvind Stiansen. 2015. Power-sharing in Conflict-ridden Societies: Challenges for Building Peace and Democratic Stability: Ashgate Publishing, Ltd.

the Assembly of the Union to legislate on the matters for which legislative powers are vested to the region or state Hluttaws. Article 188 ensures the right for State and Region Hluttaws to enact laws for the entire or any part of the Region or State.[7]

For Pyithu Hluttaw, the electoral system is plurality vote in single member constituencies, smaller ethnic parties tended to be represented roughly in proportion to their share of the votes.[8] Further, reforms are argued to be providing more representation for ethnic minority parties.[9] But, military's role as gatekeeper is unchanged,[10] and this new system is called "electoral authoritarianism" by some.[11]

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No evidence of ethnic recognition or ethnic quotas for the armed forces or police.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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[7] Constitution of the Union of Myanmar. 2008.
[8] Vollan, Mr Kåre, Nils A. Butenschøn, and Mr Øyvind Stiansen. 2015. Power-sharing in Conflict-ridden Societies: Challenges for Building Peace and Democratic Stability: Ashgate Publishing, Ltd.
[9] Nilsen, Marte, and Stein Tønnesen. 2013. "Political parties and peacebuilding in Myanmar." *Peace Research Institute Oslo Policy Brief* no. 5:2013.
[10] Buente, Marco. 2008. "Myanmar: The Changing Face of Authoritarianism." *Journal of Current Southeast Asian Affairs* no. 27 (2):75-88.
[11] Macdonald, Adam P. 2013. "From Military Rule to Electoral Authoritarianism: The Reconfiguration of Power in Myanmar and its Future." *Asian Affairs: An American Review* 40, no. 1: 20-36. *International Security & Counter Terrorism Reference Center*, EBSCO*host* (accessed March 8, 2016).

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of judicial ethnic recognition or quotas.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no ethnic recognition requirements or quotas in the civil serve.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no recognition of ethnic groups or diversity in education, nor is there any local or autonomous control of the systems.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The official language of Myanmar is Myanmar, there is no recognition of other languages in official institutions.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

NEPAL

Country Context and Overview:

Nepal has a history of civil war between 1996 and 2006, between the state and Communist Party of Nepal, which is a Maoist party. The conflict began after the Maoist party was not allowed to participate in a national election. The conflict ended with Comprehensive Peace Accord in 2006.[1]

	2017
Overall Score	4.5
Executive	1
Legislative/Assembly/Electoral	1
Security	1
Justice	0
Civil Service	0.5
Education	0.5
Language	0.5

Constitutional Document(s):

Comprehensive Peace Accord, 2006
Interim Constitution, 2007.

Ethnic Groups:[2]

Chhettri 16.6%,	Brahman-Hill 12.2%,	Magar 7.1%,	Tharu 6.6%,
Tamang 5.8%,	Newar 5%,	Kami 4.8%,	Muslim 4.4%,
Yadav 4%,	Rai 2.3%,	Gurung 2%,	Damai/Dholii 1.8%,
Thakuri 1.6%,	Limbu 1.5%,	Sarki 1.4%,	Teli 1.4%,
Chamar/Harijan/Ram 1.3%,		Koiri/Kushwaha 1.2%,	
Other 19%			

Language(s):[3]

Nepali (official) 44.6%,	Maithali 11.7%,	Bhojpuri 6%,	Tharu 5.8%,
Tamang 5.1%,	Newar 3.2%,	Magar 3%,	Bajjika 3%,
Urdu 2.6%,	Avadhi 1.9%,	Limbu 1.3%,	Gurung 1.2%,
Other 10.4%,	Unspecified 0.2%		

*123 languages reported as mother tongue in 2011 national census

Note:

Maoists chose Kham-Magar country as their stronghold, where identity politics were unheard in the early 1980s, and Maoists located themselves in tribal areas[4]. At the beginning of the 1990s, many groups were repressed in order to create a Nepali national identity, and the People's Movement became the chance for this repressed diversity to come out into the open, and the ethnic movements were organized primarily around three themes: land, language, religion[5].

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[1] Murthy, Padmaja. 2003. "Understanding Nepal maoists' demands: Revisiting events of 1990." *Strategic Analysis* 27, no. 1: 41. *Publisher Provided Full Text Searching File*, EBSCO*host* (accessed March 5, 2016).

[2] CIA WorldFactbook. 2017. "Nepal." CIA WorldFactbook. Accessed January 5, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/np.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Chhettri/Hill Brahmins (excluding Thakuri) and Madhesi are senior partners, Adivasi/Janajati are junior partners, and the Dalits (Hill and Tarai) are discriminated. see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[3] CIA WorldFactbook. 2017.

[4] De Sales, Anne. 2003. "The Kham Magar country: between ethnic claims and Maoism." *Resistance and the state: Nepalese experiences*:326-57.

[5] ibid.

1. Executive

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. There is ethnic recognition in the Council of Ministers, as well as in the demarcation of the provincial boundaries.

De Jure:

Yes. Executive power of Nepal is vested in the Council of Ministers. The Interim Constitution requires political consensus for the constitution of the Council of Ministers (Articles 37 and 38). Article 38 goes on by explaining "consensus" as: "political consensus reached between the seven parties- Nepali Congress, NCPN(UML), Nepali Congress (Democratic), Janamorcha Nepal, Nepal Sadbhawana Party (Anandidevi), Nepal Majdur Kisan Party, Samyukta Bam Morcha Nepal and NCP(Maoist) on 22 Kartik 2063 (November 8, 2006)." [6]

De Jure Implementation:

Yes. "According to the draft constitution, Nepal shall have eight provinces based on five criteria of identity (ethnicity/community, language, culture, geography/territorial continuity and historical continuity) and four criteria of capability (economic interdependence, and capability; status of infrastructure development, possibilities; availability of natural resources; administrative feasibility). The Nepal government will form a federal commission to recommend the demarcation of federal provinces. Two third majority of all members of the provincial assemblies will name the provinces" [7]

De Facto:

N/A.

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2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes.

De Jure:

Yes. Article 142 requires the parties to be non-discriminative towards Nepali citizens, and it forbids becoming a political party member on the basis of religion, caste, tribe, language or sex. The same article also requires the parties to include members in the executive committee from neglected and suppressed regions including the Women and Dalits. Additionally, 73 members from and on behalf of NCP (Maoist) and 48 members "from among the Samyukta Bam Morcha, people based and professional organizations, class organizations and professional bodies,

[6] Kiyoko, Ogura. 2010. "Seeking state power: the communist party of Nepal (Maoist)." *OAIster*, EBSCO*host* (accessed March 5, 2016).

[7] https://peaceaccords.nd.edu/accord/comprehensive-peace-agreement

oppressed tribe, backward region, indigenous tribe, women and various political personalities nominated through understanding."[8]

De Jure Implementation:

Yes. It is argued that although the new structure is more inclusive and representative, progress has been slow, and disagreements between the former elites still impact politics of the country.[9] Nepal is a case of inclusive parliament and inclusive government, without a democracy[10].

De Facto:

N/A.

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3. Security

Evidence:

Yes. The army does have explicit quotas for integration of the Madheshi, which have been implemented, though slowly.

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

De Jure:

Yes. Article 144 of the Nepali Constitution states that the Council of Ministers shall control, mobilize, and manage the Nepal Army in accordance with the law, and it should formulate an extensive work plan for the democratization of the Nepal Army with the consent of the political parties.The same article continues by saying that: "In the case of formulating and implementing the action plan pursuant to clause (3) above, determination of the appropriate number of Nepal Army, its democratic structure and national and inclusive character shall be developed, and training shall be imparted to the army in accordance with the norms and values of democracy and human rights." Article 146 gives an interim provision for supervision, integration, and rehabilitation of the combatants of the Maoist army. Further, "In order to conform to Nepali State Law, which requires that 45 percent of all vacant government positions should be reserved for excluded groups, the army in 2006 amended its Army Act. Out of the 45 percent of reserved posts, 28 percent are for people from the Madheshi community or, in other words, 12.6 percent of all vacant posts are reserved for Madheshi. To further promote inclusion the Nepal Army established a separate battalion (approximately 790 posts) for the Madheshi community in 2006."[11]

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[8] https://peaceaccords.nd.edu/accord/comprehensive-peace-agreement

[9] Ghai, Yash. 2011. "Ethnic identity, participation and social justice: A constitution for new Nepal?" *International Journal on Minority and Group Rights* no. 18 (3):309-334.

[10] Bogaards, Matthijs. 2013. "The Choice for Proportional Representation: Electoral System Design in Peace Agreements." *Civil Wars* 15, 71-87. *International Security & Counter Terrorism Reference Center*, EBSCO*host* (accessed March 5, 2016).

[11] Un Document

De Jure Implementation:

Yes. However, an article written in 2009 argues that the issue of integration was still not resolved.[12] Another compares the reality and outcome of sociopolitical integration to the expectations and preconceptions of involved parties.[13]

De Facto:

N/A.

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4. Justice

Evidence:

No. There are no provisions for ethnic recognition in the judiciary.

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

De Jure:

No. The are no provisions for ethnic recognition in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. In fact, In Susan Hangen (2007, p.10)[14], it is possible to see that 77% of the Judiciary members were Caste hill Hindu elite.

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5. Civil Service

Evidence:

Partial. There are laws requiring representation of the indigenous communities in the civil service, however there is little evidence to suggest that these quotas have been met.

	2017	
Overall	0.5	Partial.
De Jure	1	
De Jure Implementation	0	
De Facto	N/A.	

[12] Whelpton, John. 2009. "Nepal and Bhutan in 2008: A New Beginning?." *Asian Survey*, 2009. 53. *JSTOR Journals*, EBSCO*host* (accessed March 5, 2016).

[13] BHANDARI, CHIRANJIBI. 2015. "The Reintegration of Maoist Ex-Combatants in Nepal." *Economic & Political Weekly* 50, no. 9: 63. *Publisher Provided Full Text Searching File*, EBSCO*host* (accessed March 5, 2016); see also: UN Resident and Humanitarian Coordinator's Office. 2013. "Field Bulletin. Inclusiveness of the Nepal Army: Why is the Madheshi community under-represented." UN: RCHC Office, Nepal.

[14] Hangen, Susan. 2007. "Creating a" new Nepal": The ethnic dimension." *Policy Studies* (34):I; see also: http://siteresources.worldbank.org/INTRANETSOCIALDEVELOPMENT/Resources/Bennett.rev.pdf

De Jure:

Yes. The draft constitution also has a provision for the representation of indigenous communities in the civil service, security forces, provincial and federal legislature. The draft constitution provides for the establishment of National Inclusive Commission, which is said to protect and promote the rights of indigenous people and those who are underrepresented in the state systems."[15]

De Jure Implementation:

None found. Similar to the judiciary above, "since the introduction of reservation policy in civil service in 2007, some improvement was expected. Available data however, shows a contrary result and discouraging trend in the inclusion of the excluded groups in the civil service. As the study by Awasthi and Adhikary (2012) demonstrates, the proportion of janajati and madhesi in existing officer level civil servants has decreased. For example, janajati representation has dropped to 12.27% in 2012 from 17. 49% in 2006 and madhesi representation decreased to 8.22% in 2012 from 9.94 in 2006."[16]

De Facto:

N/A.

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6. Education

Evidence:

Partial. Similar to the above civil service domain, there are clauses regarding mother tongue education and regional rights to education, however, there is no evidence that these reforms have been implemented.

	2017	
Overall	0.5	Partial.
De Jure	1	
De Jure Implementation	0	
De Facto	N/A.	

De Jure:

Yes. The Article 17 of the Constitution provides each community the right to get basic education in their mother tongue as provided for in the law. The article goes on to state: "(3) Each community residing in Nepal shall have the right to preserve and promote its language, script, culture, cultural civility and heritage." Further, "In an effort to reform the system and shift the incentives, in 2001 the parliament passed the Seventh Amendment of the Education Act, allowing management of local public schools to be handed over to School Management Committees (SMCs). The rules require at least one woman member but do not mandate Dalit or Janajati representation."[17]

[15] Peace Accords Matrix, 2015.
[16] Tamang, Mukta S. 2014. "Perspectives on Social Inclusion and Implications for Research in Nepal." *Perspectives on social inclusion and exclusion in Nepal*:11.
[17] World Bank.2014

De Jure Implementation:

None found. "Participation of both Dalits and women in the SMCs is low. Preventing elite capture and undue politicisation of SMCs is vital for their success, and is only possible through proper representation."[18] This is also true for higher education in Nepal, where indigenous representation is low.[19]

De Facto:

N/A.

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7. Language

Evidence:

	2017	
Overall	0.5	Partial.
De Jure	1	
De Jure Implementation	0	
De Facto	N/A.	

De Jure:

Yes. Article 5 of the Constitution recognizes all the languages spoken as native languages in Nepal as the national languages, and requires the state to take the necessary precautions to enable the use of the native languages in local bodies. If necessary, state shall translate the languages so that they would be used in official working languages.

De Jure Implementation:

None found.[20]

De Facto:

N/A.

[18] Ibid, and Khanal, Damodar. 2015. "Children from the Dalit community in rural Nepal: a challenge to inclusive education." *International Journal of Inclusive Education* no. 19 (7):710-720;

[19] Shrestha, Indira M. and Sanjaya K. Khanal. 2016. "Indigenization of Higher Education: Reflections from Nepal." In *Indigenous Culture, Education and Globalization*, 137-157. Springer.

[20] Phyak, Prem. 2013. "Language ideologies and local languages as the medium-of-instruction policy: A critical ethnography of a multilingual school in Nepal." *Current Issues in Language Planning* no. 14 (1):127-143.

NICARAGUA

Country Context and Overview:

Constitutional Document(s):

	2017
Overall Score	4.5
Executive	1
Legislative/Assembly/Electoral	1
Security	1
Justice	0
Civil Service	0.5
Education	0.5
Language	0.5

Ethnic Groups:[1]

Mestizo (mixed Amerindian and white) 69%,
White 17%,
Black 9%,
Amerindian 5%

Language(s):[2]

Spanish (official) 95.3%,
Miskito 2.2%,
Mestizo of the Caribbean coast 2%,
Other 0.5%

Note:

Article 181 in the constitution created two separate autonomous regions, the Northern Atlantic Autonomous Region (RAAN – Spanish abbreviation), and Southern Atlantic Autonomous Region (RAAS); these two areas comprise half of the country's landmass. The region's inhabitants, however, represent less than 10 per cent of the population (there being approximately 620,640 inhabitants in the Atlantic region).

[1] CIA WorldFactbook. 2017. "Nepal." CIA WorldFactbook. Accessed January 5, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/np.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Chhettri/Hill Brahmins (excluding Thakuri) and Madhesi are senior partners, Adivasi/Janajati are junior partners, and the Dalits (Hill and Tarai) are discriminated. see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto		

Evidence:

No. Federal autonomy is under the legislative branch.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. Federal autonomy of the RAAN and RAAS regions, which are ethnically aligned.

De Jure:

Yes. While the national electoral branch does not have any form of ethnic recognition, elections for the Regional Councils in each Autonomous regions, which based on ethnic groups, are conducted by the Supreme Electoral Council.[3] Article 16 of the Constitution states that Regional Council and the Regional Coordinator as the senior authorities of the Autonomous Regions and Articles 19 and 20 provide that each Regional Council shall be composed of 45 members elected by a ballot of the people, emphasis being placed on representation of every ethnic group in the region.[4]

De Jure Implementation:

Yes. As a part of the regional autonomy that is guaranteed, the autonomous regions have their own legislative systems. Sources indicate that problems were experienced throughout the implementation, however, legislative autonomy was implemented[5]. Some even argue that actions in Nicaragua represented a landmark for indigenous people in the Americas and beyond.[6] Further, "within the regions, in the March 2006 regional council elections, representatives from indigenous and Afro- Caribbean communities/Creoles won 23 seats (or 47.9 per cent), while Mestizo politicians took 25 (or 52.1 per cent) in the RAAN. In RAAS, the indigenous and Afro- Caribbean communities/Creoles and Garífuna took 19 seats (40.4 per cent) as

[3] The Atlantic Coast Autonomy Law, Nicaragua, 1987, Article 39.
[4] FADCANIC, n.d. "The Autonomous Regions of Nicaragua." http://www.fadcanic.org.ni/?q=node/17
[5] Campbell, Maia Sophia. 2007. "Right of Indigenous Peoples to Political Participation and the Case of Yatama v. Nicaragua, The." *Ariz. J. Int'l & Comp. L.* no. 24:499.
[6] Alvardo, Leonardo J. 2007. "Prospects and Challenges in the Implementation of Indigenous Peoples' Human Rights in International Law: Lessons from the Case of Awas Tingni v. Nicaragua." *Ariz. J. Int'l & Comp. L.* no. 24:609.

against 28 (59.6 per cent) for the Mestizo community members.74 Mestizo representatives make up the majority in both councils."[7] So, although the national electoral body does not have any obligation to include people from indigenous regions, the autonomous regions have elections for themselves. Articles also show that the regional bodies have been effective in national politics.[8] The authoritarian tendencies are not all gone, but the electoral democracy in Nicaragua seem to limit authoritarianism[9]

De Facto:

None Found.

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3. Security

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	N/A.	

Evidence:

Partial. While the Atlantic Coast Autonomy Law allocates provisions for the autonomous regions to be responsible for police and armed forces in the area, there is no indication that this has been implemented.

De Jure:

Yes. Article 15 of the Atlantic Coast Autonomy Law: "In Nicaragua, the defence of the Nation is based on the organized power of the people. In the Autonomous Regions, the Atlantic Coast Communities will hold the main responsibility for the defence of the nation within the framework of the Sandinista Popular Army, the Security Forces, and the Ministry of the Interior."[10]

De Jure Implementation:

No. The national police are in charge in the Autonomous Regions and national police conduct operations in the area.[11]

De Facto:

None Found.

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[7] http://minorityrights.org/wp-content/uploads/old-site-downloads/download-105-From-Conflict-to-Autonomy-in-Nicaragua-Lessons-Learnt.pd

[8] Anderson, Leslie E., and Lawrence C. Dodd. 2009. "Nicaragua: progress amid regress?" *Journal of Democracy* no. 20 (3):153-167.

[9] Anderson, Leslie E. 2006. "The Authoritarian Executive? Horizontal and Vertical Accountability in Nicaragua." *Latin American Politics and Society*, 2006. 141. *JSTOR Journals*, EBSCO*host* (accessed April 7, 2016).

[10] Atlantic Coast Autonomy Law, 1987. Article 15.

[11] https://dialogo-americas.com/en/articles/nicaraguan-police-military-battle-organized-crime-along-caribbean-coast

4. Justice

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The Atlantic Coast Autonomy Law provides judicial autonomy to the region. There are further program to increase access to judicial services in these areas.

De Jure:

Yes. The Atlantic Coast autonomy provisions include judicial provisions, especially with regards to land rights and legal pluralism.[12] Further, the Nicaraguan Supreme Court is supporting the Rural Judicial Facilitation (RJF) Program with the support of the Swedish International Development Cooperation Agency (SIDA)**.** They advise community members on legal issues and inform them of their legal rights. The facilitators are leaders who are recognized in and elected by their communities. They hold no political posts; the only academic requirement is that they must read and write. Community leaders participate as facilitators on a voluntary basis. [13]

De Jure Implementation:

Yes. The Rural Judicial Facilitators Program provided more judicial service to the people in rural parts.[14]

De Facto:

N/A.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:
No. There is no evidence of any quotas or provisions within the national civil service for groups.

De Jure:

No. There are no provisions for ethnic recognition the Constitution or any other laws, though the Atlantic Coast autonomy act, does suggest that the regions have control over their territorial administration, for example: "Under the terms of autonomy, regional authorities are charged with the provision of health, education, cultural, transport and community services in coordination with central government or the respective ministry. Furthermore, national development projects are prepared with the participation of

[12] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2580878

[13] Quintanilla, E. 2004. *Support for the Administration of Justice in Nicaragua. The Rural Judicial Facilitators Program*. Washington, DC: The World Bank.

[14] Barendrecht, Maurits, Margot Kokke, Martin Gramatikov, Robert Porter, Morly Frishman, and Andrea Morales. 2013. Impact assessment of the Facilitadores Judiciales programme in Nicaragua. WIDER Working Paper.; Kokke, Margot, and Pedro Vuskovic. 2010. "Legal empowerment of the poor in Nicaragua." *Available at SSRN 1674020*; Mouly, Cécile. 2013. "The Nicaraguan Peace Commissions: A Sustainable Bottom-Up Peace Infrastructure." *International Peacekeeping* no. 20 (1):48-66.

Atlantic administration and implemented in a manner sensitive to the interests of the region's communities."[15]

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

Yes. People in the Atlantic Coast Regions have the right to be educated in their own language and based on their own heritage and traditions.

De Jure:

Yes. Article 12 of the Atlantic Coast Autonomy Law states that members from this region are "To be educated in their own languages, through programmes that take into account their historical heritage, their traditions and the characteristics of their environment, all within the framework of the national education system."[16]

De Jure Implementation:

Sources indicate that the reforms were implemented, but not without challenges[17]. The first indigenous university was established in Nicaragua.[18]

De Facto:

None Found.

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[15] http://minorityrights.org/wp-content/uploads/old-site-downloads/download-105-From-Conflict-to-Autonomy-in-Nicaragua-Lessons-Learnt.pdf

[16] Atlantic Coast Autonomy Law, 1987. Article 12.

[17] Freeland, Jane. 2003. "Intercultural-bilingual education for an interethnic-plurilingual society? The case of Nicaragua's Caribbean Coast." *Comparative education* no. 39 (2):239-260.

[18] Stavenhagen, Rodolfo. 2008. "Building intercultural citizenship through education: a human rights approach." *European Journal of Education* no. 43 (2):161-179; Daniel, Patricia. 2006. "Towards designing an intercultural curriculum: A case study from the Atlantic coast of Nicaragua." *Journal of Teaching and Learning* no. 1 (1).

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

De Jure:

Yes. Article 11 of the Constitution recognizes the use of the Communities of the Atlantic Coast as regional official languages. Further, Article 90 states that "The communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and their values enrich the national culture. The State shall create special programs to enhance the exercise of these rights."[19]

De Jure Implementation:

Yes. Sources indicate that language recognition improved minority rights in Nicaragua[20]

De Facto:

None Found.

[19] Atlantic Coast Autonomy Law. 1987. Article 11; Article 90.

[20] Koskinen, A. 1995. "Language policy towards ethnic minorities in Northern Norway and on the Atlantic Coast of Nicaragua." *International Journal Of Educational Development* 15, no. 3: 221-230. *Scopus*®, EBSCO*host* (accessed April 8, 2016).

NIGERIA

	2017
Overall Score	4
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0
Justice	1
Civil Service	0.5
Education	1
Language	1

Country Context and Overview:

The 1999 Constitution restored Nigeria to a constitutional democracy after military rule by General Sani Abacha, who had siezed power in 1993 via military coup.

Constitutional Document(s):

Constitution of the Federal Republic of Nigeria, 1999

Ethnic Groups:[1]

Hausa and the Fulani 29%,
Yoruba 21%,
Igbo (Ibo) 18%,
Ijaw 10%,
Kanuri 4%,
Ibibio 3.5%,
Tiv 2.5%

Language(s):[2]

English (official),
Hausa,
Yoruba,
Igbo (Ibo),
Fulani,
Over 500 additional indigenous languages

Note:

In Nigeria, there is a practice or "zoning", wherein "political offices at the national, states and local governments are distributed or rotated to ensure that no part of any political configuration is short-changed or marginalized…. for maintaining unity and political balance which is necessitated by the logic that the more politically endowed zone does not dominate the politically disadvantaged zone with its economic advantage."[3]

[1] CIA WorldFactbook. 2017. "Nigeria." CIA WorldFactbook. Accessed January 8, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* the Yoruba and Mausa-Faluni are Senior Partners, the Igbo and Ijaw are Junior Partners, and the Tiv Autonomy, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

[3] Mbah, Anthony Egobueze. 2016. "Political Party Rebellion, Legislative Politics and Balance of Power in the 8th National Assembly of Nigeria." *Global Journal of Human-Social Science Research* 16, no. 1.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. While there are zoning provisions, as mentioned above, there is no direct mention of ethnic recognition at the executive level.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws. While Nigeria is a Federal Republic, there are no provisions for the federalization of the executive branch.[4]

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

Partial. While there are no formal provisions regarding ethnic recognition, there is a significant amount of heterogeneity of ethnicity in the National Assembly, in this case, the regional divisions are used as ethnic proxies.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. "There is overriding heterogeneity of perspectives in terms of party affiliation, ethnicity or state of origin among elected legislators in the National Assembly. Consequently, the National Assembly is used to balance ethnicity and region or zone. The Senate represents equality of State, while the House represents geographical spread."[5] However, "Nigeria avoided emphasis on ethnic divisions by using regional

[4] Rustad, Siri Aas. 2008. "Power Sharing and Conflict in Nigeria: Power Sharing Agreements, Negotiations and Peace Process." PRIO: Oslo, Norway. Available at: http://file.prio.no/Publication_files/Prio/Rustad%20%282008%29%20Power-sharing%20and%20Conflict%20in%20Nigeria%20%28CSCW%20Paper%29.pdf

[5] de Zwart, Frank. 2005. "The dilemma of recognition: Administrative categories and cultural diversity" *Theory and Society* vol. 34: 137–169

categories in federal state creation [as proxy for different ethnic groups"].[6] That is, there is is an explicit attempt to ensure diversity within the legislature.[7]

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3. Security

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There is a mixture of English common law, Islamic law, and traditional law throughout the country, and explicit requirements for judges in the Court of Appeals, as well as a Sharia Court of Appeal in the Federal Capital Territory of Abuja.

De Jure:

Yes. The Constitution requires that the shall be no less than three judges on the Court of Appeal versed in Islamic law and no less than three versed in Customary Law and further states that any person arrested must be provided with information regarding their arrest in a language he or she understands.[8] There is an additional requirement that there shall be a Sharia Court of Appeal in the Federal Capital Territory of Abuja.[9]

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[6] Ibid.
[7] Osaghae, Ehosha. 1998. *Crippled Giant: Nigeria since Independence*. Indiana University Press, Bloomington and Indianapolis, p. 115
[8] Constitution of the Federal Republic of Nigeria. 1999. Chapter VII. Part I. Section B. Article 237.2.b
[9] Constitution of the Federal Republic of Nigeria. 1999. Chapter VII. Part I. Section E. Article 260.1/2

De Jure Implementation:

Yes. According to the CIA World Factbook, there is a mixed legal system of English common law, Islamic law (in 12 northern states), and traditional law.[10]

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Partial. There are no formal provisions, however states/regions are used as ethnic proxies.

De Jure:

No. No formal provisions for ethnic recognition in the constitution or any other law.

De Jure Implementation:

N/A.

De Facto:

Yes. The Constitution requires that each state develop a civil service, in order to ensure "federal character.", wherein regions considered as proxies for ethnic groups.[11]

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6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Education is provided in a variety of indigenous and official languages.

De Jure:

Yes. The constitution requires the promotion of indigenous languages, as well as providing education in one of the three main languages of Hausa, Yoruba, and Ibo.[12]

[10] CIA World Factbook. 2017.
[11] Constitution of the Federal Republic of Nigeria. 1999. Chapter VI. Part II. Section C. Article 206/207. See also: Briggs, Biobele Richards. 2007. "Problems of recruitment in civil service: case of the Nigerian civil service." *African Journal of Business Management* 1, no. 6.
[12] Constitution of the Federal Republic of Nigeria. 1989. Chapter II. Section 19. See also: https://nigeria.usembassy.gov/nigeria_education_profile.html

De Jure Implementation:

Yes. "The language of instruction for the first three years is one of the main native languages (Hausa, Ibo, Yoruba). English is increasingly being adopted as the language of instruction for the last three years of primary school. Students are awarded the Primary School Leaving Certificate on completion of Grade 6, based on continuous assessment."[13] Further, "Nigeria equally develops a language policy that compels Secondary school students to study one of the major languages outside their ethnic root, and primary school pupils are to be taught in their language of immediate environment, while it forbids any allegiance to a national religion"[14]

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

De Jure:

Yes. The constitution states that three Nigerian indigenous languages, namely Hausa, Yoruba and Igbo, have been constitutionally recognized as 'major' languages.[15] The constitution requires the promotion of indigenous languages, as well as providing education in one of the three main languages of Hausa, Yoruba, and Ibo.[16] Further,

De Jure Implementation:

Yes. "Compared to other indigenous languages, each of these three languages (Hausa, Yoruba and Ibo) has received significant governmental attention manifested by language development, assignment of official functions, and frequency of use in national media, especially in electronic media (radio and TV). The development of a meta-language for use in technical functions, and the encouragement of literary productions in the indigenous languages, further illustrate such attention." [17]

De Facto:

N/A.

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[13] http://wenr.wes.org/2013/07/an-overview-of-education-in-nigeria
[14] Ibukun, W. O., and A. Aboluwodi. 2010. "Nigeria's national policy on education and the university curriculum in history: Implications for nation building." *Journal of Education and Practice* vol 1., no. 2: 1-17.
[15] Constitution of the Federal Republic of Nigeria. 1999. Chapter V. Part I. Section B. Article 55.
[16] Constitution of the Federal Republic of Nigeria. 1989. Chapter II. Section 19. See also: https://nigeria.usembassy.gov/nigeria_education_profile.html
[17] Adegbija, Efurosibina. 2004. "Language Policy and Planning in Nigeria." *Current Issues In Language Planning* 5, no. 3: 181-246. *ERIC*, EBSCO*host* (accessed November 21, 2016).

NIGER

Country Context and Overview:

The constitution of Niger was ratified in 1996 after a military coup by Ibrahim Baré Maïnassara.

	2017
Overall Score	4
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0.5
Justice	0.5
Civil Service	0.5
Education	1
Language	1

Constitutional Document(s):

ORA Agreement, 1995
Constitution of the Republic of Niger, 1996

Ethnic Groups:[1] (2006 est.)

Hausa 53.1%,
Zarma/Songhai 21.2%,
Tuareg 11%,
Fulani (Peul) 6.5%,
Kanuri 5.9%,
Gurma 0.8%,
Arab 0.4%,
Tubu 0.4%,
Other/unavailable 0.9%.

Language(s):[2]

French (official), Hausa, Djerma

Note:

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[1] CIA WorldFactbook. 2017. "Niger." CIA WorldFactbook. Accessed January 8, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/ng.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* the Djerma-Songhai are senior partners and Hausa are junior parnets, with all other groups powerless or irrelevant (2000-2010); however, from 1996-1999, the Djerma-Songhai were considered dominant see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. No formal provisions for ethnic recognition in constitution or other laws.

De Jure:

No formal provisions for ethnic recognition in constitutions or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

Partial. Federal Autonomy, the Peace agreement provides autonomy to the Niger Tuareg people to rule the Northern region. However, the agreement does not directly mention the Tuareg ethnicity, but it mentions ORA, which is a group representing the Tuareg.

De Jure:

No. The ORA recognizes the "Collectives Territoriales", but does not specify regarding ethnic group recognition, though these Collectives are provided with significant autonomy.[3]

De Jure Implementation:

N/A.

De Facto:

Yes. The April 1995 peace agreements provided for the decentralization of the government so that the Niger Tuareg community could manage the northern areas of the country, where it constituted the majority, in a more autonomous way. Further legislation was passed in 2002 to further solidify the decentralization.

[3] Peace Accords Matrix. 2015. "The Agreement between the Republic of Niger Government and the ORA." Available at: https://peaceaccords.nd.edu/accord/agreement-between-republic-niger-government-and-ora Accessed: April 16, 2017.

3. Security

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

Partial. Integration of ORA militants into the military. ORA is understood as the Tuareg rebellion group who were aiming to achieve autonomy/their own nation-state

De Jure:

No. No formal provisions found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. The 1995 Peace Agreement states that "A. Units with a special military status will be created in the regions of Aïr, Azawak and Kawar. The special status of these units (command, personnel management, recruitment, training, advancement) will be determined by texts of regulations on the proposition of an interdepartmental committee where representatives of the ORA also will be members. These units will have as their mission to guarantee the maintenance of order and of public security. Within the framework of their mission they will have to act in coordination with and complementing the classical forces of defence and security. The personnel of these units will be composed of demobilized elements from the ORA and of people coming from the affected regions."[4] And further that similar integration will within the national police forces.[5] Because ORA is understood as the Tuareg rebellion group who were aiming to achieve autonomy/their own nation-state.

As of 2005, Of the 7,014 ex-combatants registered to be demobilized and integrated and reintegrated, 2,074 ex-combatants were integrated in the Unités sahariennes de sécurité (Saharan Security Units), and in 2006: "A total of 2,074 rebel combatants were integrated into the security units, 3,960 former combatants were reintegrated back to socio-economic life, and integration/reintegration status of about 980 former rebel combatants is unknown."[6]

---

4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

Partial. The Customary Courts are recognized by the Rural Code, however, it does not cite ethnicities.

De Jure:

No. No formal provisions found in the constitution or other laws.

[4] ORA Agreement, 1995. Section IV, Clause 17.A.
[5] ORA Agreement, 1995. Section IV, Clause 17.B.
[6] Peace Accords Matrix, 2015.

De Jure Implementation:

N/A.

De Facto:

Yes. The Rural Code of Niger cites that traditional leadership as the depositary of customary authority. As such, it participates in the administration of the territory of the Republic in the conditions determined by the law. The traditional leadership is held to a strict obligation of neutrality and reserve. It is protected against any abuse of power tending to divert it from the role conferred on it by the law.[7] Further, customary courts are recognized by law and are largely based on Islamic law and local tradition.[8]

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5. Civil Service

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

Partial. The Peace agreement requires the ORA to be included in the civil service, however, it does not specify the Tuaregs**.**

De Jure:

No. No formal provisions found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. The 1995 Peace Agreement states that the Government must integrate demobilized elements from the ORA at all levels of the Public administration according to the criteria of competence and to the needs of the State.[9]

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6. Education

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The ORA agreement requires provision of education in Tuareg languages.

De Jure:

Yes. In the ORA agreement there are requirements to adapt school programming to social and cultural realities of the regions, including the promotion of national languages and writing, especially Tamachek and Tifinar [these are Tuareg languages and named], and further encourages the creation of institutions of

[7] Rural Code of Niger, Articles 1 and 2.
[8] US Department of State, 2009. "Niger." Available at : https://www.state.gov/j/drl/rls/hrrpt/2008/af/119017.htm Accessed: April 16, 2017
[9] ORA Agreement, 1995. Clause 3.

higher education in the regions in the North [indirect reference to Tuareg region in the North].[10] Clause 22 further encourages the employment of teaching staff from the regions in the North.

De Jure Implementation:

Yes. Peace Accords Matrix grades this as "intermediate implementation".[11]

De Facto:

N/A

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7. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

Yes.

De Jure:

Yes. See above provisions re: language of instruction in schools.

De Jure Implementation:

Yes. Peace Accords Matrix grades this as "intermediate implementation".[12] Further, Tamacheq and Tifinar languages were recognized as national languages by the government.[13]

De Facto:

N/A.

[10] ORA Agreement, 1995. Clause 22. C. 2.
[11] Peace Accords Matrix, 2015
[12] Ibid.
[13] Ibid. see also: http://www.thelinguafile.com/2015/06/country-profile-languages-of-niger.html#.WPPLc7ysnqo

PAKISTAN

Country Context and Overview:

	2017
Overall Score	5
Executive	0
Legislative/Assembly/Electoral	1
Security	1
Justice	1
Civil Service	1
Education	0.5
Language	0.5

Constitutional Document(s):

Constitution of the Islamic Republic of Pakistan, as modified through 2011.

Ethnic Groups:[1]

Punjabi 44.7%,
Pashtun (Pathan) 15.4%,
Sindhi 14.1%,
Sariaki 8.4%,
Muhajirs 7.6%,
Balochi 3.6%,
other 6.3%

Language(s):[2]

Punjabi 48%, Sindhi 12%, Saraiki (a Punjabi variant) 10%, Pashto (alternate name, Pashtu) 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official; lingua franca of Pakistani elite and most government ministries), Burushaski, and other 8%

Note:

Pakistan is a federal state wherein the units are autonomous with boundaries and limitations. The territories of Pakistan are Balochistan, Khyber and Pakthtunkhwa, the Punjab, and Sindh. Islamabad is the Capital Territory. There are also the federally administered tribal areas. Maryam Khan[3] argues that this type of region based politics led mobilization of ethnic power largely around ethnic and linguistic identities. Rehana Saheed[4] argues the same thing by saying that Pakistan is still facing problems in terms of national integration, and state's authoritarian policies to consolidate its national identity led more ethnic divisions. Provinces are largely understood to be ethnically-aligned.

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[1] CIA WorldFactbook. 2017. "Serbia." CIA WorldFactbook. Accessed January 9, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/ri.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Serbs are senior partners, Montenegrins are junior partners, and Albanians, Hungarians, Croats and Bosniaks/Muslims have regional autonomy (based on Yugoslavia Coding from 2000-2005) see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

[3] Khan, Maryam S. 2014. "Ethnic Federalism in Pakistan: Federal Design, Construction of Ethno-Linguistic Identity & Group Conflict." *Harv. J. Racial & Ethnic Just.* no. 30:77.

[4] Hashmi, Rehana Saeed. 2014. "Ethnic Politics: An Issue to National Integration (The Case of Pakistan)." *South Asian Studies (1026-678X)* 29, no. 1: 345-361. *Academic Search Complete*, EBSCO*host* (accessed February 19, 2016).

1. Executive

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There are no formal provisions regarding ethnic recognition in the executive branch.

De Jure:

No. No formal ethnic recognition in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found. Although, Article 147 of the Constitution: "Power of the Provinces to entrust functions to the Federation. Notwithstanding anything contained in the Constitution, the Government of a Province may, with the consent of the Federal Government, entrust, either conditionally or unconditionally, to the Federal Government, or to its officers, functions in relation to any matter to which the executive authority of the Province extends." [5] Additionally, "The Pakistani state after independence sought to unify the country around Islam (although Pakistan has never been a theocratic state) (Adeney 2007, 99–104). The Pakistani power elite, traditionally termed the ''Establishment,'' eschewed any recognition of ethnolinguistic identity, the recognition that provinces could adopt provincial languages in 1973 being the sole exception."[6] There is also a lack of representation for the Balochis and Sindhis in the center, in favor of the Punjabis.[7]

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2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. Pakistan is an ethnic-federation, such that the provinces have autonomous powers, in addition to provincial quotas in the central government.

De Jure:

Yes. Pakistan is a federation, wherein the provinces are understood to be ethnic-based. Article 1 that Pakistan consists of "the provinces of [Balochistan], the [Khyber Pakhtunkhwa], the Punjab and [Sindh];

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[5] Wikipedia Entry: List of Provincial Governments of Pakistan; see also: Adeney, Katharine. 2012. "A step towards inclusive federalism in Pakistan? The politics of the 18th Amendment." *Publius: The Journal of Federalism*:pjr055.

[6] Adeney, Katharine. 2012. "A step towards inclusive federalism in Pakistan? The politics of the 18th Amendment." *Publius: The Journal of Federalism*:pjr055.

[7] Adeney, Katharine. 2016. *Federalism and ethnic conflict regulation in India and Pakistan*. Springer. See also: Adeney, Katharine. 2009. "The Limitations of Non-consociational Federalism: The Example of Pakistan." *Ethnopolitics* 8, no. 1: 87-106; and Adeney, 2012.

2(c) the Federally administered Tribal Areas. Further, Article 5(3) state "The seats in the National Assembly…shall be allocated to each Province, the Federally Administered Tribal Areas."[8]

De Jure Implementation:

Yes. According, federal structure gives autonomy to the four main provinces, each historically identified with an ethno-linguistic group: the Punjabis, Sindhis, Balochis, and Pashtuns. The political identity of these groups was legally recognized in the Constitution, giving them a status distinct from that of other groups. The provisions for autonomy were, however, fully implemented only in the province of Sindh. "Article 51.3 clearly set quotas for the National Assembly. There are quotas for Balochistan (17 in total, at least 3 women), Khyber Pakhtunkhwa (43 in total, at least 8 women), Punjab (183 in total, at least 35 women), Sindh (75 in total, at least 14 women), Federally Administered Tribal (12) and Federal Capital (2). In addition, there shall be ten seats reserved for non-Muslims. The seats are allocated in accordance with the population census. The Senate also has official rules protecting representation of various groups."[9]

De Facto:

None found. Further, representative is ethnically skewed in favor of the Punjabis,[10] though much og the tension relating to the inequitable representation is a result of the fact that the quotas are provincial rather than ethnic. [11]

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3. Security

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. There are specific regiments in the army in order to address concerns regarding under-representation of ethnic groups.

De Jure:

Yes. Law enforcement in Pakistan is conducted by the federal and provincial police forces. The provincial police forces have provincial authority.[12] The Sind Regiment is an infantry regiment of the Pakistan Army established on 1 July 1980. Prior to this date there had been no regiment in the Pakistan Army specifically intended to recruit primarily from the Sindhi population. After 1989 the proportion of actual Sindhis in the Regiment was increased to over 50%. The Sind Regimental Centre is located in Hyderabad, Sindh, Pakistan." [13] Further, 18th Amendment was changed to address concerns about well-documented under-representation of certain groups in the core institutions of state such as the army and bureaucracy.[14]

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[8] Constitution of the Islamic Republic of Pakistan, 2010.
[9] Wikipedia Entry: List of Provincial Governments of Pakistan
[10] Wilkinson, Steven. 2000. Democratic consolidation and failure: Lessons from Bangladesh and Pakistan. Democratization 7 (3): 203–236.
[11] Adeney, Katharine. 2012.
[12] Abbas, Hassan. 2011. "Reforming Pakistan's Police and Law Enforcement Infrastructure." *US Institute of Peace, Washington, DC*.
[13] Wikipedia Entry: Quota System in Pakistan
[14] Adeney, Katharine. 2012.

De Jure Implementation:

Yes. Regiments in the Pakistan army include: Punjab Regiment, Baloch Regiment, Frontier Force Regiment, Azad Kashmir Regiment, Sind Regiment, Northern Light Infantry.

De Facto:

N/A.

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4. Justice

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes.

De Jure:

Yes. Each province also a High Court, which forms part of the superior judiciary.[15] The High Court supervises and controls all the courts subordinate to it. It appoints its own staff and frames rules of procedure for itself as well as courts subordinate to it.[16] The provincial governments fund the justice sector. The civil and criminal courts judges and their terms and conditions are regulated under the provincial rules. The High Court, however, exercises administrative control over such courts. [17]

De Jure Implementation:

Yes. Iram Khalid[18] argues that the judiciary fails to check an extra constitutional regime change, and puzzles the struggle for democracy. Anil Kalhan[19] argues that this institutional balance undermines Pakistan's representative institutions.

De Facto:

N/A.

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[15] Wikipedia Entry: List of Provincial Governments of Pakistan

[16] Hussain, Faqir. 2015. *The Judicial System of Pakistan.* Federal Judicial Academy: Islamabad, Pakistan; see also: Constitution of the Islamic Republic of Pakistan, Articles 203 and 208

[17] Hussain, Faqir. 2015.

[18] Khalid, Iram. 2012. "Role of Judiciary in the Evolvement of Democracy in Pakistan." *Journal Of Political Studies* 19, no. 2: 125-142. *International Security & Counter Terrorism Reference Center*, EBSCO*host* (accessed February 19, 2016).

[19] Kalhan, Anil. 2013. "Gray Zone" Constitutionalism and the Dilemma of Judicial Independence in Pakistan." *Vanderbilt Journal Of Transnational Law* 46, no. 1: 1-96. *Legal Source*, EBSCO*host* (accessed February 19, 2016).

5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. There are extensive quotas for civil service employment based on ethnicity and region.

De Jure:

Yes. "The distribution of positions in the civil service on the basis of regional quotas was due to growing consciousness of regional and ethnic pluralism in the in society, together with variations in term of economic and political development. The quota system was introduced initially for 5 years and despite various recommendations it still continues and is still controversial; especially in urban areas like Karachi and Lahore. Quota system is vulnerable to corruption, manipulation and reverse discrimination. Although it ensures trans-regional representation but, compromises on the quality."[20]

De Jure Implementation:

Yes. Since the initial quota system was implemented, **"**not only did the percentage of bureaucratic positions that are allocated through regional quotas go up to 90 percent, but also the number of positions that are subject to quotas increased due to the nationalization of several industries in the mid 1970s." [21]

De Facto:

N/A.

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6. Education

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

Partial.

De Jure:

No. There are no formal provisions for ethnic recognition in the constitution or other lines.

De Jure Implementation:

N/A.

De Facto:

Yes. Provincial institutions may teach in provincial languages, while the most common languages for education are English and Urdu. "However, the only provincial language which is used in education as well

[20] Khan, Tariq Hussain, Hassan Ali Khan, and M. Arshad Wariach. 2014. "Governance challenges in Public Sector: an Analysis of Governance and Efficiency Issues in Public Sector Institutions in Pakistan." *Governance* 4, no. 9.

[21] Jenkins, Laura D. 2016. "Disadvantaged Ethnic Groups: Employment and." *Ethnic Diversity and Public Policy: A Comparative Inquiry*: 192.

as in the lower administration and judiciary is Sindhi. Sindhi was used in Sindh ever since the British conquest and its use, as its supporters complain, is now less in the cities (especially Karachi) than it was in British days (Rahman 1996: Chapter 7)[22]. The only other language used by some schools upto class-5 and in the madrassas is Pashto. Except for these language, and in these restricted domains, Pakistan's indigenous languages are not used as media of instruction on for adult literacy in any part of Pakistan."[23]

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7. Language

	2017	
Overall	0.5	Partial.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

De Jure:

No. The national language of Pakistan is Urdu, and the English language may also be used for official purposes until arrangements are made for its replacement by Urdu.[24]

De Jure Implementation:

N/A.

De Facto:

Yes. The same article (251.3) also allows Provincial Assemblies to prescribe measures for promotion, teaching, and use of provincial languages.

[22] Rahman, Tariq. 1996. "Language and Polities in Pakistan Karachi": *Oxford University Press*

[23] Rahman, Tariq. 2004 "Language policy and localization in Pakistan: Proposal for a paradigmatic shift." In *SCALLA Conference on Computational Linguistics*, vol. 99, p. 100; see also: Roof, David J. 2015. "Problems of Common Interest: The Shaping of Education in Pakistan, 1970-2014." *Pakistan Journal Of Commerce & Social Sciences* 9, no. 1: 35-51. *Business Source Complete*, EBSCO*host* (accessed February 19, 2016); Hussain, Mahboob, and Yawar Haroon. 2014. "Nationalization of Education in Pakistan: Z. A. Bhutto's Policy and Implementation." *Journal Of Political Studies* 21, no. 1: 61-77. *International Security & Counter Terrorism Reference Center*, EBSCO*host* (accessed February 19, 2016).

[24] Constitution of the Islamic Republic of Pakistan. Article 251

PAPUA NEW GUINEA

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	1
Language	1

Country Context and Overview:
The Bougainville civil war was fought between 1988 and 1998 as a result of a secessionist movement from the Bougainville Revolutionary Army (BRA).

Constitutional Document(s):
Bougainville Peace Agreement, 2001

Ethnic Groups:[1]
Melanesian,
Papuan,
Negrito,
Micronesian,
Polynesian

Language(s):[2]
Tok Pisin (official),
English (official),
Hiri Motu (official),
839 indigenous languages spoken

Notes:

[1] CIA WorldFactbook. 2017. "Papua New Guinea." CIA WorldFactbook. Accessed December 11. https://www.cia.gov/library/publications/the-world-factbook/geos/pp.html
[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal provisions for ethnic recognition in the legislative branch.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

---

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no provisions for ethnic recognition or ethnic quotas in the judicial branch.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic quotas or recognition in the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There is an extensive elementary education program in mother tongue languages.

De Jure:

Yes. Papua New Guinea has an extensive mother tongue education program for elementary schools.[3]

De Jure Implementation:

Generally, the mother tongue education is considered to be a successful "Papua New Guinea was generally considered a remarkably successful example of a mother-tongue based bilingual education system in a very challenging multilingual context. While many countries claim that offering education in multiple languages is too costly and complex, the PNG example illustrates that it can indeed be done."[4] Furthermore, "Papua New Guinea (PNG) has taken a radically different approach to the use of the vernacular for literacy and basic education. It has over 850 vernacular languages (Grimes 1992), two pidgin lingua francas as national languages and English as the official language. With a population of over 4 million, the average vernacular language population is under 5,000.[5]

De Facto:
N/A.

[3] http://www.langlxmelanesia.com/LLM%20Vol.%2033_2_LITTERAL%20FINAL.pdf
[4]http://learningportal.iiep.unesco.org/en/controversy/document-controverse/mother-tongue-vs-lingua-franca/multilingual-instruction-in-papua-new-guinea; see: Klaus, David. "The use of indigenous languages in early basic education in Papua New Guinea: A model for elsewhere?" *Language and education* 17, no. 2 (2003): 105-111;
[5] Litteral, Robert. "Language Development in Papua New Guinea." *Retrieved November* 6 (1999): 2009.

7. Education

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There is an extensive elementary education program in mother tongue languages.

De Jure:

Yes. Papua New Guinea has an extensive mother tongue education program for elementary schools.[6] Additionally, language laws require that a person be informed of charges for criminal offenses in a language in which he or she understands.

De Jure Implementation:

Yes. Papua New Guinea provides kindergarten in approximately 380 indigenous languages, with plans to increase indigenous language education to another 90 languages in 2000.[7]

De facto: n/a

[6] http://www.langlxmelanesia.com/LLM%20Vol.%2033_2_LITTERAL%20FINAL.pdf
[7] Skutnabb-Kangas, Tove. 2002. "Marvelous Human Rights Rhetoric and Grim Realities: Language Rights in Education" *Journal of Language, Identity & Education*, *1*:3, 179-205.

PERU

Country Context and Overview:
The drafting of the 1993 Constitution followed the dissolution of parliament and the 1992 Peruvian constitutional crisis.

	2017
Overall Score	
Executive	0
Legislative/Assembly/Electoral	1
Security	0
Justice	0.5
Civil Service	0
Education	1
Language	1

Constitutional Document(s):
Constitution of Peru, 1993-2005.

Ethnic Groups:[1]
Amerindian 45%,
Mestizo (mixed Amerindian and white) 37%,
White 15%,
Black, Japanese, Chinese, and other 3%

Language(s):[2]
Spanish (official) 84.1%,
Quechua (official) 13%,
Aymara (official) 1.7%,
Ashaninka 0.3%,
Other native languages (includes a large number of minor Amazonian languages) 0.7%,
Other (includes foreign languages and sign language) 0.2% (2007 est.)

Note:

The major rebel group was *The Shining Path* (Maoist organization that is considered terrorist by the Peruvian government) is mostly comprised of Indians - native Peruvians who felt marginalized.[3]

Peru is also experiencing an ongoing decentralization dating back to the 1980s.[4]

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[1] CIA WorldFactbook. 2017. "Peru." CIA WorldFactbook. Accessed January 8, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Peruvians are considered dominant, whereas the Indigenous peoples are considered powerless see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

[3] http://www.encyclopedia.com/article-1G2-3410600073/peru-shining-path-revolution.html

[4] Salinas, Patricia Wilson, and Jose M. Garzon. 1985. "Prospects for political decentralization: Peru in the 1980s†." *International Journal of Urban and Regional Research* no. 9 (3):330-340.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. While there is extensive decentralization, there is no evidence that this occurs at the executive level or as a result of ethnic recognition.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws; though there is decentralization of government, such that the state bodies are considered autonomous.[5] Further, decentralized regional entities have more delimited powers than state or provincial governments.[6]

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. There are indigenous quotas in the National Assembly, wherein at least 15% of the candidates on electoral lists must be indigenous persons.

De Jure:

Yes. The Regional Bodies are elected through votes in the region. There exist quotas for the regional branches: "In April 2014, Peru expanded the 'indigenous quota' which now provides that at least 15 per cent of candidates on electoral lists for regional and provincial elections in certain areas of the country must be representatives of the original peoples. In the lead up to the decision, International IDEA worked jointly on this issue with the Ministry of Culture and the National Elections Board (*Jurado Nacional de Elecciones*, JNE).[7] Further, it is also argued that the party system in Peru recognized the indigenous divisions.[8]

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[5] Constitution of the Republic of Peru. Chapter XIV. Article 188, 189, 191, 192.
[6] Willis, Eliza, Christopher da Cb Garman, and Stephan Haggard. 1999. "The politics of decentralization in Latin America." *Latin American Research Review*:7-56. (Page 9)
[7] http://www.idea.int/americas/peru/expansion-of-the-indigenous-quota-in-peru.cfm
[8] Raymond, Christopher, and Moisés Arce. 2013. "The politicization of indigenous identities in Peru." *Party Politics* no. 19 (4):555-576.

De Jure Implementation:

Yes. "This reform increased the use of the indigenous quota from 13 to 18 departments for elections at both levels of government. In regional elections, the quota will apply to 44 provinces (up from 34), while for provincial elections, it will apply to 95 provinces (it formerly applied in 30)."[9]

De Facto:

N/A.

---

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. No formal provisions for ethnic recognition in constitution or other laws.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0	Partial
De Jure	0	
De Jure Implementation	0	
De Facto	0	

Evidence:

Partial. While the constitution recognizes the judicial authority of rural and native communities, there is no indication of implementation.

De Jure:

Yes. Article 149 of the Constitution recognizes the judicial authorities of rural and native communities.[10]

[9] http://www.idea.int/americas/peru/expansion-of-the-indigenous-quota-in-peru.cfm
[10] Constitution of the Republic of Peru. Article 149.

De Jure Implementation:

No. "Despite the provisions set out in Article 149 of the 1993 Constitution and in ILO Convention 169, the Peruvian judiciary did not use these norms to advance protection of campesinos' jurisdictional faculties, but instead supported the authoritarian actions of the Executive. The constitutional recognition of customary law and the special jurisdiction was effectively ignored in rulings by the courts, which continued to be guided by a monist logic. Judges have continued to prosecute campesino authorities for applying justice according to their own legal system or law, accusing them of crimes against individual liberty, against the administration of justice and of exceeding their functions"[11]. The legal system is called "corrupt and impotent"[12]

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There is no evidence of ethnic recognition in the constitution or other laws

De Jure:

No. The Constitution does not have any indication of ethnic recognition in public service section, though Article 192 states that: "Regional governments promote regional development and economy; encourage investments, activities, and public services within their jurisdiction, in harmony with national and local development plans and policies."[13]

De Jure Implementation:

N/A.

De Facto:

None Found.

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[11] Fajardo, Raquel Yrigoyen. 2002. "Peru: pluralist constitution, monist judiciary—a post-reform assessment." In *Multiculturalism in Latin America*, 157-183. Springer.

[12] Ardito, Wilfredo. 1997. "The Right to Self-Regulation: Legal Pluralism and Human Rights in Peru." *The Journal of Legal Pluralism and Unofficial Law* no. 29 (39):1-42.

[13] Constitution of the Republic of Peru. Article 129

6. Education

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There are extensive provisions for indigenous education and several programs regarding indigenous teacher training and textbook provision in specified languages.

De Jure:

Yes. Article 16 and 17 of the Constitution require that education be decentralized that encourage bilingual education.[14]

De Jure Implementation:

Yes. Implementation of bilingual education has been difficult; however, since 1989, the Ministry of Education has printed over 3 and a half million textbooks in math and language arts in Quechua, Aymara, and 9 Amazon Languages. Further, the PFMB program (Formación de Maestros Bilingües) is a teacher-training program in Iquitos that was formed by indigenous groups.[15]

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

De Jure:

Yes. Article 2.19 recognizes the right of every Peruvian to use his or her own language before any authority, via interpreter if necessary.[16] Further, Article 48 specifies that the official languages are "Spanish and, wherever they predominate, Quechua, Aymara, and other native tongues, in accordance with the law."[17] Further, in 2010, the government passed "The Law for the Preservation and Use of Original Languages of Peru. It states that Peru has to recognize all of its indigenous languages—not just Quechua, not just Aymara, all of them. Including all of the ones in the Amazon area. They must be recognized as an oral, immaterial patrimony of the country. Therefore, the state has the obligation to create institutional environments, socially and educationally speaking, to preserve them, maintain them and revitalize them. That was very clearly stated in the legislation.[18]

[14] Constitution of the Republic of Peru. Article 16/17
[15] http://sites.miis.edu/educationperu/part-3-diversity-and-equity-in-education/
[16] Constitution of the Republic of Peru. Article 2.19
[17] Constitution of the Republic of Peru. Article 48.
[18] http://ww4report.com/node/12704

De Jure Implementation:

Yes, there is evidence of implementation of both the Constitution's language provision and the 2010 language law. [19]

De Facto:

N/A.

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[19] http://ww4report.com/node/12704

PHILIPPINES

Country Context and Overview:

Peace agreements signed regarding the conflict in the Moro region of the Philippines.

	2017
Overall Score	6
Executive	0
Legislative/Assembly/Electoral	1
Security	1
Justice	1
Civil Service	1
Education	1
Language	1

Constitutional Document(s):

Mindanao Agreement, 1996
Agreement on peace between the government of the Republic of the Philippines and the Moro Islamic Liberation Front, 2001

Ethnic Groups:[1]

Tagalog 28.1%,
Cebuano 13.1%,
Ilocano 9%,
Bisaya/Binisaya 7.6%,
Hiligaynon Ilonggo 7.5%,
Bikol 6%,
Waray 3.4%,
Other 25.3% (2000 census).

Language(s):[2]

Filipino (official; based on Tagalog) and English (official);
Eight major dialects - Tagalog, Cebuano, Ilocano, Hiligaynon or Ilonggo, Bicol, Waray, Pampango, and Pangasinan

Note:

[1] CIA WorldFactbook. 2017. "Philippines." CIA WorldFactbook. Accessed January 8, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Christian lowlanders are considered dominant, Moro have regional autonomy, indigenous groups are powerless, and Sino-Chinese are discriminated, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There is no evidence of ethnic recognition at the executive level.

De Jure:

No. There is no evidence of ethnic recognition in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. In addition to the regional autonomy provided to the Mindanao and Cordilleras regions, there is significant representation of Muslims from the region in the Legislative Assembly and in high ranking elected positions.

De Jure:

Yes. There are territorial and political subdivisions throughout the Philippines, and the Mindanao and Cordilleras regions are considered autonomous.[3] The Mindanao Agreement states that "there shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines."[4]

De Jure Implementation:

Yes. There is additionally proportional representation such that "Each party trie[s] to appeal to all regions, all ethnic groups, and all social classes and fostered national unity by never championing one group or region." [5] Further, there were elections in 2005 that results in the election of Dato Zaldi Uy Ampatuan as the new Regional Governor, 24 new members in the Legislative Assembly, and Hatimil Hassan, leader of the Legislative Assembly in the ARMM (The autonomous region in Muslim Mindanao). Additionally, several Muslims were elected to high-ranking positions (Nasser Pangandamam, Department of Agrarian Reform, Mr. Zamzamin Ampatuan, National Anti-Poverty Commission Chairman). There are also two

[3] Mindanao Agreement. 1996. Section 11.
[4] Mindanao Agreement. 1996. Section 11.
[5] http://www.globalsecurity.org/military/world/philippines/political-parties-1990.htm

Muslim candidates elected to the Philippine House of Representatives and two Muslim magistrates in the Court of Appeals. Civil Service or Civil Administration is not mentioned in the report on GRP compliance.

De Facto:

N/A.

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3. Security

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. In addition to the Constitution, the peace agreement included an article on integration of MNLF (Moro people), and it was implemented.

De Jure:

Yes. The 1987 constitution directs that the "armed forces shall be recruited proportionately from all provinces and cities as far as practicable."[6] Further, article 5.6 of the Constitution states that "The officers and men of the regular force of the armed forces shall be recruited proportionately from all provinces and cities as far as practicable." Finally, Article 20 of the Mindanao Agreement states that "Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force (SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects."[7]

De Jure Implementation:

Yes. "Ethnic and linguistic differences were important in the military. Local recruiting ensured that personnel were drawn from all sections of the country, but certain regions were disproportionately represented. The majority of military personnel spoke Tagalog and were from the heartland of central and southern Luzon. Despite continuing efforts to increase the number of Muslims in the military, Moros from the southern Philippines were underrepresented. Traditionally, Ilocanos from northern Luzon comprised a disproportionate share of officer and enlisted ranks. This emphasis was especially true under Marcos, who tended to promote fellow Ilocanos to positions of power in the armed forces and police."[8] Further, according to the Peace Accords Matrix, "a section of Alpha [unit] that consists of 1,506 MNLF members which passed the physical examination, and a third batch (Bravo) that consists of 1,036 soldiers, 50 officers, and 250 auxiliary service troops to start training in November (1999); Villanueva and Aguilar report that as of September 1999, a total of 4,850 MNLF members had graduated and had been integrated into the AFP: 160

[6] http://www.country-data.com/cgi-bin/query/r-10515.html
[7] Mindanao Agreement, 1996. Article 20; see also: *Philippines Army Weapons System Handbook.* 2011. International Business Publications, Washington, D.C.
[8] http://www.country-data.com/cgi-bin/query/r-10515.html

as 2nd Lieutenants and 4,690 at the rank of private. This number comes very close to the sum of Ferrer's batch one, two, and three (1,211+1,854 = 4,571)"[9]

De Facto:

N/A.

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4. Justice

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There are Sharia trial and circuit courts in the Mindanao region.

De Jure:

Yes. There are Sharia trial and circuit trial courts in the Mindanao region.[10]

De Jure Implementation:

Yes. Implemented as above.[11]

De Facto:

N/A.

---

5. Civil Service

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

De Jure:

Yes. The Peace Agreement states that "For a period not longer than five (5) years from the establishment of the Regional Autonomous Government, the GRP will endeavour to provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the minimum educational qualifications for the position are met."[12] In addition, "In ARMM, the 1996 Final Peace Agreement7 mandates the Philippine government to appoint Muslim representation in national line agencies. The Muslims in the Philippines were also provided bureaucratic representation through the Office on Muslim Affairs under the Office of the President, which was later reconstituted to become the National Commission on Muslim Filipinos… and As a direct strategy for ethnic representation in the national bureaucracy, the National Commission on Indigenous Peoples (NCIP) was created via the Republic Act 8371, known as the Indigenous Peoples' Rights Act (IPRA) of 1997.9 The NCIP is the

[9] Peace Accords Matrix, 2015. "Mindanao Final Agreement, 1996." Available at: https://peaceaccords.nd.edu/accord/mindanao-final-agreement, Accessed: April 17, 2017.
[10] https://en.wikipedia.org/wiki/Application_of_Islamic_law_by_country
[11] Ibid.
[12] Mindanao Agreement, 1996. Article 8.

primary government agency that formulates and implements policies, plans and programmes for the promotion of the rights and well-being of IPs, and for the recognition of their ancestral domains."[13]

De Jure Implementation:

Yes. There was some attempt at implementation of the requirements above, if irregularly[14]

De Facto:

N/A.

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6. Education

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There are provisions for madrasahs to accommodate the Muslim population in the Mindanao region.

De Jure:

Yes. The Department of Education has started to mainstream madrasahs in order to increase "that is culturally-sensitive, Islamic friendly and will give them equal work opportunity."[15] Further, there is a standard curriculum for both public schools and private madrasahs, specifically in the ARMM.[16]

De Jure Implementation:

Yes. Further, the Chinese minority has the right to operate schools,[17] although indigenous peoples still do not have education fully implemented in their mother tongue, though pilot programs do exist.[18] Further, while madrasahs exist in the Mindanao region, mother tongue education is still lacking.[19]

De Facto:

N/A.

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[13] Gera, Weena1. 2016. "The politics of ethnic representation in Philippine bureaucracy." *Ethnic & Racial Studies* 39, no. 5: 858-877. *Social Sciences Full Text (H.W. Wilson)*, EBSCO*host* (accessed December 2, 2016).
[14] Ibid; see also: http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN012415.pdf
[15] http://reliefweb.int/report/philippines/philippines-madrasah-education-deped-invests-peace-building-mindanao
[16] UNESCO, www.ibe.unesco.org/cops/workshops/Philippines/Madrasah_Education.ppt
[17] Minority Rights Group International. N.d. "Philippines – Chinese" http://minorityrights.org/minorities/chinese-5/
[18] Minority Rights Group International. N.d. "Philippines – Indigenous Peoples" http://minorityrights.org/minorities/indigenous-peoples-6/; see also: Banks, James A. 2012. "Education of Ethnic Minorities in the Philippines." In *Encyclopedia of Ethnic Diversity.* Available at: http://sk.sagepub.com/reference/diversityineducation/n535.xml
[19] Minority Rights Group International. N.d. "Philippines – Muslims" http://minorityrights.org/minorities/muslims-3/; see also: Quiling Arquiza, Mucha-Shim. 2006. "Philippine Ethnic and Muslim Minorities: Educating Children the Traditional Way" Mountain Research and Development, 26(1):24-27. Available at: http://www.bioone.org/doi/pdf/10.1659/0276-4741(2006)026%5B0024%3APEAMME%5D2.0.CO%3B2

7. Language

	2017	
Overall	0	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

De Jure:

Yes. Article 114 of the Mindanao Agreement states that in addition to Filipino, regional languages may be used as auxiliary official languages in the region as well as auxiliary medium of instruction and communication."[20] The constitution also ensures this right.[21]

De Jure Implementation:

Yes, though implementation is imperfect.[22]

De Facto:

N/A.

[20] Mindanao Agreement, 1996. Article 114.
[21] Constitution of the Philippines. 1987. Article XIV, Section 6, 7, 8, 9.
[22] http://minorityrights.org/minorities/muslims-3/

RUSSIA

Country Context and Overview:

Constitutional Document(s):

Ethnic Groups:[1]

Russian 77.7%,
Tatar 3.7%,
Ukrainian 1.4%,
Bashkir 1.1%,
Chuvash 1%,
Chechen 1%,
Other 10.2%,
Unspecified 3.9%

Language(s):[2]

Russian (official) 85.7%,
Tatar 3.2%,
Chechen 1%,
Other 10.1%

Note:

	2017
Overall Score	1.5
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0
Civil Service	0
Education	0.5
Language	0.5

[1] CIA WorldFactbook. 2017. "Russia." CIA WorldFactbook. Accessed January 8, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Russians are dominant, while all other groups are either considered to have regional autonomy, irrelevant, powerless, or discriminated against, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. The are no formal provisions for ethnic recognition in the executive domain.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

No. The are no formal provisions for ethnic recognition in the executive domain.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. There has been extensive electoral manipulation in Russia such that various ethnic groups are represented in the Duma; in particular, electoral manipulation is most prevalent in majority-minority raions. "However, multilevel analyses suggest that the extent of electoral manipulation was also strongly contingent on regional context. Electoral manipulation was significantly higher in the more politically volatile Muslim regions, while socioeconomic differences among regions, by contrast, had no discernible effect."[3]

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[3] Goodnow, Regina, Robert Moser, Tony Smith. 2013. "Ethnicity and electoral manipulation in Russia." *Electoral Studies* vol. 36 (2014): 15-27

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. The are no formal provisions for ethnic recognition in the security domain.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Further, evidence suggests there is hostility towards ethnic minority in the security forces.[4]

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. The are no formal provisions for ethnic recognition in the justice domain.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.[5]

De Jure Implementation:

N/A.

De Facto:

None found.

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[4] Gerber, Theodore P. 2014. "Beyond Putin? Nationalism and Xenophobia in Russian Public Opinion." Washington Quarterly. November 1, 2014. Available at: https://twq.elliott.gwu.edu/beyond-putin-nationalism-and-xenophobia-russian-public-opinion

[5] FIDH. 2013. "Discrimination against visual minorities, Roma, migrants and indigenous peoples: Russia's record before the United Nations" Available at: https://www.fidh.org/en/region/europe-central-asia/russia/Discrimination-against-visual-12887; see also: BBC News. 2017. "Russia profile – Media" Available at: http://www.bbc.com/news/world-europe-17840134

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. The are no formal provisions for ethnic recognition in the civil service domain.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Civil Society virtually does not exist within Russia due to the tight control of the Russian administration.[6] While ethnic groups are represented where they compose the majority of the population, though this is not necessarily an accepted norm within the country.[7] "… [there are] two general ways of dealing with ethnic minorities in the civil service on the regional level in Russia can be derived. First way, when the senior staff prefer to be "color- blind" and pretend that we don't see any differences in ethnicity of civil service employees. The second way is to reduce the number of minority civil servants and automatically withdraw an ethnic question within the civil service."[8]

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6. Education

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

No. The are no formal provisions for ethnic recognition in the education domain; however, minority languages are taught in primary and secondary schools and it is considered a "pluri-cultural" system.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

[6] Lanskoy, Miriam. 2014. "*Putin's Assault on Civil Society Continues."* Foreign Policy. Available at: http://foreignpolicy.com/2014/05/09/putins-assault-on-civil-society-continues
[7] Golosov, Grigorii V. 2013. "Proportional Representation and Authoritarianism: Russia's Regional Election Law Reform." *Journal of Representative Democracy*. Vol. 49. no. 1: 83-95.
[8] http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan018441.pdf

De Facto:

Yes. The concept of pluri-cultural education has acquired certain recognition in Russia, wherein minority languages are promoted in primary and secondary schools.[9] This pluri-cultural education system is understood as "as a national school (which is currently called a school with ethno-cultural component), or as bilingual education practices that have developed on the regional level, or as new educational institutions for children from immigrant families with weak proficiency in Russian. Supplementary classes for migrant pupils at primary schools and special Russian-language schools in the largest cities of Russia are a relatively new practice for intercultural dialog; however, in the interests of cultural assimilation, such classes are intended to be a step toward the integration of a growing immigrant population into the dominant Russian language culture."[10]

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7. Language

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Evidence:

No. The are no formal provisions for ethnic recognition in the language domain, however,

De Jure:

No. Though groups have the right to use his or her native language in education and communication, Russian is the only official language.[11]

De Jure Implementation:

N/A. There is no legal implementation of special language rights for ethnic minorities.[12]

De Facto:

Yes. While Russian is the official language and all communication with government offices/documents/etc. are in Russian, ethnic groups in their respective republics use their own language for communication/correspondence with local offices.

[9] Dmitriyev, G. D. 1999. And Dzhurinski. 2008. cited in Liliya R. Nizamova (2016) "Ethnic Tatars in contention for recognition and autonomy: bilingualism and pluri-cultural education policies in Tatarstan" *Nationalities Papers.* Vol. 44, no. 1: 71-91, DOI: 10.1080/00905992.2015.1124076
[10] Liliya R. Nizamova. 2016.
[11] Constitution of the Russian Federation. 1993. Article 68.
[12] FIDH. 2014.

RWANDA

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:

The constitution arose out of the 1994 genocide and was ratified in 2003, marking the end of the transitional governance period, from 1994-2003.

Constitutional Document(s):

Constitution of the Republic of Rwanda, 2003

Ethnic Groups:[1]

Hutu (84%),
Tutsi (15%),
Twa (1%)

Language(s):[2]

Kinyarwanda (official), 93.2%
French (official), 0.1%
English (official), 0.1%
Swahili (official), 0.02%[3]

Notes:

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[1] CIA WorldFactbook. 2017. "Central African Republic." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html

[2] CIA WorldFactbook. 2017.

[3] On February 9, 2017, the Rwandan government ratified a law that made Swahili its fourth official language (see: AfricaNews, 2017. "Rwanda moves to make Swahili its fourth official language." AfricaNews. Accessed: April 17. Available at: http://www.africanews.com/2017/02/10/rwanda-moves-to-make-swahili-its-fourth-official-language//

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Article 58 of the constitution notes that the Speaker of the Chamber of Deputies and the President of the Republic cannot be from the same political party, however given that ethnic political parties are banned, this is not sufficient to indicate ethnic recognition.[4]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Political parties are not allowed to identify themselves based on ethnic group, and furthermore the representatives are required to govern the entirety of the country, not just particular groups/the political party they represent. There is a mandate for proportional representation, however this is largely based on political parties and not ethnicity.[5]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:
None found.

[4] Const. Republic of Rwanda. 2003. Title III, Article LIII.
[5] Ibid. Article LIV. See also: Vandeginste, S. 2014. Governing ethnicity after genocide: ethnic amnesia in Rwanda versus ethnic power-sharing in Burundi" *Journal of Eastern African Studies, 8*(2), 263-277, pg. 270.

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws, and the make-up of the Supreme Court and Regional Courts is to be based on merit, not ethnic background or ethnic quotas.[6]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

[6] Const. Republic of Rwanda. 2003. Title III. Chapter V. Article CXLVI.

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws. Sources further note that the stringent rules regarding ethnic identification in Rwanda make it officially impossible to know the ethnic make-up of the civil service.[7]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. The Constitution of Rwanda contains provisions for guaranteeing the right to education, with no mention of ethnic recognition or distributions.[8]

De Jure Implementation:

N/A. According to sources, there is no empirical evidence that access to schooling is significantly unequal at the primary, secondary, or tertiary level along ethnic lines, although the laws pertaining to ethnic identification making equality or inequality difficult to verify.[9]

De Facto:

None found.

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[7] Vandeginste. 2014. Pg. 269.
[8] Cons. Republic of Rwanda. 2003. Title II. Article LV.
[9] McLean Hilker, L., 2011. The role of education in driving conflict and building peace: The case of Rwanda. *Prospects, 41*: 267-282. Pg. 274.

7. Language

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws. Both ethnicities speak Kinyarwanda as local language, however there has been some controversy surrounding the use of French and English as official languages – in particular the switch of the government to promote only English and drop French.[10]

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Further, "In modern-day Rwanda, language choice of French or English has become a factor in group affiliation determinations. As Hintjens has observed, language is now a proxy for identity (2008)"[11]

[10] Samuelson, B. L. and S. Warshauer Freedman. 2010. Language policy, multilingual education, and power in Rwanda. *Language Policy, 9:* 191-215; pg. 202.
[11] Ibid. pg. 197.

SERBIA AND MONTENEGRO

Country Context and Overview:

	2017
Overall Score	
Executive	1
Legislative/Assembly/Electoral	1
Security	1
Justice	1
Civil Service	1
Education	1
Language	1

Constitutional Document(s):

Serbia and Montenegro, Constitutional Charter, 2003
Kosovo, Interim Agreement for Peace (Rambouillet Agreement), 1999

Ethnic Groups:[1]

Serb 83.3%,
Hungarian 3.5%,
Romani 2.1%,
Bosniak 2%,
other 5.7%,
undeclared or unknown 3.4% (2011 est.)

Language(s):[2]

Serbian (official) 88.1%,
Hungarian 3.4%,
Bosnian 1.9%,
Romani 1.4%,
Other 3.4%,
Undeclared or unknown 1.8%

Note:

Population and language estimates do not include Kosovo, though recognition here is mostly regarding Kosovo. Further, this coding is largely considered for Serbia and Montenegro, before the break-up of the state. 'Member State' in the Constitutional Charter references Serbia and Montenegro. Further, in both Serbia and Montenegro, Albanians and Kosovars are still underrepresented in the executive, legislative, and judicial branches, as well as the civil service, and in education.

[1] CIA WorldFactbook. 2017. "Serbia." CIA WorldFactbook. Accessed January 9, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/ri.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Serbs are senior partners, Montenegrins are junior partners, and Albanians, Hungarians, Croats and Bosniaks/Muslims have regional autonomy (based on Yugoslavia Coding from 2000-2005) see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The President and Vice President cannot be from the same member state and Kosovo is provided the right to self-governance.

De Jure:

Yes. The 2003 *Constitutional Charter* requires that the Assembly from it's deputies the President and the Vice-President, who cannot be from the same member state, further the President of the Assembly and the President of Serbia and Montenegro cannot be from the same member state.[3] The *Rambouillet Agreement* also requires that the citizens of Kosovo have the right to self-governance in the executive branch.[4]

De Jure Implementation:

Yes. Elections since 2003 have occurred in accordance with the charter. Further, the EU, OSCE, and UN have all worked to ensure that Kosovo was allowed to make significant advances towards self-governance, until its independence in 2008, though full recognition remains a challenge. [5]

De Facto:

N/A.

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2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. Kosovo has the right to an autonomous legislative assembly under the Rambouillet Agreement.

De Jure:

Yes. The *Rambouillet Agreement* requires that Kosovo is autonomous in the legislative branch and that it has an Assembly composed of 120 members,[6] in addition to these 120 members "A further 40 members shall be elected by the members of qualifying national communities. I) Communities whose members constitute more than 0.5 per cent of the Kosovo population but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population. Ii) Communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seats equally. The Serb and Albanian national communities shall be presumed to meet the 5 per cent population threshold."[7] Further, Article 20 of the Constitutional Charter requires that of the 126-

[3] Constitutional Charter of Serbia and Montenegro, 2003. Article 21 and 22.
[4] Rambouillet Agreement, 1999. Article 4.
[5] http://www.un.org/en/peacekeeping/missions/unmik/background.shtml
[6] Rambouillet Agreement, 1999. Article 4; Article 2.1
[7] Rambouillet Agreement, 1999. Article 4; Article 2.2

member Assembly of Serbia and Montenegro, 91 are from Serbia and 35 are from Montenegro.[8] There are an additional five seats allotted to the Albanians in the Assembly.[9]

De Jure Implementation:

Yes. Elections were held in the autonomous region of Kosovo on November 18, 2001, though thereign ministers of the EU rejected recognition of Kosovo as independent, and on February 28, 2002, the Ibrahim Rugova and Bajram Rexhepi as prime minister.[10]

De Facto:

N/A.

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3. Security

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. Kosovo is responsible for its own security and police forces, in accordance with the Rambouillet Agreement.

De Jure:

Yes. The Rambouillet Agreement requires that communal police units shall reflect the ethnic make-up of the national communities, and the communal police shall be the only police in Kosovo.[11]

De Jure Implementation:

Yes. The "UNMIK [United Nations Interim Administration Mission in Kosovo] also established an international civilian police force re- sponsible for interim law enforcement functions. Simultaneously, it engaged in the establishment of the local Kosovar police department and, with the support of the OSCE, has participated in the recruitment and training of local police officers."[12] In February 2008, when Kosovo declared independence, the force became a governmental agency of the Government of the Republic of Kosovo.[13]

De Facto:

N/A.

4. Justice

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[8] Constitutional Charter of Serbia and Montenegro, 2003. Article 20.
[9] http://minorityrights.org/minorities/albanians-4
[10] Sherifi, Isak. "The International Community Role and NATO Intervention in Kosovo-Kumanovo Agreement." *Mediterranean Journal of Social Sciences* 5, no. 6 (2014): 359.
[11] Rambouillet Agreement, 1999. Chapter II.I; Chapter II, Article II.I; II.2; Article V.I
[12] De Wet, Erika. "The governance of Kosovo: Security Council Resolution 1244 and the establishment and functioning of EULEX." *The American Journal of International Law* 103, no. 1 (2009): 83-96.
[13] Ibid.

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The Rambouillet Agreement requires that Kosovo have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts, who have jurisdiction throughout the Kosovo region.

De Jure:

Yes. The Rambouillet Agreement requires that Kosovo have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts, who have jurisdiction throughout the Kosovo region.[14]

De Jure Implementation:

Yes. "In Kosovo, the Joint Advisory Council on Judicial Appointments, later succeeded by the Advisory Judicial Commission, was set up only two weeks after the arrival of the first UNMIK staff members. It initially comprised seven lawyers, including two Kosovar Albanians, one Bosniak (Muslim Slav), and one Serb, all of whom had extensive previous experience in the administration of justice in Kosovo, and three international lawyers from different international organizations."[15] The head of the UN mission appointed nine judges and prosecutors – three Serbs – who served as mobile units with jurisdiction in the territor. By July 1999, UNMIK-appointed judges and prosecutors had risen to 36 – 21 Kosovars Albanians, 4 Serbs, 1 Roma, and 1 member of the Turkish community.[16]

De Facto:

N/A.

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5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The UNMIK Regulation provides autonomy to Kosovo for civil service appointments. The principle g of the Regulation is inclusiveness which cites the multi-ethnic character of Kosovo.

De Jure:

Yes. "Recognizing that the Provisional Institutions of Self-Government have responsibilities regarding the Kosovo Civil Service for which legislation is urgently needed… For the purpose of establishing a legal and administrative framework to facilitate the functioning of an effective and impartial civil service in Kosovo, based on merit, and reflecting the multi-ethnic character of Kosovo.[17]

[14] Rambouillet Agreement, 1999. Article V. I; Article V.5.
[15] Strohmeyer, Hansjörg. "Collapse and reconstruction of a judicial system: The United Nations missions in Kosovo and East Timor." *The American Journal of International Law* 95, no. 1 (2001): 46-63.
[16] Ibid.
[17] UNMIK Regulation NO 2001/36: Article VIII.I.; VIII.3.a.; VIII.4.k.

De Jure Implementation:

Yes. "In 2001, the SRSG (The Special Representative of the Secretary-General for Kosovo) adopted Regulation 2001/36 on the Kosovo Civil Service.[18]

De Facto:

N/A.

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6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The Rambouillet Agreement clearly gives the education authority to the communes of Kosovo.

De Jure:

Yes. The Rambouillet Agreement states that "The communes shall have responsibility for … (c) providing education, consistent with the rights and duties of national communities, and in a spirit of tolerance between national communities and respect for the rights of the members of all national communities in accordance with international standards"[19]

De Jure Implementation:

Yes. "Decentralization reform began nearly a year before central government institutions were created. In August 2000, UNMIK Regulation 2000/45, ''On the self-government of municipalities in Kosovo,'' provided the legal basis to establish municipalities as the first units of self-government in Kosovo. Thirty municipalities were charged with providing public utilities and infrastructure, education and health services."[20]

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes.
De Jure	1	

[18] http://legalpoliticalstudies.org/download/Policy%20Report%2002%202013%20Civil%20Service%20ENG.pdf
[19] Rambouillet Agreement, 1999. Article VIII.4.c.
[20] Gjoni, Roland, Anna Wetterberg, and David Dunbar. 2010. "Decentralization as a conflict transformation tool: The challenge in Kosovo." *Public Administration & Development* 30, no. 5: 291-312. *Business Source Complete*, EBSCO*host* (accessed January 1, 2017).

De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. The Rambouillet Agreement clearly gives the education authority to the communes of Kosovo.

De Jure:

Yes. The Rambouillet Agreement state that "National Communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms"[21]

De Jure Implementation:

Yes. Albanian is the official language in Kosovo.

De Facto:

N/A.

[21] Rambouillet Agreement, 1999. Article VII.1.

SIERRA LEONE

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	1

Country Context and Overview:
Constitution and Lome Agreement were signed as a result of the Sierra Leone Civil War, which lasted from 1991-2002, after the Revolutionary United Front (RUF) attempted to overthrow the government.

Constitutional Document(s):

Constitution of the Sierra Leone, 2001.
Lome Agreement, 1999

Ethnic Groups:[1]

Temne 35%,[2]
Mende 31%,
Limba 8%,
Kono 5%,
Kriole 2% (descendants of freed Jamaican slaves who were settled in the Freetown area in the late-18th century; also known as Krio),
Mandingo 2%,
Loko 2%,
Other 15% (includes refugees from Liberia's recent civil war, and small numbers of Europeans, Lebanese, Pakistanis, and Indians)

Language(s):[3]

English (official, regular use limited to literate minority),
Mende (principal vernacular in the south),
Temne (principal vernacular in the north),
Krio

Notes:

[1] CIA WorldFactbook. 2017. "Sierra Leone." CIA WorldFactbook. Accessed May 27. https://www.cia.gov/library/publications/the-world-factbook/geos/sl.html

[2] According to the Ethnic Power Relations Dataset, the Northern Groups (Temna, Limba) are the dominant ethnic groups, while all other groups are considered powerless or irrelevant. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The Lome Agreement grants power-sharing between Revolutionary United Front (RUF) and the government. However, RUF is not considered to be ethnic.[4]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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2. Legislative/Assembly/Electoral

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Although "voting patterns in Sierra Leone have historically been based on ethnic ties and pre-existing party affiliations; the two largest political parties are closely associated with ethnic groups in the north or south."[5] Further, "ethnicity remains salient in national politics. The two major political parties, SLPP and the APC (discussed below) have strong ethnic ties, the SLPP being connected to the Mende and other ethnic groups in the South and the APC to the Temne and other northern groups."[6]

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[4] Bangura, Yusuf. "Strategic policy failure and governance in Sierra Leone." *The Journal of Modern African Studies* 38, no. 04 (2000): 551-577.
[5] Casey, Katherine E., Rachel Glennerster, and Kelly Bidwell. *Debates: The Impact of Voter Knowledge Initiatives in Sierra Leone*. Stanford University, Graduate School of Business, 2014.
[6] Glennerster, Rachel, Edward Miguel, and Alexander D. Rothenberg. "Collective action in diverse Sierra Leone communities." *The Economic Journal* 123, no. 568 (2013): 285-316.

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws with regards to the security forces.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

7. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

The constitution encourages the promotion of indigenous languages.

De Jure:

Yes. "The Government shall promote the learning of indigenous languages and the study and application of modern science, foreign languages, technology, commerce and business."[7]

De Jure Implementation:

"The 1996 Basic Education Program for Primary and Secondary Education **stipulated that community languages were to be used for teaching classes 1-3 in primary school** (Banya, 488). These languages continue as subjects through secondary. The 2004 Education Act is not clear on whether these languages are subjects or media in primary school: (Part II, Paragraph 2 (2) e: the system shall be designed to "introduce into the curriculum new subjects such as indigenous languages and Sierra Leone Studies which shall give and enhance a proper and positive understanding of Sierra Leone" (Government of Sierra Leone). Leclerc says that most instruction is in English, and if languages are taught at all, it is only Mende and Temne as subjects (Leclerc)."[8]

De Facto:

N/A

[7] Constitution of Sierra Leone. Article 9.
[8] Albaugh, Ericka A. "Language policies in African education." *The Colonial Image Reversed: Advocates of Multilingual Education in Africa. PhD Dissertation* (2005).

SOMALIA

Country Context and Overview:

The Civil War in Somalia is ongoing, since 1991, when the clan-based armed opposition groups managed to overthrow the government. The conflict has political, religious, and ethnic aspects. Different areas of the country are ruled by different groups.[1]

	2017
Overall Score	
Executive	1
Legislative/Assembly/Electoral	1
Security	0.5
Justice	0
Civil Service	0.5
Education	0
Language	0.5

Constitutional Document(s):

Somali Transitional Charter, 2004

Ethnic Groups:[2]

Somali 85%,
Bantu and other non-Somali 15% (including 30,000 Arabs)

Language(s):[3]

Somali (official, according to the 2012 Transitional Federal Charter),
Arabic (official, according to the 2012 Transitional Federal Charter),
Italian,
English

Note:

[1] Menkhaus, Ken. 2009. "Somalia: 'they created a desert and called it peace(building)'." *Review of African Political Economy* 36, no. 120: 223-233. *Alternative Press Index*, EBSCO*host* (accessed April 14, 2016).

[2] CIA WorldFactbook. 2017. "Somalia." CIA WorldFactbook. Accessed January 9, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html.

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There is evidence that the Transitional Federal Charter requires power sharing in the executive branch and that the requirements have been implemented in the most recent elections (2017); however, there is debate as their effectiveness.

De Jure:

Yes. The election of the president involves a complex and indirect system, wherein the clans, sub-clans, and sub-sub-clans choose 329 Parliament members, who then vote for president.[4] Article 11 of the *Transitional Federal Charter* further defines the system as decentralized, and Chapter 5 details the devolution of powers of the state.[5] "The selection process [for the Executive and Legislative branches] was framed by the '4.5 formula', a Somali variation on the Lebanese consociational democratic model in which each of the four major clan- families are equally represented, so negotiations over representation occur within rather between the clan-families, each of which selects 61 MPs from their lineage."[6]

De Jure Implementation:

Yes. Evidence suggests that the 4.5 formula was implemented, even if it did not provide representation for every minority, it still provides representation the four major clan-families. Though there is an argument that the "4.5 arrangement is not representative enough, that the formula should be changed from 4.5 to 5 providing 'minority' clans with greater representation in national politics. Cabinet formations under President Hassan Sheikh have been based on the 5, rather than 4.5, distribution model. Somali women, largely excluded from clan-based politics, were also given a 30% quota of parliamentary seats though they only secured 13% of the total MPs."[7]

De Facto:

N/A. However, it should be noted that the government has authority over a relatively small territory, and that further the transitional government has had difficulty in implementing basic governance structures.[8] Further, "The data suggest that while the state of this development remains low, on nearly all of 18 key indicators that allow pre- and post-stateless welfare comparisons, Somalis are better off under anarchy than they were under government. Renewed vibrancy in critical sectors of Somalia's economy and public goods in the absence of a predatory state are responsible for this improvement"[9]

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[4] Gentlemen, Jeffrey. 2017. "Former Prime Minister is Elected President of Struggling Somalia." Available at: https://www.nytimes.com/2017/02/08/world/africa/somalia-farmajo-mohamed-abdullahi-mohamed.html?_r=0 Accessed: April 16, 2017.

[5] Transitional Federal Charter of Somali, 1994. Article 11, Chapter 5.

[6] http://users.polisci.wisc.edu/schatzberg/ps362/menkhaus2007.pdf

[7] http://www.heritageinstitute.org/wpcontent/uploads/2014/01/Decentralization_Options_for_Somalia-ENGLISH.pdf

[8] Menkhaus, Ken. 2007. "Governance without government in Somalia: Spoilers, state building, and the politics of coping."

[9] Leeson, Peter T. 2007. "Better off stateless: Somalia before and after government collapse." *Journal of Comparative Economics* no. 35 (4):689-710.

2. Legislative

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Transitional Federal Charter requires similar power sharing mechanisms to the executive branch.

De Jure:

Yes. The Transitional Federal Charter states that the legislative power is vested in Parliament according to the Charter. It calls for a single chamber, representing the unity of the nation. Article 30 of the Charter calls for representation of different tribes, and sub sub sub-clan Somali political leaders.[10] Further, Article 64 requires that members of the House of the People of the Federal Parliament must represent all communities of the Federal Republic of Somalia in a balanced manner.[11] All Federal Member Stats must also have an equal number of representatives in the House of Representatives. Finally, "The plan calls for 275 parliamentarians in the Lower House of parliament to be selected using the 4.5 clan formula. It also proposed the assemblies of the regional administrations select six members each for the 54-seat Upper House, with Puntland and self-declared independent Somaliland (which certainly will not participate in the process) receiving three extra seats each. Both houses would have a 30% quota for women."[12]

De Jure Implementation:
Yes. The inaugural House of the People was appointed in September 2012 by clan elders; "elections scheduled for 23 October to 10 November 2016, the National Parliament will become bicameral with the formation of an upper house that will consist of 54 seats with members indirectly elected by regional governing councils to serve 4-year terms"[13] Most clans took part in the selection of delegates to the house.[14]

De Facto:

N/A.

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3. Justice

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There are no formal provisions in the Transitional Federal Charter regarding the justice domain, and no informal mechanisms for ethnic or clan recognition.

De Jure:

No. There are no formal provisions for ethnic or clan-based recognition in the Transitional Federal Charter or other laws. However, following the breakdown of the central government, most regions have reverted to

[10] Transitional Federal Charter of Somalia, 2004. Article 30
[11] Transitional Federal Charter of Somalia, 2004. Article 64
[12] https://somalianewsroom.com/2016/02/02/analysis-what-is-a-fair-2016-election-model-for-somalia/; see also http://www.heritageinstitute.org/wpcontent/uploads/2014/01/Decentralization_Options_for_Somalia-ENGLISH.pdf
[13] CIA World Factbook. 2017.
[14] http://www.banadir.com/quotas.htm

local forms of conflict resolution, either secular, traditional clan-based arbitration, or Islamic (Shari'a) law with a provision for appeal of all sentences.[15]

De Jure Implementation:

N/A.

De Facto:

No. While local courts exist, evidence indicates that this is not a mechanism intended by the government, it is due to the incapability of the government.[16]

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4. Security

Evidence:

Partial. While there are no formal provisions for ethnic or clan-based recognition, states and regions have taken to private security firms and providing their own security measures.

	2017	
Overall	0.5	Partial.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

De Jure:

No. There are no formal provisions for ethnic or clan-based recognition in the Transitional Federal Charter or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. The transitional charter, and also the constitution state that there shall be regional police, and national police, and regional police shall be administrated by the state governments, and state governments are understood to be clan-based. However, due to the country's fractioned and failed status, many clans, tribes, and groups conduct their own security measures. Somalia is also a country where private security contracts are widely used. This is often seen to erode state power, and prevent national institutional building, while some authors also see possibilities of strengthening the power of local authorities.[17] Private security agreements also show that the national security arrangements have not been implemented yet.

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[15] CountryWatch. 2015. *Somalia*. CountryWatch Inc.: Houston, TX.

[16] Sanei, Abukar. 2014. Post-Transition Somalia: Ingredients for Peace-building. Paper read at ASA 2014 Annual Meeting Paper; see also: Cornwell, Richard. 2007. "Somalia: What prospects for stability." *Centre for International Political Studies*; and http://www.fragilestates.org/2012/01/10/somalias-complex-clan-dynamics/

[17] Hansen, Stig Jarle. 2008. "Private security & local politics in Somalia." *Review of African Political Economy* no. 35 (118):585-598.

5. Civil Service

Evidence:

	2017	
Overall	0.5	Partial.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	1	

Partial. While there are no formal provisions for ethnic or clan-based recognition,

De Jure:

Yes. Allocation of powers between the Federal Government and Federal Member States have not been agreed upon in the provisional constitution. Article 119 states that civil service shall be both at the Federal Level, and at the level of Federal Member States, with both of them being able to recruit their own employees. "The Civil Service of the Federal Government and Federal Member States shall be formed on the basis of proportional representation of the resident population."[18]

De Jure Implementation:

No. Although the Constitution authorizes member states to recruit their own civil servants, divided and failed nature of the state, and no authority over regions make it impossible to apply this recognition to different regions of the country. [19]

De Facto:

None found.

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6. Education

Evidence:

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

No. There are no formal provisions, and though the clans and regions do provide basic education, this provision is a result of a lack of state funding and resources, rather than state-sanctioned norm.

De Jure:

No. There are no formal provisions for ethnic recognition in the constitution or other laws.

De Jure Implementation:

N/A.

[18] Menkhaus, Ken. 2007. "Governance without government in Somalia: Spoilers, state building, and the politics of coping."

[19] Ibid; and Menkhaus, Ken. 2009. "Somalia: 'they created a desert and called it peace(building)'." *Review Of African Political Economy* 36, no. 120: 223-233. *Alternative Press Index*, EBSCO*host* (accessed April 14, 2016).

De Facto:

None found. Further, although the Constitution calls for strengthening the public institutions, the education system remains largely private.[20] Further, while local communities have taken impressive steps to re-build education drawing on the limited resources they have available, however this is, again, due to lack of formal provision from the state, rather than a norm of recognition.[21]

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7. Language

Evidence:

Partial. While there is a official recognition of minority languages, there is little evidence of any implementation of these policies.

	2017	
Overall	1	Partial.
De Jure	1	
De Jure Implementation	0	
De Facto	N/A.	

De Jure:

Yes. The Provisional Constitution, Article 5, states: "The official language of the Federal Republic of Somalia is Somali (Maay and Maxaa-tiri), and Arabic is the second language." Further, Article 31(3) states that "the state shall promote the cultural practices and local dialects of minorities." Finally, Article 35 states that "Every person arrested or detained has the right to be informed promptly of the reason for their arrest or detention in a language that the person understands."

De Jure Implementation:

None found, "in order for the Somali language to overcome these difficulties/hurdles, and regain all those lost roles, it is necessary that the Somali State operates to change the language situation in the country, by implementing a clear language policy." [22]

De Facto :

N/A.

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[20] Saggiomo, Valeria. 2011. "From charity to governance: Islamic NGOs and education in Somalia." *The Open Area Studies Journal* no. 4 (1):53-61.

[21] Cummings, William K., Leslye Rost van Tonningen, Lilly Omondi, and Eunice Ndegwa. 2003. "Somalia education sector assessment: With special attention to Northwest Zone." *Basic Education and Policy (BEPC) Activity US Agency for International Development, Creative Associates International, Inc, Prime Contractor*; see also, Cassanelli, Lee, and Farah Sheikh Abdikadir. 2008. "Somalia: Education in transition." *Bildhaan: An International Journal of Somali Studies* no. 7 (1):7.

[22] http://www.somalistudies.org/files/2015/08/Language-and-Identity-The-Role-of-Language-in-the-Rebuilding-Process-of-Somalia.pdf

SOUTH AFRICA

Country Context and Overview:
The Interim Constitution arose out of the end of the Apartheid era in South Africa.

	2017
Overall Score	
Executive	0
Legislative/Assembly/Electoral	0
Security	1
Justice	1
Civil Service	1
Education	1
Language	1

Constitutional Document(s):

Constitution of the Republic of South Africa, 1996
Interim Constitution, 1993

Ethnic Groups:[1] (2014 est.)

Black African, 80.2%
White, 8.4%
Colored, 8.8%
Indian/Asian, 2.5%

Language(s):[2] (2011 est.)

isiZulu (official), 22.7%
Afrikaans (official), 13.5%
Sepedi (official), 9.1%
Xitsonga (official), 4.5%
Tshivenda (official), 2.4%
Sign Language, 0.5%
isiXhosa (official), 16%
English (official), 9.6%
Setswana (official), 8%
siSwati (official), 2.5%
isiNdebele (official), 2.1%
Other, 1.6%

Note:

[1] CIA WorldFactbook. 2017. "South Africa." CIA WorldFactbook. Accessed January 9, 2018. https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html. According to the *Ethnic Power Relations Dataset, v. 3.01,* Xhosa are senior partners, whereas all other ethnic groups (Zulu, Other Black African, Coloreds, Afrikaners, English Speakers, and Asians) are junior partners, see: Andreas Wimmer, Lars-Erik Cederman and Brian Min. 2009. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337.;

[2] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There are no formal provisions regarding ethnic recognition at the executive level.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found, although former presidents, Mandela (Xhosa tribe), Thabo Mvuyelwa Mbeki (Xhosa tribe), and Jacob Zuma (Zulu tribe), have represented different ethnic groups, suggesting that there is no discrimination against electing a president from a particular ethnic group.

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A.	
De Facto	0	

Evidence:

No. There are no formal provisions regarding ethnic recognition at the legislative level.

De Jure:

No formal provisions for ethnic recognition in constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found. Further, the system is based on proportional representation that has largely been mobilized along racial, rather than ethnic lines, for example, the ANC has mobilized votes belonging to the black African ethnic groups.[3]

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[3] Raymond, Christopher D. 2012. "The organizational ecology of ethnic cleavages: The nonlinear effects of ethnic diversity on party system fragmentation." *Electoral Studies* vol. 37 (2015): 109-119, p. 110-111

3. Security

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There are formal provisions regarding the racial composition of the police and armed services, as well as the integration of ethnic groups into the services.

De Jure:

Yes. Section 195 (1) (i) of the Constitution of the Republic of South Africa of 1996 states that "public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation". Further, the eleven separate police agencies were ultimately integrated into a single police service after 1994.[4] Additionally, "several statutes were enacted with the aim of rectifying the employment injustices of the past discriminatory policies. Amongst other Acts that were proclaimed are the Public Service Act 103 of 1994 and the Employment Equity Act 55 of 1998."[5]

De Jure Implementation:

Yes. Affirmative Action – The SAPS (South African Police Service) operates a quota system policy for hiring and promotion. Positions will be left unfilled if the appropriate demographic candidate cannot be recruited, even if another qualified person is available.[6] "Policies of affirmative action have also been developed together with the appointment and promotion of black officers, relaxed legislation with regard to police unionism, the demilitarization of rank and insignia, attempts to root out corruption, and the creation of a single united police service, now the South African Police Service."[7] The integration of the police forces resulted in no "less than eight disparate forces [forming] the new South African National Defence Force (SANDF). These forces were Umkhonto we Siswe (MK), Azanian People's Liberation Army (APLA), Transkei Defence Force, Bophuthatswana Defence Force, Venda Defence Force, Ciskei Defence Force, Kwa-Zulu Natal Self Protection Force, and the former South African Defence Force"[8]

De Facto:

N/A.

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[4] Montesh, Moses & Vinesh Basedo. 2012. "The Role of the South African National Defence Force in Policing." *Scientia Militaria, South African Journal of Military Studies.* vol. 40, no. 1: pp. 71-94.

[5] http://uir.unisa.ac.za/bitstream/handle/10500/9849/dissertation_hlongwane_p.pdf; see also: Van Graan, Johann. 2005. *Obstacles Impeding the Transformation Process in the South African Police Service.* Masters Thesis. University of South Africa. pp. 52

[6] Monama, Tebogo. 2014. "Solidarity to fight for minorities in SAPS." IOL. Available at: https://www.iol.co.za/news/crime-courts/solidarity-to-fight-for-minorities-in-saps-1746787#.VBoAXaFwbiw

[7] Marks, Monique. 2000. "Transforming police organizations from within." *British Journal of Criminology* 40, no. 4: 557-573; see also Jackson, Terence, & Elize Kotze. 2005. "Management and Change in the South African National Defence Force: A Cross-Cultural Study." *Administration and Society.* vol. 37. No. 2. p: 168-198., see also Winkates, James. 2000. "The Transformation of the South African National Defence Force: A Good Beginning." *Armed Forces and Society.* vol. 26, no. 3: pp. 451-472.

[8] Jackson & Kotze. 2005.

4. Justice

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. There are formal provisions regarding the racial composition of the lower and Constitutional Courts, which have resulted in an increase in the number of Black Africans present on the court.

De Jure:

Yes. Section 174(1) of the Constitution of South Africa provides that "any appropriately qualified woman or man who is a fit and proper person" is eligible for an appointment as a judge. Yet section 174(2) states that the "need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered" in the appointment process.[9]

De Jure Implementation:

Yes. "In 1994, there were two black judges and one female judge amongst the two hundred or so judges that made up the judiciary. By 2005, the number of black judges had increased exponentially, and so had the number of women appointed, although not to the same extent… At the Constitutional Court's founding in 1994, it was composed -of only three black and two female judges… Today, the Constitutional Court is made up of two white males and six black males, including the chief justice, and three females."[10]

De Facto:

N/A. Of note is that there is also the right to customary law in South Africa, however "it is widely assumed that only blacks in South Africa are entitled to follow customary law, as defined by their ethnicity and therefore by blood descent… a Zulu who desires expressly or by implication to be bound by Sotho customary law could be faced with considerable difficulties despite the promise of section 30 of the Constitution. It would appear to be even more difficult for "white" and "colored" South Africans, who are not entitled to customary law, according to conventional wisdom, to choose a customary law"[11]

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5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

Yes. There are explicit affirmative action plans to ensure equitable employment amongst the civil service.

De Jure:

Yes. The Employment Equity Act, Chapter III states that "Article 13. Every designated employer must, in order to achieve employment equity, implement affirmative action measures for people from designated groups in terms of this act," and "Article 15. (1) Affirmative action measures are measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are

[9] Constitution of the Republic of South Africa. 1996. Section 174. 2. See also: Andrews. Penelope E. 2006. "The South African Judicial Appointment Process." *Osgoode Hall Law Journal*. Vol. 44. No. 3. pp. 565-572.
[10] Andrews. 2006. pp. 566-567.
[11] Nwauche E. S. 2015. "Affiliation to a New Customary Law in Post-Apartheid South Africa." *Potchefstroom Electronic Law Journal*. Vol. 18, no. 3, pp. 569-592: 570

equitably represented in all occupational categories and levels in the workforce of a designated employer."[12] Further, in 1995, the government issues a *White Paper on the Transformation of the Public Services*, which included the following targets: within 4 years, 50% blacks at management level in all departments.[13]

De Jure Implementation:

Yes. "Each national department and provincial administration is responsible for drawing up its own affirmative action plan and is expected to ensure its faithful implementation… [and] each public organization's employment equity plan must include details of objectives to be achieved for each year of the plan; the affirmative action measures to be implemented; numerical goals to achieve the equitable representation of suitably qualified people from designated groups within each occupational category and level in the workforce."[14]

De Facto:

N/A.

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6. Education

Evidence:

Yes. There are quotas, both explicit and implicit, to ensure increased participation of Black Africans at all levels of schooling, in addition to language laws that required schooling to occur in their language of choice.

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

De Jure:

Yes. Since 1994, language rights, including the right to be taught in the language of one's choice.[15] Further, "Desegregation of schools has also resulted in schools now having a linguistically diverse learner population. Learners speak different home languages and have different levels of competence in the language of teaching and learning. Although the learner and educator population may be multilingual, for historical reasons the majority of schools have only one language of learning.[16]

De Jure Implementation:

Yes. In university, first year university students are registered under a racial quota basis. In 2016 the University of Kwazulu Natal quota for medical students is 69% black African, 19% Indian, 9% coloured,

[12] Employment Equity Act. Article 13, Article 15.
[13] Republic of South Africa. *Implementing the Affirmative Action Plan: Comparative Administrative Action.* Available at : https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwjYt7-St-PQAhWGuBoKHbrUCJwQFggiMAE&url=http%3A%2F%2Fwww1.worldbank.org%2Fpublicsector%2Fbnpp%2Freport%2520012405.doc&usg=AFQjCNHOeKeiDfUW5hZ2WvzvKx8agjJtWA&sig2=43XteI-aCMjuIHY8Ljj2Ag
[14] Ibid.
[15] Constitution of the Republic of South Africa. 1996. Article 108.
[16] Meier, C. and C. Hartel. 2009. "Handling cultural diversity in education in South Africa." *South African Education Journal.* Vol. 6, no. 2. pp. 180-193: 189.

2% white and 1% other.[17] Further, "desegregation and the changes in educational systems and educational institutions (e.g. schools, universities) brought great challenges for educators, for example the heterogeneity of the student population has increased, curricula have changed and a new educational legislature is being instituted."[18]

De Facto:

Note: While there is no law ensuring the quotas in universities, are allowed to impose their own quotas. A statement from University of Cape Town:

> "UCT requires that applicants classify themselves according to the old apartheid designations of white, coloured, Indian and black. Differing admissions criteria are then applied depending on which of these racial categories the applicant belongs to. For instance, for entry into the MBChB programme a "Black" applicant needs to score 36 points on their matric results and 15 (out of 30) points on the National Benchmarking Test; a "Coloured" applicant 40 and 16 points; an "Indian" or "Chinese" applicant 46 and 24 points; and a "White" applicant 47 and 24 points. The ultimate goal of the policy is to ensure that composition of the university ultimately comes to reflect the racial proportions of society as a whole. As the University states: "As a matter of policy we aim for a student body which has a significant number of international students and where the local component of our student body increasingly reflects the demographics of the South African population."[19]

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7. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:

De Jure:

Yes. Article 6 of the Constitution states that "(1) The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isizulu. (2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages." And further it requires that the national and provincial government may use any particular language in order to take into account the needs and preferences of the population, governments must also use at least to official languages. All languages must enjoy parity and equity under the law.[20]

De Jure Implementation:

Yes. "Since 1994, language rights (including the right to be taught and to learn in the language of one's choice) are guaranteed by the Constitution of the Republic of South Africa (Act 108 of 1996). Language rights have brought about their own complications and challenges, of which a few will be mentioned. Desegregation of schools has also resulted in schools now having a linguistically diverse learner population.

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[17] Anthony, Lauren. 2014. "University Race Quotas in Spotlight." IOL. Available at: https://www.iol.co.za/news/south-africa/kwazulu-natal/university-race-quotas-in-spotlight-1650992

[18] Meier and Hartel, 2009: 180; see also: Bawa, Ahmed C. 2012. "South African Higher Education: At the Center of a Cauldron of National Imaginations." *Social Research,* vol. 79, no. 3: 669-694.

[19] https://www.uct.ac.za/downloads/uct.ac.za/news/media/oped/james_myburgh_12May.pdf

[20] Constitution of the Republic of South Africa. 1996. Article 6.

Learners speak different home languages and have different levels of competence in the language of teaching and learning. Although the learner and educator population may be multilingual, for historical reasons the majority of schools have only one language of learning."[21]

De Facto:

N/A.

[21] Meier and Hartel, 2009: 180

SOUTH SUDAN

	2017
Overall Score	
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	
Justice	1
Civil Service	
Education	
Language	

Country Context and Overview:

Constitution of 2011 was signed as South Sudan separated from Sudan.

Constitutional Document(s):

Constitution of the Republic of South Sudan.

Ethnic Groups:[1]

Dinka, 35.8%
Nuer, 15.6%,
Other: Shilluk, Azande, Bari, Kakwa, Kuku, Murle, Mandari, Didinga, Ndogo, Bviri, Lndi, Anuak, Bongo, Lango, Dungotona, Acholi

Language(s):[2]

English (official),
Arabic (includes Juba and Sudanese variants),
Regional Languages: Dinka, Nuer, Bari, Zande, Shilluk

Notes:

The pre-amble to the constitution states that, the country is "committed to establishing a decentralized democratic multi-party system of governance in which power shall be peacefully transferred and to upholding values of human dignity and equal rights and duties of men and women"; furthermore, Article I of the Constitution states that "South Sudan is governed on the basis of a decentralized democratic system and is an all-embracing homeland for its people. It is a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully co-exist."[3]

A new peace agreement was signed in 2015, this new peace agreement is not part of the original dataset, and posits some interesting points regarding ethnic recognition in the country. For instance, from 2011-2015, South Sudan consisted of 10 states, divided largely along ethnic lines – Central Equatoria, Eastern Equatoria, Jonglei, Lakes, Northern Bahr el Ghazal, Unity, Upper Nile, Warrap, Western Bahr el Ghazal, Western Equatoria. However, the 2015 peace agreement further divided the country into 28 states and 180 counties, these states are more closely aligned with the ethnic make-up of the country.

1 CIA WorldFactbook.org. 2017. "South Sudan." CIA World Factbook. Accessed: April 1. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/od.html.
2 Ibid.
3 Const. Republic of South Sudan. 2011. Part 1.1. Art. I.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	0	
De Facto	1	

Evidence:

Partial. Article 113 of the constitution states that the Ministers of the National Government must be ethnically and regionally representative, however there have been no significant efforts by the President to be ethnically inclusive, with the vast majority of positions in the executive branch going to the Dinka ethnic group.

De Jure:

No formal provisions for ethnic recognition in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. The Constitution establishes an executive branch headed by the president, with no reference to ethnic quotas/recognition. However, article 113 of the constitution establishes that the ministers of the national government must be inclusive and is based on the ethnic and regional diversity of the country.[4] However there is evidence to suggest that the majority of ambassadors and cabinet members are from the Dinka tribe, which represent only 35% of the overall population.[5]

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	0	
De Facto	1	

Evidence:

Partial. The constitution contains provisions for the decentralization of South Sudan with local and state legislative governments provided a significant amount of power. These states are generally considered to be along ethnic lines. In 2015, and subsequently in January 2017, the states were further subdivided into 28, and 32 states, respectively. However, there is no explicit mention of the subdivision based on ethnic lines and ethnic groups are not explicitly named.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

4 Cons. Republic of South Sudan. 2011. Art. 113.
[5] Buay Gordon. 2012. "The color of ethnic domination in South Sudan." Sudan Tribune. Accessed. April 15, 2017. Available at: http://www.sudantribune.com/The-color-of-ethnic-domination-in,41947

De Jure Implementation:

N/A.

De Facto:

Yes. The constitution of South Sudan states that the country is a decentralized state, consisting of 10 states, wherein each state has its own executive and legislative organs and competences, promoting local self-governance, these states are generally considered to be divided along ethnic lines.[6] In October 2015, South Sudan's President, Salva Kiir, issued a decree that further established 28 states in place of the previous 10, such that the states more closely matched the ethnic distribution of the country.[7] Although there is controversy as to the motives of the President for increasing the number of states as this violates the constitution, as the President does not have the constitutional authority to unilaterally alter the boundaries of the state, and the president has appointed further appointed the governors of the states himself.[8]

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3. Security

Evidence:

Partial. Though there are no provisions that directly specific recognition in the armed services, there are provisions that require decentralized police forces and mandate the integration of the SPLM-IO (Sudanese People's Liberation Army – In Opposition) and the South Sudanese Army into the Joint Integrated Police, the two branches of which are generally considered to be divided along ethnic lines.

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	0	
De Facto	1	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

While there are no formal provisions for ethnic recognition found in the constitution or other laws in the military, Article 155 of the constitution mandates the police service be decentralized, although it does not mention how the service is decentralized.

6 Const. South Sudan. 2011. Part XI. Chapter. I. Article 162; 165. See also: Kimenyi, Mwangi S. 2012. "Making federalism work in South Sudan." One year after independence:16.
7 See: http://www.aljazeera.com/news/2015/12/south-sudan-president-creates-28-states-151225101750723.html and http://www.sudantribune.com/spip.php?article61403
8 See: http://www.voanews.com/a/south-sudan-president-wants-to-increase-number-of-states-again/3566917.html

That said, the 2015 peace agreement mandates the unification of both the army and police forces into the National Defense Forces, such that the police personnel – the Joint Integrated Police (JIP) – consist of equal numbers of government and the Sudanese People's Liberation Movement – In Opposition (SPLM-IO), which are generally divided along ethnic lines.[9]

The government mandate is fairly weak and as such "the government is seen as failed to impose an efficient security arrangements"[10], and further that "much of the government and its security services' presence cannot yet be felt outside bigger cities and towns. Many communities pursue their own systems of law and order, which are often detached from state structures to survive and govern themselves."[11] However, the formation of the JIP occurred as mandated in the 2015 peace agreement, with a specific focus of integration that promoted ethnic diversity within units.[12]

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4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	0	
De Facto	1	

Evidence:

The constitution recognizes traditional authority and customary law and in many provisions, customary courts are the only judicial system, however it does not name specific ethnic groups

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. Article 166 of the Constitution of South Sudan states that "the institution, status and role of Traditional Authority, according to customary law, are recognized under this Constitution. Traditional Authority shall function in accordance with this Constitution, the state constitutions and the law… The courts shall apply customary law subject to this Constitution and the law."[13] Further, the Customary law and Chiefs courts

9 South Sudan. 2015. "Agreement on the Resolution of the Conflict in the Republic of Sudan." Addis Ababa, Ethiopia: Intergovernmental Authority on Development. Section 5.2.
10 Parkin, David, William C. Olsen, and Walter E. A. van Beek. 2015. Evil in Africa: Encounters with the Everyday: Indiana University Press.
11 Kahl, Marius. 2014. "The challenge of increasing the security of the people in South Sudan." Forging Two Nations Insights on Sudan and South Sudan:201; Frahm, Ole. 2015. "Making borders and identities in South Sudan." Journal Of Contemporary African Studies 33, no. 2: 251-267. International Security & Counter Terrorism Reference Center, EBSCOhost (accessed April 15, 2016).
12 Saferworld. 2016. "Transitioning policing in South Sudan's peace agreement: Joint Integrated Police." Saferworld.org. Accessed: April 15, 2017. Available at: http://www.saferworld.org.uk/resources/search?keywords=south+sudan&fromMonth=01&fromYear=2016&toMonth=12&toYear=2016&resultPage=2
13 Cons. Republic of South Sudan. Art. 166.

formed a central part of the GoSS's strategy.[14] Further, evidence suggests that South Sudan has a pluralistic legal system, and in particular the Gogrial East and West regions have de facto justice systems involving customary courts.[15] Finally, the ten branches of the High Court are located in the capitals of the 10 states, and there is an understanding that the states are largely ethnically based.[16]

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5. Civil Service

	2017	
Overall	0.5	Partial.
De Jure	0	
De Jure Implementation	0	
De Facto	1	

Evidence:

While Article 139 of the constitution requires affirmative action programs to address imbalances, the government has become a patronage system with no significant evidence that the civil service has adopted these affirmative action programs.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. Article 139 requires broad representation and affirmative action to redress any imbalances and achieve broad representation. However, there is no mention of which imbalances need to be addressed through affirmative action.[17] "Government jobs, meanwhile, have become a primary source of employment—and patronage—in South Sudan. Thus, not only is the civil service inaccessible but it also performs poorly. Adding to the complexity, South Sudanese widely support equal distribution of civil service jobs across ethnic groups as a key measure of how inclusive the government is."[18]

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6. Education

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	0	
De Facto	1	

Evidence:

Partial. There are no explicit efforts to remedy group-based inequalities in access. The constitution requires education conducted in English, although schools often teach in indigenous languages in the early years of

14 Leonardi, Cherry, Deborah Isser, Leben Moro, and Martina Santschi. 2011. "The politics of customary law ascertainment in South Sudan." The Journal of Legal Pluralism and Unofficial Law no. 43 (63):111-142.
15 Pendle, Naomi. 2014. "Interrupting the balance: reconsidering the complexities of conflict in South Sudan." Disasters 38, no. 2: 227-248. MEDLINE with Full Text, EBSCOhost (accessed April 16, 2016).
16 https://www.icj.org/cijlcountryprofiles/south-sudan/south-sudan-introduction/south-sudan-court-structure/
17 Cons. Republic of South Sudan. 2011. Article 139.
18 Knopf, Kate A. Fragility and state-society relations in South Sudan. NATIONAL DEFENSE UNIV FORT MCNAIR DC AFRICA CENTER FOR STRATEGIC STUDIES, 2013.

primary school and the Ministry of Education is making further efforts to introduce indigenous languages. No found references to group-based cultural practices in education.

De Jure:

The constitution mandates that education is conducted in English.[19]

De Jure Implementation:

N/A.

De Facto:

Yes. "Provided that education in South Sudan is by and large in English, and that locally either Arabic or an indigenous language is used (the latter, in the first years of the primary school), the Government of South Sudan's educational policy remains unclear, nor did various interviews conducted at the Ministry of Higher Education shed much light: primary education in a number of local languages is planned, but neither the exact number of the involved languages (Dinka, Nuer, Shilluk, Bari, Zande, and possible a few others being the most likely candidates, due to the relatively higher number of speakers) nor a timetable were available to us."[20]

South Sudan's General Education Strategy Paper (GESP) 2012-2017 developed a strategy paper which commits the government to using mother tongue-medium instruction in primary Grades 1 to 3, but it is unclear how the initiatives will be supported and coordinated. Moreover, the Government of South Sudan has released a policy decision on the provision of continued learning in Arabic in pre-existing schools for returning migrants and refugees in Grades 4 to 8 and in secondary school.[21] Finally, the MoGEI plans to integrate mother tongue language instruction.[22]

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19 Const. Republic of South Sudan. 2011. Article 6.
[20] Stefano Manfredi, Mauro Tosco°. LANGUAGE USES VS. LANGUAGE POLICY: SOUTH SUDAN AND JUBA ARABIC IN THE POST-INDEPENDENCE ERA. *III Congresso Coordinamento Universitario per la Cooperazione allo Sviluppo*, Sep 2013, Turin, Italy. JUNCO | Journal of Universities and International Development Cooperation, 2014, Imagining Cultures of Cooperation - Proceedings of the III CUCS Congress, Turin 19-21 September 2013.
[21] UNICEF. 2016. "South Sudan, the impact of language policy and practice on children: evidence from Eastern and Southern Africa." Available at: https://www.unicef.org/esaro/UNICEF(2016)LanguageandLearning-SouthSudan.pdf
[22] Hammond, Hollyn. 2013. "Language of Instruction for Increased Access to Relevant Education for Conflict-Affect Children in South Sudan." *International Affairs Review*. 21 (2):25.

7. Language

	2017	
Overall	0.5	Partial
De Jure	1	
De Jure Implementation	0	
De Facto	0	

Evidence:

Yes. The constitution recognizes indigenous languages of South Sudan as official, however, the official working language is English and the lingua franca is Juba Arabic, a language not officially recognized in the constitution.

De Jure:

Yes, the constitution recognizes all indigenous languages of South Sudan as national languages, although the official working language is English.[23]

De Jure Implementation:

We were not able to find further evidence of official uses of indigenous languages.

De Facto:

The most commonly used language in the country in Juba Arabic, the constitution does not officially recognize it, furthermore Arabic itself acts as a "status language" for "high variety."[24]

[23] Ibid.
[24] Manfredi, Stefano, and Mauro Tosco. 2014. Language Uses vs. Language Policy: South Sudan and Juba Arabic in the Post-Independence Era. Paper read at III Congresso Coordinamento Universitario per la Cooperazione allo Sviluppo.

SUDAN (-2011)

	2017
Overall Score	3.0
Executive	0.5
Legislative/Assembly/Electoral	0.5
Security	0.5
Justice	0.5
Civil Service	0.5
Education	0
Language	0.5

Country Context and Overview:

The Second Sudanese Civil War began in 1983, and ended in 2005, resulting in the independence of South Sudan in 2011. The Comprehensive Peace Agreement that was signed stated that the South would have 6 years of autonomy, followed by a referendum of independence.

Constitutional Document(s):

Interim Constitution of Sudan, 2005
Comprehensive Peace Agreement, 2005

Ethnic Groups:[1]

Sudanese Arab, Approx. 70%[2]
Fur, 2%
Beja, 6%
Nuba, 5%
Nuer, 5%
Dinka, 10%

Language(s):[3]

Arabic (official),
English (official),
Nubian,
Ta Bedawie,
Fur

Notes:

In the preamble of the Constitution: "Committed to establish a decentralized democratic system of governance in which power shall be peacefully transferred and to uphold justice, equality, human dignity and equal rights and duties of men and women" "Committed to the Comprehensive Peace Agreement of January 2005, guided by the 1998 Constitution and the Sudanese constitutional experience since independence and other relevant experiences."[4]

[1] CIA WorldFactbook. 2017. "Sudan." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/su.html. Note: Statistics presented are from 2017.
[2] According to the Ethnic Power Relations Dataset, the Baya are the dominant ethnic group, while all other groups are considered powerless. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009
[3] CIA WorldFactbook. 2017.
[4] Constitution of Sudan, 2005, Preamble.

1. Executive

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

Partial. While the peace agreement officially requires the First Vice President to be from the Sudan People's Liberation Movement (representing South Sudan), however given that it does not specifically mention ethnic groups, this is considered de facto ethnic recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

The peace agreement requires that the First Vice President would be the Chairman of Sudan People's Liberation Movement (Representing South Sudan)[5] while at the same time being the President of the Government of Southern Sudan. The peace agreement also requires that the Government of National Unity have equal representatives from both parties.[6] The Constitution, revised after the 2005 Peace Agreement also establishes an autonomous Southern Sudan government, running the executive for the region.[7] While these reforms represent executive recognition, they do not directly name ethnic groups. On July 9, 2005, President Omer Hassan Ahmed Al-Bashir was sworn in as President, John Garang de Maribor as First Vice President and Ali Osman Mohamed Taha as Vice President. The First Vice President Dr. Garang was killed in a helicopter crash on 30 July 2005. The vacant position was filled by SPLM leader Lt. General Salva Kiir Mayardiit.[8]

The CPA also foresees decentralization, and federalization, giving legislative, executive, and judicial authorities to the federal States. "4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states.". In 2008: "All states adopted their constitutions. The northern and southern states established power-sharing executive and legislative branches. This confirms the implementation of the 2005 CPA provision on decentralization/federalism."[9]

[5] Metelits, Claire. 2004. "Reformed rebels? Democratization, global norms, and the Sudan People's Liberation Army." *Africa Today* 51, no. 1: 65-82.
[6] Comprehensive Peace Agreement (CPA). 2005. Article 2.5.
[7] Interim Consitution of Sudan. 2005
[8] Peace Accords Matrix (PAM). 2017. "Sudan Comprehensive Peace Agreement." Peace Accords Matrix. Accessed December 11. https://peaceaccords.nd.edu/accord/sudan-comprehensive-peace-agreement
[9] PAM. 2017.

2. Legislative

Evidence:

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Partial. While the peace agreement officially requires equitable representation of the people of South Sudan in both legislative chambers, it does not specify ethnic groups to be represented, and thus is considered de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

The peace agreement stipulates that there shall be equitable representation of the South Sudanese peoples in both legislative chambers, without direct reference to ethnic groups or provisions regarding what 'equitable' means.[10] In the National Assembly, the National Congress party won a total of 312 seats, the SPLM won 99 seats, additionally, Atem Garang from SPLM was elected as the deputy speaker of the National Assembly.8 The Council of State was composed of 50 members represented by two members from each 25 states and two observers from Abyei. Members of Council of States were elected by the MPs of state legislature which took place in May.[11]

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3. Security

Evidence:

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Partial. While the peace agreement officially requires equitable represent of the people of South Sudan in both legislative chambers, it does not specify ethnic groups to be represented, and thus is considered de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

[10] CPA. 2005. Article 2.2.2.1/2.2.2.2
[11] PAM. 2017.

De Facto:

The Comprehensive Peace Agreement provides specific allocations for power sharing within the armed forces. Units are to include the Sudanese People's Liberation Army (SPLA) in the South, Sudanese Armed Forces (SAF) in the North, and the joint units in both North and South, in order to form Joint Integrated Units. The Joint Defense Board for the armed forces were also to be composed of the Chiefs of Staff for both the SPLA and SAF, as well as four officers from each party.[12] Additionally, a National Police Bill was passed in 2008 to form Joint Integrated Police Units.[13] According to the Peace Accords Matrix these provisions were implemented as of 2009, however in April 2011 the JIUs were officially dissolved in April, 2011.

---

4. Justice

Evidence:

Partial. While the peace agreement officially requires equitable representation of the South Sudanese SPLM in the courts, it does not specify ethnic groups to be represented, and thus is considered de facto recognition.

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

The 2005 CPA contained judicial reform provisions that required the establishment of the Constitutional Court, the National Supreme Court, and appellate Courts. The CPA requires an adequate representation of southern Sudan in the Constitutional Court. In the 2005 Interim Constitution, which was enacted in July, these reforms were institutionalized. Accordingly, Mr. John Aungi Kasiba from SPLM and Dr. Wahabi Mohamed Mukhtar from NCP were appointed as Deputy Chief Justices. Mr. Jalal-Eddin Mohamed Osman from NCP was appointed as Chief Justice. Similarly, the National Judicial Service Act was adopted in October 2005. The National Judicial Service Commission was established on 7 December 2005.2 With the establishment of the Constitutional Court, the Supreme Court and the representation of southern Sudan in the Constitutional Court, the judicial reforms took place in Sudan as sought by the 2005 CPA.[14]

[12] CPA. 2005.
[13] PAM. 2017.
[14] Ibid.

5. Civil Service

Evidence:

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Partial. While the peace agreement officially requires that between 20-30% of the position be allotted for SPLM and South Sudanese, it does not specify ethnic groups to be represented, and thus is considered de facto recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

The Government of National Unity was required to ensure that the National Civil Service was representative of the people of Sudan, particularly in senior and mid-level positions, they were thus required to address imbalances and disadvantages. Between 20-30% of the positions, were set aside for the people of South Sudan, including 20% of the middle- and upper-level positions in the NCS, with 20% in the first three years, and 25% in five years.[15]

In 2009, members of other armed groups who joined the peace process were absorbed into civil service. By the end of 2009, the Presidency approved 1,150 southern Sudanese candidates for appointment in the National Civil Service. Also, "the Southern Kordofan State formed a special committee to facilitate the integration of 1,708 SPLM civil servants into the political and administrative structure of the state in November of 2009. Given that the appointment of 700 southerners in 2008 was said to meet the 10% civil service positions, it can be said that the civil service reform provisions of the accord were implemented."[16]

---

6. Education

Evidence:

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

No. While the peace agreement officially requires increasing access to education, however there are no specific requirements regarding the South Sudanese or SPLM.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

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[15] CPA, 2005. Article 2.6
[16] PAM. 2017.

De Jure Implementation:

N/A.

De Facto:

The CPA requires that the Government of National provides for equal opportunities for all citizenship in the national universities and additional opportunities for those who were affected by war.[17] In 2010, an estimated 3 million students obtained free primary education in South Sudan. However, none of the provisions specifically reference ethnic groups or the southern region of Sudan being provided with specific resources.[18]

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7. Language

Evidence:

No. While the peace agreement officially requires equitable represent of the people of South Sudan in both legislative chambers, it does not specify ethnic groups to be represented, and thus is considered de facto recognition.

	2017	
Overall	0	Partial.
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

The CPA requires that all indigenous languages are national languages which are to be promoted and respected, and additionally the legislatures of any sub-national level of government may adopt any other national language(s) as additional working languages.[19] These laws were incorporated into the Interim Constitution in 2005, and there was no discrimination against the use of any language at any level of government.[20]

[17] CPA, 2005.
[18] PAM. 2017.
[19] CPA, 2005. Article 2.8
[20] Abdelhay, Ashraf Kamal, Busi Makoni, and Sinfree Bullock Makoni. 2011. "The Naivasha language policy: The language of politics and the politics of language in the Sudan." *Language Policy* no. 10 (1):1-18.

TAJIKISTAN

	2017
Overall Score	3
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0.5
Civil Service	0
Education	1
Language	1

Country Context and Overview:
The constitution was developed after Tajikistan claimed independence from the USSR in 1991. After independence, Emomalii Rahmon came to power and after a civil war, a ceasefire was brokered in 1997.

Constitutional Document(s):

Constitution of Tajikistan, 1999

Ethnic Groups:[1]

Tajiks, 78.7%
Kyrgyz, 1.1%
Pamiris, 2.6%
Russians, 1.1%
Tatars, 1.2%
Uzbeks, 15.3%

Language(s):[2]

Tajik,
Russian is widely spoken in government

Notes:

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[1] According to the Ethnic Power Relations Dataset, the Tajiks are the dominant ethnic group, while all other groups are considered powerless. Pamiris have regional autonomy. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[2] CIA WorldFactbook. 2017. "Tajikistan." CIA WorldFactbook. Accessed May 30. https://www.cia.gov/library/publications/the-world-factbook/geos/ti.html

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.[3] Further the president can dismiss cabinet ministers at his choosing.[4]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

While no formal provisions exist in the constitution or other laws, there is de facto recognition of the Pamiri ethnic group in that they are granted regional autonomy in the Badakhshan Mountainous Region.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.[5]

De Facto:

Yes. Article 49 of the constitution mandates the governances of the Badakhshan Mountainous Autonomous Region, which aligns with the Pamiri ethnic group. However, - Outside of the Gorno-Badakhshan province,

[3] Const. of Tajikistan, 1999. Article 65.
[4] Const. of Tajikistan, 1999. Article 69; Article 78.
[5] https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjij4vo8OzQAhVKxVQKHaPrBkYQFggaMAA&url=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fissues%2Fminorities%2Fdocs%2FWP1.doc&usg=AFQjCNGmWFsEJjW0umg_euopeA6LVjIhvg&sig2=KxoQekeA_jQ8S2zlO-5rBA&bvm=bv.141320020,d.cGw

Pamiris complain of continued discrimination, are largely excluded from exercising any significant political influence or participation in public life. There are continuing indications of threats and some violence against Pamiris by ethnic Tajiks in Dushanbe, though these had diminished greatly by 2007.[6]

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. There are no formal provisions for ethnic quotas or recognition in the security forces.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

While there are no formal provisions explicitly requiring ethnic recognition, the constitution does provide for judicial recognition of the Badakhshan Mountainous Autonomous Region, which is ethnically aligned with the Pamirs.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

[6] de Figueiredo, Kenneth. *Tajikistan: Parliamentary Elections, February 2005*. Norwegian Centre for Human Rights, 2005; see also: http://minorityrights.org/minorities/pamiris/

De Facto:

Yes. Articles 84, 85, and 89 of the Constitution[7] provide for local autonomy of the judicial system in the Badakhshan Mountainous Autonomous Region and also require that one of the seven judges on the Constitutional Court must be from this region as well. Given that Pamirs occupy the majority of this region, this is consistent with de facto recognition of the Pamirs.[8] That said, the President has increasingly centralized the state and appoint all judges in the country.[9]

---

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no ethnic recognition in the civil service domain.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Education is guaranteed as a right for all citizens. Additionally, the Tajik Language Law guarantees that education in their native language.

De Jure:

Yes. Article 21 of the Tajik Language Law guarantee language of education in Tajik, Russian, or Uzbek, and Article 22 guarantees that in regions with high concentrations of citizens from one ethnic group,

[7] Constitution of Tajikistan, 1999. Articles 84, 85, 89.
[8] Herbers, Hiltrud. "Transformation in the Tajik Pamirs: Gornyi-Badakhshan—an example of successful restructuring?." *Central Asian Survey* 20, no. 3 (2001): 367-381; see also: http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)017-e
[9] de Figueiredo, Kenneth. *Tajikistan: Parliamentary Elections, February 2005*. Norwegian Centre for Human Rights, 2005; see also: De Martino, Luigi. "Tajikistan at a crossroad: contradictory forces at the heart of the Tajik political system." *Tajikistan at a Crossroad: The Politics of Decentralisation (Geneva, CIMERA, 2004)* 154 (2004).

secondary education can occur in the native language. Further, education in minority languages is offer ed in specialized language classes.[10]

De Jure Implementation:

Yes. "Tajikistan has tried to encourage Russians and Ukrainians to remain in the country, as many of their members occupy technical and other skilled positions. For these reasons, schools teaching in the Russian (15 schools in 2006 have Russian as medium of instruction, though a majority of their students are Tajiks) have been maintained…"[11] However, there is little evidence with regards to other ethnic languages.

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. There are extensive language laws that require communication in native and ethnic languages by government officials when requested.

De Jure:

Yes. Article 2 of the constitution states that Tajik shall be the state language and Russian shall be the language of international communication, but also notes that all nationalities have the right to use their mother tongue.[12] Further, the Tajik Language Law stipulates that "Issues related to the status of Pamir languages and their functions are handled independently by the Gorno-Badakhchansky Autonomous Region The Gorno-Badakhshansky Autonomous Region occupies 45% of the territory of Tajikistan and is inhabited by more than 270,000 people. This population, referred to as the Pamir people, represents a constellation of ethnic groups whose members speak 14 languages and dialects, commonly referred to as Pamir languages."[13] Article 5 of this law further guarantees the right to choose the language of communication with the government and administration and/or in official documents from the government.[14]

De Jure Implementation:

Yes. The Russian language continues to be used in government.[15]

De Facto:
N/A.

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[10] Nagzibekova 2008: 503
[11] http://minorityrights.org/minorities/russians-and-ukrainians-2/
[12] Const. of Tajikistan. 1999. Article 2.
[13] Nagzibekova 2008: 502
[14] Ibid.
[15] http://minorityrights.org/minorities/russians-and-ukrainians-2/

THAILAND

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0
Language	0

Country Context and Overview:
The ethnic insurgency in Thailand dates back to 1960s, and it is in South Thailand, historically Malay Patani region. It has become more complex and violent since the 2000s. The conflict has ethnic and religious dimensions. These areas had more affinity to Northern Malaysia.[1]

Constitutional Document(s):
Constitution of Thailand, 2007.

Ethnic Groups:[2]
Thai, 74%[3]
Malay Muslims, 3.5%
Shan, 0.5%
Chinese, 1.4%
Hill Tribes, 1%

Language(s):[4]
Thai, 95.5%
Burmese, 1.3%
Other, 1.1%

Notes:

[1] Islam, Syed Serajul. 1998. "The Islamic independence movements in Patani of Thailand and Mindanao of the Philippines." *Asian Survey* no. 38 (5):441-456; Wattana, Sugunnasil. 2006. "Islam, radicalism, and violence in Southern Thailand: Berjihad di Patani and the 28 April 2004 attacks." *Critical asian studies* no. 38 (01):119-144.
[2] CIA WorldFactbook. 2017. "Thailand." CIA WorldFactbook. Accessed June 1. https://www.cia.gov/library/publications/the-world-factbook/geos/.html
[3] According to the Ethnic Power Relations Dataset, the Thai are the dominant ethnic group, while all other groups are considered powerless. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009
[4] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution does mandate local autonomy, there is no evidence that the regions are proxies for ethnicity or that the decentralization is at the executive level.[5]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution does mandate local autonomy, there is no evidence that the regions are proxies for ethnicity or that the decentralization is at the legislative level or that this decentralization has been implemented in any meaningful way.[6]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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[5] Constitution of Thailand. 1997. Article 78.3
[6] Constitution of Thailand. 1997. Article 78.3

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The police forces and army are centralized with no evidence of ethnic integration.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of judicial integration or ethnic recognition at this level.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution does mandate local autonomy, there is no evidence that the regions are proxies for ethnicity.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the constitution guarantees access to education and allows for local control, there is no evidence that this autonomy is along ethnic lines.[7]

De Jure:

- No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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[7] Const. of Thailand. 2007. Article 80; see Fry, Gerald W. 2006. "Educational Decentralization and School-Based Leadership and Learning in Thailand: Challenges and Dilemmas", *paper presented at Thai Section of the Third World Education Society Conference*, December 23, 2006, Tokyo, Japan; Morishita, M. 2007. "Incorporation of Basic Education Institutions and the Potential of Public-Private Partnership in Thailand". *Comparative Education*, No.34, pp.141-155, Bulletin of the Japan Comparative Education Society; Suzuki, K., Morishita, M. and Kampeeraparb, S. 2006. "A Study on the Principles and Development of Basic Education Reform in Thailand". *Comparative Education*, No.30, pp.148-167, Bulletin of the Japan Comparative Education Society; Shoraku, Ai. 2009. "Educational movement toward school-based management in East Asia: Cambodia, Indonesia and Thailand." *Background Paper for EFA Global Monitoring Report*.

7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. The Constitution refers to the language issue only for non-discrimination. The official language of the country is Thai. There is no formal of recognition of minority languages, although there are some non-formal programs that offer education in minority language, but they are not considered official minority language instruction.[8]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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[8] Siltragool, W. and Petcharugsa, S. 2005. Thailand country report. *In First Language First: Community-based Literacy Programmes for Minority Language Context in Asia* (pp. 195–212).
Bangkok: UNESCO. Kosonen, Kimmo. 2005. "Vernaculars in Literacy and Basic Education in Cambodia, Laos and Thailand." *Current Issues In Language Planning* 6, no. 2: 122-142. *ERIC*, EBSCO*host* (accessed July 29, 2016).

TURKEY

	2017
Overall Score	0
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0
Civil Service	0
Education	0.5
Language	0.5

Country Context and Overview:

The 2010 represents an attempt to bring the previous constitution into compliance with European standards, in support of Turkish EU membership hopes.

Constitutional Document(s):

Constitution of Turkey, 2010.

Ethnic Groups:[1]

Turkish, 66%[2]
Kurds, 17%
Alevis, 16%
Arabs, 1%

Language(s):[3]

Turkish (official)
Kurdish

Notes:

[1] CIA WorldFactbook. 2017. "Turkey." CIA WorldFactbook. Accessed June 1. https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html

[2] According to the Ethnic Power Relations Dataset, the Turkish are the dominant ethnic group, while all other groups are considered powerless. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Turkey's executive branch is highly centralized.[4]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found. There are no informal practices of including representatives from various ethnic groups. Ministers and the governors are appointed centrally, without any concern of ethnic recognition. Although changes occurred throughout the EU integration process, and also the peace process that was initiated informally, firstly there are no legal or informal changes to the executive situation.[5]

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

Turkey's legislative branch is highly centralized.[6]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. Further, there is a 10 percent electoral threshold, which hinders the representation of the Kurds, as the Kurdish parties have difficulty getting enough votes to be in the parliament[7].

De Jure Implementation:

N/A.

[4] Const. of Turkey, 2010. Chapter 2.
[5] Çelik, Ayşe Betül. 2012. *Ethnopolitical conflict in Turkey: from the denial of Kurds to peaceful co-existence?*: Springer.
[6] Const. of Turkey, 2010. Chapter 2.
[7] Tezcur, Gunes Murat. 2015. "Electoral Behavior in Civil Wars: The Kurdish Conflict in Turkey." *Civil Wars* no. 17 (1):70-88.

De Facto:

None found. However, Cavanaugh and Hughes (2015)[8] argue that the HDP (widely recognized s the representation of the Kurds) has been brought to the Turkish political agenda after the informal talks on the Kurdish issue. The party now is in the parliament, bypassing the 10 percent threshold.

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

All Turkish men are obliged to serve in the military, regardless of ethnic affiliation.[9]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

---

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No. All judges are appointed and there are no ethnic requirements.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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[8] Cavanaugh, Kathleen, and Edel Hughes. 2015. "A Democratic Opening? The AKP and the Kurdish Left." *Muslim World Journal of Human Rights* no. 12 (1):53-74.
[9] Military Service Law – Article 1, English Not Available; Intelligence Law and Law of Police Powers, English Not Available

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no ethnic quotas or requirements in the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	0	Partial
De Jure	1	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

All Turkish men are obliged to serve in the military, regardless of ethnic affiliation.[10]

De Jure:

Yes. The Law on education of foreign languages (English not available), which was enacted in 1983 and forbade education of any other language than Turkish as a native language in education institutions (Article 2) was amended in 2014, and the Law now allows daily languages used in the daily life of people to be used as a primary language in private institutions. The languages that can be educated are decided by the Council of Ministers.[11]

De Jure Implementation:

None found.

De Facto:

N/A. There are European institutions in big cities; however, there are no Kurdish primary or high private schools. The Law on Private Schools separates these institutions into two: minority schools, and schools that are founded by foreigners. The article 2 of the same law states that rights of minority schools are protected by the Lausanne Peace Treaty which was signed after the First World War, and then the Turkish Independence War.[12] Although the peace process offered further

[10] Military Service Law – Article 1, English Not Available; Intelligence Law and Law of Police Powers, English Not Available
[11] Law on Education of Foreign Languages. 1983 (2014 Amendment).
[12] Law on Private Schools.

education in native language for the Kurdish people, the peace process came to a halt, and there has been little implementation.[13]

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7. Language

	2017	
Overall	0	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There are no ethnic quotas or requirements in the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Turkey's national television channel, TRT, started broadcasting in Kurdish in 2009. The channel is 'TRT Kurdi'. It broadcasts in the Kurmanji and Sorani dialects of the Kurdish language as well in Zazaki, although the use of Kurdish language was de facto banned in 1980s and 1990s, even in public spaces.

[13] Gunter, Michael M. 2014. "The Turkish-Kurdish Peace Process Stalled in Neutral." *Insight Turkey* no. 16 (1).

UGANDA

	2017
Overall Score	1.5
Executive	0
Legislative/Assembly/Electoral	0.5
Security	0
Justice	0
Civil Service	0
Education	0.5
Language	0.5

Country Context and Overview:

The constitution of Uganda was adopted in 1995 to establish Uganda as a republic and outline the roles and powers of each branch of the government.

Constitutional Document(s):

Constitution of Uganda, 1995 (Amended through 2006).

Ethnic Groups:[1]

South Western (Ankole, Banyoro, Toro), 14.1%[2]
Baganda, 16%
Langi/Acholi, 10%
Teso, 8%
Basoga, 8%
Far North-West Nile (Kakwa-Nubian, Madi, Lugbara, Alur, 7.9%
Banyarwanda, 5.9%
Karamojong, 2%

Language(s):[3]

English (official national language, taught in grade schools, used in courts of law and by most newspapers and some radio broadcasts),
Ganda or Luganda (most widely used of the Niger-Congo languages, preferred for native language publications in the capital and may be taught in school),
other Niger-Congo languages,
Nilo-Saharan languages,
Swahili,
Arabic

Notes:

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[1] CIA WorldFactbook. 2017. "Uganda." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html

[2] According to the Ethnic Power Relations Dataset, the South-Westerners are senior partners, and the Baganda and Basoga are Junior Partners (as of 1990), while all other groups are considered discriminated or irrelevant. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

Constitution does not explicitly mention the ethnicities. However, the single member constituency system ensures representation as the constituencies are ethnically aligned.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. Article 78 of the Constitution requires "Composition of Parliament.(1) Parliament shall consist of (a) members directly elected to represent constituencies; (b) one woman representative for every district; (c) such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine."[4] While this is not explicit representation, the ethnic alignment of the constituencies suggests de facto representation.[5]

[4] Const. of Uganda. 1995. Article 78.
[5] Green, Elliott. "Patronage, district creation, and reform in Uganda." *Studies in comparative international development* 45, no. 1 (2010): 83-103.

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal or informal provisions for ethnic recognition.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal or informal provisions for ethnic recognition in the judicial branch.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There are no formal or informal provisions for ethnic recognition in the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There are no formal or informal provisions for ethnic recognition in education that specifically name ethnic groups, however minority groups do have access to education in their native language.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. Article 24 of the Constitution requires that education be promoted in "Ugandan languages" and that further, any "other [not English or Swahili] language may be used as a medium of instruction in schools or other educational institutions or for legislative, administrative or judicial purposes as Parliament may by law prescribe."[6]

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7. Language

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

There are no formal or informal provisions for ethnic recognition in the judicial branch.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

[6] Const. of Uganda. 1995. Article 2; Article 24.

De Jure Implementation:

N/A.

De Facto:

Yes. See education domain above. Native languages [not English or Swahili] can also be used in legislation and government, as well as in the judicial domain.

UNITED KINGDOM (NORTHERN IRELAND)

	2017
Overall Score	6
Executive	0
Legislative/Assembly/Electoral	1
Security	1
Justice	1
Civil Service	1
Education	1
Language	1

Country Context and Overview:

The Good Friday Agreement brought an end to the Troubles in Northern Ireland, between Irish descent (Catholics) and British descent (Protestants).

Constitutional Document(s):

The Good Friday Agreement, 1998

Ethnic Groups:

Irish descent (Catholic)
British descent (Protestant)

Language(s):[1]

English
Irish (spoken by about 10% of the population of Northern Ireland)

Religion:[2]

Protestant, 48%
Catholic, 45%
Other/None, 7%

Notes:

Recognition is defined here as explicitly relating to Northern Ireland/Irish recognition, rather than catholic/protestant recognition within Northern Ireland. The Good Friday Agreement explicitly recognizes "the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, as they may choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any further change in the status of Northern Ireland."[3]

Additionally, the Good Friday Agreement often refers to "the community" to reference the distribution of both Catholic and Protestant groups, however, this does not pertain to explicit recognition.

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[1] CIA WorldFactbook. 2017. "United Kingdom" CIA WorldFactbook. Accessed: April 12. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/uk.html.
[2] Devenport, Mark. 2012. "Census figures: NI Protestant population continuing to decline." BBC News. Access April 18, 2017. Available at: http://www.bbc.com/news/uk-northern-ireland-20673534
[3] Good Friday Agreement, Constitutional Issues, 1, iv.

1. Executive

Evidence:

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

At the level of the United Kingdom, Northern Ireland is not explicitly provided recognition in the executive branch. That is, while there is parliamentary representation and the Northern Ireland itself has a legislature with specific powers, the executive branch of the United Kingdom does not have ethnic quotas for Northern Irish representation.

De Jure:

No. While extensive provisions exist to ensure that Northern Ireland is provided with legislative recognition, there are no provisions in pertaining to the executive branch in the United Kingdom that explicitly relate to ethnic (Irish) recognition and/or quotas.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Legislative

Evidence:

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Yes. The United Kingdom is consociational insofar as Northern Ireland has its own legislature, the Northern Irish Assembly, which has devolved powers.[4]

De Jure:

Yes. Clause 3 of the Good Friday Agreement established that the Assembly [of Northern Ireland "will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement."[5] Clause 4 furthers that "operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities."[6] The Good Friday Agreement also provides safeguards to ensure that all sections of the "community" can participate and work within the Assembly and that key decisions must be taken on a cross-community basis, for example via "(i) parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist [protestant] and nationalist [catholic] designations present and voting… or (ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting."[7]

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[4] Northern Ireland Assembly. 2017. "Northern Ireland Assembly." Accessed: April 12. Available at: http://www.niassembly.gov.uk/
[5] Good Friday Agreement, 1998. Clause 3.
[6] Ibid., Clause 4.
[7] Ibid. Clause 5.

De Jure Implementation:

- A British-Irish Council, comprising representatives of the British and Irish governments, devolved institutions in Northern Ireland, Scotland, Wales (plus others if created within the United Kingdom) and the Isle of Man and Channel Islands.[8] Further, "the Good Friday Agreement contained the themes of devolution, consociationalism, cross-borderism and intergovernmentalism expected to emerge in any way forward. The key to success lay not merely in these constitutional and political balances. It would also rest upon the micro elements of the peace process not dealt with in the Joint Framework Document, namely the issues of prisoner releases, policing and the decommissioning of weapons."[9]

De Facto:

N/A.

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3. Security

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Prior to the Good Friday Agreement, British forces were used exclusive for security purposes, that is 92% of the police force was Protestant (British).[10] The Good Friday Agreement established affirmative action for Irish (Catholic) in Northern Ireland.[11]

De Jure:

Yes. The Good Friday Agreement establishes that the police services be "representative of the society it policies."[12] Further, Annex A of the Good Friday Agreement notes that "The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999."[13]

De Jure Implementation:

Yes. "Sinn Fein had demanded for the prompt and unconditional transfer of power to Northern Ireland. In February 2010 the hardliner Democratic Unionist Party (DUP) and Sinn Fein reached a deal and voted unanimously to approve a devolution bill that paved the way for the transfer of judicial and policing powers.

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[8] Tonge, Jonathan. 2000. "From Sunningdale to the Good Friday Agreement: Creating Devolved Government in Northern Ireland." *Contemporary British History* 14, no. 3: 39. *Humanities Source*, EBSCO*host* (accessed March 30, 2017).
[9] Ruane, Joseph, and Jennifer Todd. 2001. "The politics of transition? Explaining political crises in the implementation of the Belfast Good Friday Agreement." *Political Studies* no. 49 (5):923-940. See also: Tonge. 2000.
[10] McVeigh, Robbie, and Bill Rolston. 2007. "From Good Friday to good relations: sectarianism, racism and the Northern Ireland state." *Race & Class* no. 48 (4):1-23.
[11] A New Beginning: Policing in Northern Ireland" Patten report, implementation of a policing reform called for in the Good Friday Agreement http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf
[12] Good Friday Agreement. Clause 7.
[13] Good Friday Agreement. Annex A.

A 13,000 strong police force is now reduced to 7,050 as of 2012 of which 30.41 % are Roman Catholic and 67.36% are Protestant. Also, the new police force contains 26.82% female officers."[14] Further, "the Patten Report advised government to establish a rigid sectarian headcount in relation to recruitment… so that from the establishment of the PSNI in 2001 and for a decade thereafter, recruitment is on a strict 50:50 basis: equal numbers of Protestants and Catholics must be recruited. Again the move to reform has led to a formal embedding of sectarianism that was new to the state."[15]

De Facto:

N/A.

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4. Justice

Yes. The Justice (Northern Ireland) Act 2002 states that members of the judiciary must be representative of the community of Northern Ireland.

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

De Jure:

Yes. The Northern Ireland Judicial Appointment Commission (NIJAC) states: "We are also obliged to review the composition of our workforce and our employment policies and practices every three years and, where appropriate, to consider taking affirmative action to promote fair participation between members of the Protestant and Roman Catholic communities. We are committed to complying with these duties and have set up suitable arrangements to ensure that we do so."[16]

De Jure Implementation:

As per NIJAC recommendations, the following information is provided regarding current Judicial Applications and Recommendations for Appointment, as of March 31, 2016[17]

Community Background	Protestant	Roman Catholic	Neither
Recommendations	13	8	1
%	59.1%	36.4%	4.5%
Applicant Pools	66	93	8
%	39.5%	55.7%	4.8%

[14] Citation? This was literally in quotes in the document, but I have no idea where it came from
[15] McVeigh, Robbie, and Bill Rolston. 2007. "From Good Friday to good relations: sectarianism, racism and the Northern Ireland state." *Race & Class* no. 48 (4):1-23.; see also: http://www.democraticprogress.org/wp-content/uploads/2013/07/the-good-friday-agreement-an-overview.pdf
[16] https://www.nijac.gov.uk/sites/nijac/files/media-files/Equal%20Opportunities%20Policy%20Approved%2020%20October%202016.pdf
[17] https://www.nijac.gov.uk/sites/nijac/files/media-files/NIJAC%20-%20Annual%20Report%20and%20Accounts%202015-16.pdf

De Facto:

N/A.

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5. Civil Service

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Legislation requires that the Northern Irish Civil Service considers and encourages Protestant applications.

De Jure:

Yes. The North/South Ministers Council has legislation that mandates regular checks regarding the workforce composition… "The legislation requires employers to carry out regular reviews of their workforce com- position to determine whether there is fair employment, and to undertake remedial ac- tion where required. These reviews enable the Commission responsible for enforcement of the legislation (from 1990 to 2000, the Fair Employment Commission; from 2000, the Equality Commission) to identify those employers whose workforce is insufficiently representative and to initiate agreements with them for improvement."[18]

De Jure Implementation:
Yes. "The Northern Ireland Civil Service has taken steps to encourage applications from Protestants for administrative and junior management grades; from females for senior management grades and some professional and technical disciplines; and from people with disabilities and ethnic minority communities for all grades. Initial analysis shows that some progress has been made, but my officials plan to carry out further in-depth analysis of recent recruitment competitions later this year."[19]

De Facto:

N/A.

---

6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. The Good Friday Agreement encourages both Irish medium education, as well as the provision of integrated education. These integrated schools exist, although attendance within them is low.

De Jure:

[18] McCrudden, Christopher, Raya Muttarak, Heather Hamill, and Anthony Heath. "Affirmative action without quotas in Northern Ireland." *The Equal Rights Review* 4 (2009): 7-14.
[19] https://www.theyworkforyou.com/ni/?id=2008-05-27.10.28

- Yes. The Good Friday Agreement recognizes, under the *Rights, Safeguards and Equality of Opportunity*, the "statutory duty [of] the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education," it furthers that "An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing."[20]

De Jure Implementation:

- Yes. "In 2000, the Department of Education established Comhairle na Gaelscolaíochta (CnaG), a representative body for Irish-medium education. According to the CnaG, there were around 90 Irish-medium schools at the pre-school, primary, and post-primary levels as of 2012, which provided an Irish-medium education to almost 5,000 children. There appeared to be steady progress in the promotion of Irish-medium education. Before the agreement, fewer than 500 students were enrolled in Irish language schools."[21] While education still remains largely segregated along religious lines, with approximately 95% of students in segregated schools,[22] and only eighteen thousand students (or approx. 6%) in integrated schools.[23]

De Facto:

N/A.

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7. Language

Evidence:

Yes. In addition to the Good Friday Agreement being signed in both Irish and English, there are significant clauses that actively promote the use of Irish throughout Northern Ireland, including in education, the media, legislation, and in civil service.

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

De Jure:

Yes. The Good Friday Agreement states that "In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it: take resolute action to promote the language; facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand; seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the

[20] Good Friday Agreement.
[21] Peace Accords Matrix
[22] O'Doherty Cahir. 2014. "Time to push for integrated schools in Northern Ireland." Accessed: April 18, 2017. Available: http://www.irishcentral.com/news/irishvoice/time-to-push-for-integrated-schools-in-northern-ireland. See also: Minority Rights. 2017. "United Kingdom – Northern Ireland." Accessed: April 18. Available at: http://minorityrights.org/minorities/northern-ireland/
[23] McGlynn, Claire. 2009. "Negotiating Cultural Difference in Divided Societies: An Analysis of Approaches to Integrated Education Northern Ireland." In McGlynn, C., Zembylas, M., Bekerman, Z., and T. Gallagher. *Peace Education in Conflict and Post-Conflict Societies: Comparative Perspective.* Pp. 9-25. New York: Palgrave McMillan.

language; make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints; place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education; explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilige in Northern Ireland."[24]

De Jure Implementation:

Yes. The government signed and ratified the Charter for Regional or Minority Languages in 200 and established a North/South Language Implementation body.[25] Further, "Substantial changes took place in terms of strategies outlining to promote language in the Northern Ireland Act (1998). In terms of the use of Irish language in schools, several measures were adopted. On 21 July 1998, the UK government issued Education (Northern Ireland) Order 1998 [1998 No. 1759 (N.I. 13)], in which the government devolved power to the Department of Education to support and promote Irish language education and Irish Medium schools. In December, the Northern Ireland government also passed the Education Act. Irish language is voluntarily used in schools and media outlets use the Irish language."[26]

De Facto:

N/A.

[24] Good Friday Agreement, Clause 4. See also: https://peaceaccords.nd.edu/provision/official-language-and-symbol-northern-ireland-good-friday-agreement, Kroc Institute for International Peace Studies, University of Notre Dame
[25] Peace Accords Matrix
[26] Ibid.

YEMEN

	2017
Overall Score	0.5
Executive	0
Legislative/Assembly/Electoral	0
Security	0
Justice	0.5
Civil Service	0
Education	0
Language	0

Country Context and Overview:

The constitution in Yemen was ratified in 1991 to define the Republic of Yemen as an independent Arab and Islamic country.

Constitutional Document(s):

Constitution of Yemen, 1991

Ethnic Groups:[1]

Arab; but also Afro-Arab, South Asians, Europeans

"There are four commonly described self-identifying ethnic and religious groups in Yemen: Zaydi Shiites, Ismaili Shiites, mainstream (Shafi'i) Sunnis and Salafi (Wahhabi) Sunnis. Together these groups are estimated to represent 99% of the population (55% Sunni and about 44% Shiite)"[2]

Language(s):[3]

Notes:

- It is important to keep that in mind in 2014, National Dialogue Council's conference was concluded, extending the transition process, calling for reconstruction of the parliament, and federalism. However, the document could not address to the Southern Issue. There is no written, finalized peace accord. Further, there has been extensive fighting among insurgent groups since 2014.[4]

[1] CIA WorldFactbook. 2017. "Central African Republic." CIA WorldFactbook. Accessed March 22. https://www.cia.gov/library/publications/the-world-factbook/geos/ct.html

[2] Gros, Andreas, Alexander S. Gard-Murray, and Yaneer Bar-Yam. 2015. "Conflict in Yemen: From ethnic fighting to food riots." In *Conflict and Complexity*, 269-280. Springer.

[3] CIA WorldFactbook. 2017.

[4] Alley, April Longley. 2013. "Yemen changes everything… and nothing." *Journal of democracy* no. 24 (4):74-85.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The Executive power is vested in the President of the Republic, and the Council of Ministers. The President is elected through direct popular voting. There is no indication of recognition of different groups for presidential elections.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found. There was a committee created to "resolve" the issue of the administrative divisions of Yemen's proposed federal system decided that Yemen will be composed of six regions… However, ongoing regional conflicts and the rise of poverty have overwhelmed any interest most citizens might have in the details of the elite's visions for the future of the country."[5]

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2. Legislative

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No formal provisions for ethnic recognition in the legislature.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

[5] Scmitz, Charles. 2014. "Yemen's National Dialogue". *Middle East Institute Policy Paper Series*. February 2014.

3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0.5	Partial
De Jure	0	
De Jure Implementation	N/A	
De Facto	1	

Evidence:

No evidence of formal judicial practices that indicate ethnic recognition. However, Yemenis rely on indigenous tribal laws to resolve conflict.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

Yes. Sources indicate that "Yemenis have relied on indigenous tribal traditions to regulate conflict and establish justice for centuries, if not millennia. Tribal law has effectively handled conflicts between various tribes, between tribes and extractive companies, and between tribes and the government. It has successfully prevented and resolved conflicts over resources, development services, and land, and has sometimes managed to contain complex revenge-killing cases. Nationally, tribal mediators have played an important role in promoting political dialogue and building consensus among political groups. During the past year, where government forces withdrew, tribes took responsibility and managed to provide a reasonable level of security within their territories and along the main roads that connect tribal governorates."[6]

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[6] Al-Dawsari, N. 2012. "Tribal Governance and Stability in Yemen". *The Carnegie Papers.* April 2012.

5. Civil Service

Evidence:

There are no provisions for ethnic recognition in the civil service.

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws. Further, "Yemen, meanwhile, makes no such formal provisions for community representation -either elected or appointed - in the state apparatus. In particular, it allows Yemeni officeholders to privilege coethnics above members of other communities in their appointments, but prevents Lebanese officeholders from rewarding coethnics with jobs at the expense of other communities." [7]

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

Evidence:

No formal or informal provisions for ethnic recognition in education.

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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[7] Corstange, Daniel M. 2008. Institutions and Ethnic Politics in Lebanon and Yemen: ProQuest: 164.

7. Language

Evidence:

No formal or informal provisions for ethnic recognition in education.

	2017	
Overall	0	No.
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

YUGOSLAVIA

	2017
Overall Score	0
Executive	1
Legislative/Assembly/Electoral	1
Security	1
Justice	0
Civil Service	0
Education	1
Language	1

Country Context and Overview:

Constitutional Document(s):

Constitution of the Central African Republic, 2004.

Ethnic Groups:[1]

Serbs, 62%
Macedonians, 6%
Montenegrins, 5%
Albanians, 17%
Bosniaks, 3%
Croats, 1%

Language(s):[2]

Serbian,
Croatian,
Bosnian

Notes:

- The "member republics" referred to in the constitution are Serbia and Montenegro.

[1] According to the Ethnic Power Relations Dataset, for 1992, the Serbs and Macedonians were senior partners, and the Montenegrins were junior partners; all other groups were discriminated against or powerless. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[2]

1. Executive

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

Yes. The constitution requires that the President and Prime Minister of the Republic were not from the same member republic (one from Serbia, one from Montenegro).

De Jure:

Yes. Article 97 of the constitution states that the President of the Republic and the Prime Minister cannot be from the same "member republic" (Serbia and Montenegro).[3]

De Jure Implementation:

Yes. From 1993-2000 the President was Serbian and the Prime Minister was Montenegrin.

De Facto:

N/A.

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2. Legislative

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:
Yes. There are designated quotas in both Chambers of government

De Jure:

Yes. Article 80 of the Constitution requires that each member republic has a minimum of 30 federal deputies in the Chamber of Deputies and a minimum 20 deputies in the Chamber of Republics.[4]

De Jure Implementation:

Yes.

De Facto:

N/A.

[3] Const. of Yugoslavia, 1991. Article 97.
[4] Const. of Yugoslavia, 1991. Article 80.

3. Security

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

Yes. The Army of Yugoslavia and Supreme Defense Council are under the command of the President of the Republic and the Presidents of the Member Republics.

De Jure:

Yes. In wartime and peacetime, the Army of Yugoslavia shall be under the command of the President of the Republic, pursuant to decisions by the Supreme Defense Council, and the Supreme Defense Council (VSO) shall be made up of the President of the Republic and presidents of the member republics.

De Jure Implementation:

Yes. One of Milosĕvić's key civil/military legacies was the continued role of the VSO as the supreme body in command of the Army. This council comprised of the federal, Serbian and Montenegrin presidents who in theory exercised joint command over the military. Though the VSO remained deliberately ambiguous, however, with the federal president commanding the Army 'in line with decisions from the VSO.[5] Further, Milo Djukanovic (Montenegrin) was a member of the VSO. (Prime Minister of Montenegro from 1991 to 1998, as President of Montenegro from 1998 to 2002, and as Prime Minister again from 2003 to 2006). President Milosevic (Serbian) was also a member of the VSO.[6]

De Facto:

N/A.

[5] Edmunds, Timothy. "Civil–military Relations in Serbia–Montenegro: An Army in Search of a State 1." European Security 14, no. 1 (2005): 115-135. Miroslav Hadzić, New Constitutional Position of the Army', DCAF Working Paper No. 112 (Geneva: Geneva Centre for the Democratic Control of Armed Forces, February 2003), pp. 8- 11.
[6] Edmunds, Timothy. Defence Reform in Croatia and Serbia--Montenegro. No. 360. Routledge, 2013.

4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws for the judicial branch

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

There is no evidence of ethnic recognition in the constitution or other laws for the civil service.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None found.

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6. Education

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:
Yes. The constitution requires education be provided to minority students in their own language.

De Jure:

Yes. Articles 46 and 47 of the Constitution requires that national minorities have the right to education in their own language.[7]

De Jure Implementation:

Yes. Members of ethnic do have the right to education in their first language from primary school to university. For example, Albanians in Montenegro are entitled to instruction in their first language from primary to secondary school level. There are six elementary schools in the municipalities of Plav, Rozaje and Ulcinj, and three secondary schools in Plav, Tuzi and Ulcinj. In contrast, primary and secondary schools in Vojvodina offer instruction in Serbian (which is the language of the majority population) and in four minority languages: Hungarian, Slovak, Romanian and Ruthenian.[8]

De Facto:

N/A.

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7. Language

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A.	

Evidence:
There is no evidence of ethnic recognition in the constitution or other laws for the civil service.

De Jure:

Yes. Articles 15 and 21 of the constitution mandate that minorities have the right to use their own language and in regions where they are the dominant group, government communication must also be offered in those languages.

De Jure Implementation:

Yes. Municipalities have a lot of independence and freedom to decide which language to communicate in, for example, in Vojvodina, 35 of 45 municipalities have official usage of minority languages in their statutes.[9]

De Facto:
N/A.

[7] Const. of Yugoslavia, 1999. Article 46/47.
[8] There was no reference for this in the document.
[9] http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.457.5180&rep=rep1&type=pdf

ZIMBABWE

	2017
Overall Score	3
Executive	0
Legislative/Assembly/Electoral	1
Security	0
Justice	0
Civil Service	0
Education	1
Language	1

Country Context and Overview:

The 2008 power sharing agreement provided structure to the government after decades of single party rule.

Constitutional Document(s):

Zimbabwe Power Sharing Agreement, 2008
Constitution of Zimbabwe,
Amended through 2007

Ethnic Groups:[1]

Shona, 77%[2]
Ndebele-Kalanga-(Tonga), 20%

Language(s):[3]

Shona (official; most widely spoken),
Ndebele (official, second most widely spoken),
English (official; traditionally used for official business),
13 minority languages (official; includes Chewa, Chibarwe, Kalanga, Koisan, Nambya, Ndau, Shangani, sign language, Sotho, Tonga, Tswana, Venda, and Xhosa

Notes:

Analysis does not include 2013 amendments, nor does it include events from November 2017.

[1] CIA WorldFactbook. 2017. "." CIA WorldFactbook. Accessed . https://www.cia.gov/library/publications/the-world-factbook/geos/.html

[2] According to the Ethnic Power Relations Dataset, the Shona are senior partners and Ndebele-Kalanga-(Tonga) are junior partners. See: Andreas Wimmer, Lars-Erik Cederman and Brian Min. "Ethnic politics and armed conflict. A configurational analysis of a new global dataset", in American Sociological Review 74(2):316-337, 2009

[3] CIA WorldFactbook. 2017.

1. Executive

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected by voters and Zimbabwean by descent or birth, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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2. Language

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	0	

Evidence:

While the Constitution indicates that the president is elected via direct universal suffrage, there are no provisions for ethnic requirements for either the president or any cabinet members.

De Jure:

Yes. In the legislature, the upper house is the Senate (80 seats; 60 members directly elected in multi-seat constituencies - 6 seats in each of the 10 provinces - by proportional representation vote, 16 indirectly elected by the regional governing councils, 2 reserved for the National Council Chiefs, and 2 reserved for members with disabilities. Members serve 5-year terms. (citation).[4]

De Jure Implementation:

Yes. Chiefs were indeed appointed to Senate, and many are instruments of the ruling party, but that some represent other ethnic groups and opposition exists.[5] Further, in Zimbabwe, "Electoral district boundaries should be drawn such that constituents have an opportunity to elect candidates they feel truly represent them. This usually means that district boundaries should coincide with communities of interest as much as possible. Communities of interest can be defined in a variety of ways. For example, they can be

[4] http://www.newzimbabwe.com/opinion-11884-Elections+Understanding+proportional+representation/opinion.aspx; see also http://www.ipu.org/parline-e/reports/2383.htm; See also Const. of Zimbabwe, 2008. Section 111.

[5] Citation

geographically defined communities delineated by administrative boundaries or physical features such as mountains or islands, or they can be "communities" that share a common race, ethnic or tribal background, or the same religion or language"[6]

De Facto:

N/A.

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3. Security

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No evidence for ethnic recognition in the security sector.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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4. Justice

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

No evidence for ethnic recognition in the justice sector.

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:
None Found.

6

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=10&ved=0ahUKEwiimNKYxfnQAhXLCMAKHVFrBGMQFghKMAk&url=http%3A%2F%2Fwww.zesn.org.zw%2Fwp-content%2F_protected%2Fpublications%2Fpublication_130.doc&usg=AFQjCNHrxIk8cvT9Qo0o5XOVziv4XY6h3A&sig2=CqgpSDQlTwEtZplzMWLJ_g

5. Civil Service

	2017	
Overall	0	No
De Jure	0	
De Jure Implementation	N/A	
De Facto	0	

Evidence:

The government and civil service are dominated by Shona. Even in Matabeland (where the Ndebele group is predominant), "the civil service "is between 80 and 90% non-Ndebele, and the majority do not speak the Ndebele language."[7]

De Jure:

No formal provisions for ethnic recognition found in the constitution or other laws.

De Jure Implementation:

N/A.

De Facto:

None Found.

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6. Education

	2017	
Overall	1	Yes.
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

Yes. Education takes place in the mother tongue (with English as a second language) through third grade.

De Jure:

The Zimbabwe Education Act mandates that Shona, Ndebele, and English are taught in all primary schools according to the mother tongue of the majority of residents in the region (English is to be taught as a second language regardless of mother tongue.[8]

De Jure Implementation:

Yes. "Children of the minority language groups generally have little access to education in their mother tongue as these languages are taught in schools only up to the 3rd grade"[9], while this means that there are limits to minority language education, it does indicate language education recognition for however short a period of time.

De Facto:

None Found.

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[7] Minahan, Encyclopedia of Stateless Nations, 2002, p. 1345

[8] Zimbabwe Education Act.

[9] Hachipola 1998

7. Language

	2017	
Overall	1	Yes
De Jure	1	
De Jure Implementation	1	
De Facto	N/A	

Evidence:

De Jure:

Yes. Zimbabwe has several official languages inclusing, Shona (official; most widely spoken), Ndebele (official, second most widely spoken), English (official; traditionally used for official business), 13 minority languages (official; includes Chewa, Chibarwe, Kalanga, Koisan, Nambya, Ndau, Shangani, sign language, Sotho, Tonga, Tswana, Venda, and Xhosa.[10]

De Jure Implementation:

Yes. The constitution requires that, for example, when someone is charged with a criminal offence s/he "is informed as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence charged;(f) is permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge…"[11]

De Facto:

N/A.

[10] CIA WorldFactbook, 2017.
[11] Const. of Zimbabwe, 2008. Section 18.