ANALYSIS OF THE CONSTITUTIONAL FRAMEWORK ON THE DEVOLUTION OF POWERS AND PROTECTION OF MINORITY RIGHTS IN NIGERIA, ETHIOPIA, AND INDIA

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Abstract

Comparative constitutional analysis of the frameworks governing the devolution of powers and the protection of minority rights in three federal or quasi-federal states: Nigeria, Ethiopia, and India. These jurisdictions represent distinct constitutional experiments in managing ethno-linguistic and religious pluralism through institutional design. Drawing on constitutional texts, legislative instruments, judicial decisions, and scholarly commentary, the chapter evaluates the extent to which each constitutional order has succeeded in accommodating subnational diversities through vertical power-sharing and normative guarantees for minority groups. The analysis reveals that while all three constitutions enshrine formal commitments to devolution and minority protection, the gap between constitutional text and lived reality remains pronounced, owing to centralising tendencies, ethnic elite capture, and uneven judicial enforcement. The chapter ultimately argues that effective minority protection requires not only robust textual guarantees but also institutional mechanisms that ensure genuine fiscal autonomy, independent adjudication, and an inclusive political culture.

Keywords*:* Constitutional Framework; Devolution Powers; Protection; Minority Rights; Nigeria, Ethiopia, and India

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1.0 INTRODUCTION

The organisation of state authority in multi-ethnic, multilingual, and multireligious polities presents one of the most enduring challenges of constitutional design. Federal and devolved constitutional arrangements have long been advanced as structural responses to the imperatives of unity in diversity, premised on the normative claim that the vertical dispersal of governmental power can simultaneously accommodate territorial and ethno-cultural pluralism while preserving national cohesion.[1] At its core, federalism distributes legislative, executive, and fiscal authority between a central government and subnational units, theoretically insulating regional or minority communities from majoritarian domination.[2]

The intersection of federalism with minority rights is, however, structurally ambivalent. On one hand, devolved governance can empower minorities who are numerically dominant within particular territorial units, furnishing them with meaningful self-governance. On the other hand, where minorities are geographically dispersed, or where subnational majorities are themselves capable of oppressing smaller groups within their jurisdictions, structural devolution may offer little substantive protection. [3] It is for this reason that most contemporary federal constitutions supplement structural arrangements with explicit minority

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[1]Kenneth, Clinton Wheare. *Federal Government* (4th edn, Oxford University Press 1963) 10.
[2] Ronald, Lampman Watts, *Comparing Federal Systems* (3rd edn, McGill-Queen's University Press 2008) 8.
[3] Donald, Leonard Horowitz, *Ethnic Groups in Conflict* (University of California Press 1985) 563–564.

rights guarantees a catalogue of rights protecting identity, language, religion, culture, and political participation.[4]

Nigeria, Ethiopia, and India offer paradigmatic illustrations of federal constitutional engineering in postcolonial, multi-ethnic states. All three states face comparable challenges: large populations, deep ethno-linguistic and religious cleavages, histories of centralised colonial administration, and post-independence nation-building imperatives. Yet each has pursued a distinct constitutional architecture. Nigeria's 1999 Constitution establishes a three-tier federal system with an extensive exclusive legislative list that privileges federal authority. Ethiopia's 1995 Constitution adopts an explicitly ethnic federal design, granting constituent nationalities a formal right of self-determination up to and including secession. India's 1950 Constitution creates a federal structure with a pronounced unitary bias, underpinned by an elaborate scheme of minority protections drawn from the equality and non-discrimination framework of its Fundamental Rights chapter.

The purpose of this chapter is to examine and compare these constitutional frameworks along two principal axes: first, the formal and functional dimensions of the devolution of powers; and second, the scope, character, and enforceability of constitutional guarantees for minority rights. The chapter proceeds as follows: Section 3.2 examines the Nigerian constitutional framework; Section 3.3 analyses the Ethiopian model; Section 3.4 addresses the Indian constitutional design; Section 3.5

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[4] William Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Clarendon Press 1995) 11.

offers a comparative synthesis; and Section 3.6 provides concluding observations.

2.0 THE NIGERIAN CONSTITUTIONAL FRAMEWORK

2.1 Structural Architecture of Nigerian Federalism

The Constitution of the Federal Republic of Nigeria 1999, establishes Nigeria as a federal republic composed of thirty-six states and a Federal Capital Territory.[5] Legislative authority is distributed through a bicameral framework: the Second Schedule demarcates an Exclusive Legislative List of sixty-eight items over which the National Assembly holds sole competence, alongside a Concurrent Legislative List over which both federal and state legislatures may legislate, with federal law prevailing in cases of conflict.[6] State governments enjoy residual powers in matters not enumerated in either list, and local government councils are constitutionally recognised as a third tier of government, though their powers are substantially mediated through state legislatures.[7]

The structural design of Nigerian federalism bears the imprint of its historical origins in colonial administrative necessity and post-civil war political settlement. The distribution of states from three regions at independence in 1960 to thirty-six by 1991 reflects successive federal governments' use of state creation as an instrument of ethno-political

[5]Constitution of the Federal Republic of Nigeria 1999 (as amended), s 2(2).
[6]ibid, Second Schedule, Part I (Exclusive Legislative List) and Part II (Concurrent Legislative List).
[7]ibid, s 7; see also E Amechi, 'Federalism and Local Government in Nigeria' (2010) 6 Journal of African Law 44, 48.

management rather than principled constitutional design.[8] The resulting federation is highly centralised in practical terms: the federal government controls the military, police, currency, most infrastructure, and crucially the principal revenue streams from petroleum extraction.

2.2 Fiscal Federalism and Revenue Allocation

Fiscal arrangements in Nigeria reveal a significant asymmetry between the formal devolution of legislative competencies and the practical capacity of subnational units. The federation account into which all revenues accruing to the federal government are paid is shared pursuant to a statutory formula among the federal, state, and local government tiers. However, the federal government's dominance of the petroleum sector, which historically accounts for over seventy per cent of government revenue, has created a structurally dependent federalism in which states lack genuine fiscal autonomy.[9]

The principle of derivation, whereby a specified share of revenue is returned to the state from which a natural resource is extracted, has been a site of perennial contestation. Oil-producing states in the Niger Delta have consistently demanded higher derivation percentages, arguing that current allocation formulas disadvantage communities bearing the environmental and social costs of extraction. This fiscal dimension of federalism is intimately connected to minority rights concerns, as the oil-producing communities are principally composed of ethnic minorities the Ijaw,

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[8]Rotimi Suberu, *Federalism and Ethnic Conflict in Nigeria* (United States Institute of Peace 2001) 19.

[9]Paul Obiamiwe, 'Fiscal Federalism and Revenue Allocation in Nigeria' (2016) 12 African Journal of Political Science 77, 79.

Ogoni, Urhobo, and related groups who have historically been marginalised from the political and economic mainstream.[10]

2.3 Constitutional Minority Rights Protections

The Constitution addresses minority concerns through several provisions. Section 14(3) mandates that the composition of government and its agencies shall reflect the federal character of Nigeria, imposing an obligation of ethno-regional representativeness on the appointment of federal officials.[11] This "federal character principle" has been institutionalised through the Federal Character Commission, tasked with ensuring equitable distribution of offices and social amenities across the constituent states and ethnic groups.[12]

Section 42 of the Constitution guarantees freedom from discrimination on grounds of community, ethnic group, place of origin, sex, religion, or political opinion.[13] Chapter IV further enshrines a catalogue of fundamental rights including the rights to life, dignity, fair hearing, freedom of expression, peaceful assembly, and freedom from discrimination.[14] These rights are justiciable before the High Courts, which may grant remedies including declarations, injunctions, and compensation.

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[10]Chibuike Uche and Ogbonnaya C. Uche, 'Oil and the Politics of Revenue Allocation in Nigeria' (2004) 14 African Studies Review 21, 26.
[11]Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14(3)–(4).
[12] Adebayo Adedeji, 'The Federal Character Principle and National Integration in Nigeria' (2012) 8 Journal of Public Administration 102, 106.
[13]ibid, s 42.
[14]Constitution of the Federal Republic of Nigeria 1999 (as amended), ch IV (ss 33–46).

However, the substantive effectiveness of these provisions has been questioned on several grounds. First, the prohibition on the establishment of a state religion in section 10[15] has not prevented the adoption of Sharia criminal law by twelve northern states, raising acute concerns about the rights of non-Muslim minorities within those jurisdictions. Second, the federal character principle has been criticised as prioritising ethnic group representation over individual merit and equal citizenship, potentially entrenching rather than dissolving communal identities.[16] Third, the fundamental rights chapter explicitly excludes from the prohibition on discrimination any law providing for the educational interests of a particular community, a proviso that has been wielded to justify religiously exclusive educational institutions.

Scholars have observed that the constitutional framework for minority rights in Nigeria reflects a "dual character": it simultaneously provides formal protections and perpetuates structural conditions centralised resource control, elite ethnic patronage, weak judicial independence that undermine effective minority empowerment.[17] The absence of a constitutionally entrenched minority rights commission with binding enforcement powers remains a notable lacuna.[18]

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[15]ibid, s 10.

[17]Abubakar Momoh, 'The Travails of Minority Rights in Nigeria' in T Babawale (ed), *Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation in Nigeria* (Malthouse Press 2003) 45.

[18] Emeka E. Okafor, 'Minority Rights under the Nigerian Constitutional Order' (2009) 3 Nigerian Juridical Review 55, 62.

3.0 THE ETHIOPIAN CONSTITUTIONAL FRAMEWORK

3.1 Ethnic Federalism as Constitutional Design

The Constitution of the Federal Democratic Republic of Ethiopia 1995 represents the most explicit experiment in ethnic federalism in the contemporary world. Article 1 designates Ethiopia as a federal and democratic republic, while the preamble, uniquely in comparative constitutional practice, attributes constituent power not to "the people" as an undifferentiated demo but to the "Nations, Nationalities and Peoples" of Ethiopia.[19] This fundamental premise that Ethiopia is a multinational state whose constituent units are ethnolinguistic communities rather than territorial divisions pervades the entire constitutional design.[20]

Article 39 codifies the principle of national self-determination in unusually expansive terms. Every Nation, Nationality, and People enjoys the unconditional right to self-determination, including secession.[21] The right encompasses the full use and development of language, the promotion of culture, and the preservation of historical legacy.[22] Where a group constitutes a majority in a given territory, it is entitled to a full measure of self-governance through regional or local organs, and to equal representation at the federal level.[23] Article 47 provides for nine ethnically

[19]Constitution of the Federal Democratic Republic of Ethiopia 1995, Art 1.
[20] David Turton (ed), *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective* (James Currey 2006) 1.
[21]ibid, Art 39(1).
[22]ibid, Art 39(3).
[23]ibid, Art 39(4).

defined regional states, including Tigray, Amhara, Oromia, and the Somali Regional State alongside two multi-ethnic federal cities.[24]

3.2 Vertical Distribution of Powers

The federal-regional division of competences under the 1995 Constitution allocates exclusive federal powers over matters including foreign affairs, defence, currency, and immigration, while granting regional states legislative and executive power over matters falling outside federal jurisdiction.[25] Regional states may also establish their own constitutions, provided they conform to the Federal Constitution. A bicameral federal parliament comprises the House of People's Representatives and the House of the Federation, the latter being composed of representatives of the constituent nations, nationalities, and peoples, thereby institutionalising ethnic representation at the federal level.

In practice, however, the vertical distribution of power has been substantially mediated by the organisational dominance of the Ethiopian People's Revolutionary Democratic Front (EPRDF) and its successor, the Prosperity Party. Critics have argued that the formal federal structure coexists with a de facto one-party central state, in which regional administrations function as implementing agencies of federal policy rather than as autonomous self-governing entities. [26] The institutional arrangement has produced a paradox: the Constitution offers the most

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[24]ibid, Art 47.
[25]Constitution of the Federal Democratic Republic of Ethiopia 1995, Art 50(1).
[26] Lovise Aalen, 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991–2000' (2002) Chr Michelsen Institute Development Studies and Human Rights Report 2, 47.

extensive formal ethnic autonomy of any contemporary federal design, yet political practice has tended toward centralisation and ethnic elite capture.[27]

3.3 Minority Rights within Ethnic Federalism

The Ethiopian Constitution includes comprehensive individual rights protections. Article 25 guarantees equality and the prohibition of discrimination on grounds of race, nation, nationality, colour, sex, language, religion, political or other opinion, property, birth, or other status.[28] Articles 41 to 44 provide for economic, social, and cultural rights.[29] The Constitution also mandates that regional states enact similar rights guarantees at the sub-federal level.

Notwithstanding these textual guarantees, the intersection of ethnic federalism with minority rights generates structural tensions. Where ethnic boundaries are drawn to privilege the majority group within a given region, minority communities within that region such as non-Oromo groups in the Oromia region may face discrimination by the regional majority acting as a subnational majority.[30] The very logic of ethnic federalism, which defines political community by ethnicity, risks

[27]Lovise Aalen, 'Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: The Case of Ethiopia' (2006) 13 International Journal on Minority and Group Rights 243, 256.
[28]Constitution of the Federal Democratic Republic of Ethiopia 1995, Art 25.
[29]ibid, Arts 41–44.
[30] Yonatan Tesfaye Fessha, 'Decentralization and the Oromo in Ethiopia' (2010) 9 African Studies Quarterly 23, 31.

institutionalising exclusion of those who do not identify with the dominant group in any given territory.[31]

Moreover, independent human rights documentation has recorded serious violations of minority and dissident rights in several regional states, including arbitrary detention, restrictions on freedom of expression, and ethnically targeted violence, notwithstanding the Constitution's formal protections. [32] The Constitutional Inquiry Commission, tasked with constitutional interpretation including rights disputes, operates under the supervision of the House of the Federation a political body rather than an independent judiciary, thereby weakening the enforceability of constitutional rights guarantees.[33]

Commentators have observed that the Ethiopian model illustrates the limits of constitutionalising ethnicity as the primary axis of political organisation. While Article 39 provides a normative basis for minority self-determination, the absence of robust judicial review, genuine political pluralism, and fiscal decentralisation has meant that the transformative potential of the constitutional design has remained largely unrealised.[34]

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[31] Minasse Haile, 'The New Ethiopian Constitution: Its Impact upon Unity, Human Rights and Development' (1996) 20 Suffolk Transnational Law Review 1, 39.
[32] Human Rights Watch, 'Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia's Oromia Region' (HRW 2005) 12.
[33] Teshome Regassa, 'Making Legal Sense of Human Rights: The Judicial Role in Protecting Human Rights in Ethiopia' (2009) 3 *Mizan Law Review* 60, 65.
[34] John Young, 'Ethnicity and Power in Ethiopia' (1996) 23 Review of African Political Economy 531, 536.

4.0 THE INDIAN CONSTITUTIONAL FRAMEWORK

4.1 Constitutional Architecture: Federalism with a Unitary Bias

The Constitution of India 1950 establishes India as a "Union of States",[35] a formulation deliberately chosen by the constituent assembly to signal that the federation was indestructible and that states lacked the right to secede.[36] Legislative authority is distributed through the Seventh Schedule into three lists: the Union List (ninety-seven subjects of exclusive federal competence), the State List (sixty-six subjects of exclusive state competence), and the Concurrent List (forty-seven subjects of shared competence), with federal law prevailing in case of repugnancy.[37]

The Constitution confers on the Union Parliament the power to override state laws in a national emergency, under Presidential Rule pursuant to Article 356 the "President's Rule" provision to assume the governance of a state in which constitutional government has broken down.[38] This provision was extensively and controversially used in the early decades of the republic, though the Supreme Court in S.R. Bommai v Union of India significantly constrained its exercise by subjecting proclamations of President's Rule to judicial review.[39]

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[35]Constitution of India 1950, Art 1.
[36]ibid, Art 1(1); see also MP Singh, 'The Federal Scheme' in DD Basu, *Commentary on the Constitution of India*, vol 1 (8th edn, LexisNexis 2008) 142.
[37]ibid, Seventh Schedule (Lists I, II, and III).
[38]ibid, Art 356; see also G Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 2000) 260–262.
[39]*SR Bommai v Union of India* (1994) 3 SCC 1.

4.2 Constitutional Minority Rights Provisions

The Indian constitutional framework for minority rights is among the most elaborately articulated in any postcolonial constitution. Its protective provisions span several dimensions. Article 30 guarantees all religious and linguistic minorities the right to establish and administer educational institutions of their choice, a provision designed to secure cultural and educational autonomy against state interference.[40] Articles 15 and 16 prohibit discrimination on grounds of religion, race, caste, sex, or place of birth, while Article 29 protects the right of minorities to conserve their distinct language, script, or culture.[41]

For scheduled castes, scheduled tribes, and other backward classes communities historically subjected to systemic social, economic, and political exclusion the Constitution mandates a comprehensive affirmative action regime. This includes reserved seats in the national and state legislatures,[42] reservation of government posts and educational places, and the Fifth and Sixth Schedules, which establish special protective regimes for tribal communities inhabiting scheduled areas.[43] The Sixth Schedule in particular grants significant autonomy to tribal councils in the northeastern states, conferring legislative, judicial, and administrative powers to govern local affairs.

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[40]Constitution of India 1950, Art 30.
[41]ibid, Arts 15, 16, 29.
[42] ibid, Arts 330, 332 (reserved parliamentary and legislative seats); Arts 341, 342 (Scheduled Castes and Tribes).
[43]ibid, Arts 244, 244A; Fifth and Sixth Schedules.

The Constituent Assembly debates reveal the contested nature of these provisions. Dr. B.R. Ambedkar, the principal drafter of the Constitution, advocated for fundamental rights as a counterweight to caste oppression, while also acknowledging the tension between individual rights and group-based protections.[44] Jawaharlal Nehru and other Congress leaders were ambivalent about permanent group-specific entitlements, preferring to frame reservations as temporary correctives.[45]

4.3 Linguistic and Religious Minorities

India's approach to linguistic minorities is distinctive. The States Reorganisation Act 1956 restructured state boundaries substantially on a linguistic basis, creating linguistically homogeneous states and thereby channelling minority linguistic protection through the federal structure itself.[46] Articles 350A and 350B provide for instruction in the mother tongue at the primary level and establish a Special Officer for Linguistic Minorities to investigate complaints and report to the President.[47]

Religious minorities, principally Muslims, Christians, Sikhs, Buddhists, Jains, and Zoroastrians, enjoy constitutional protections of worship, propagation, religious education, and institutional management under Articles 25 to 28. The Supreme Court has developed a robust jurisprudence interpreting these provisions, including the doctrine of

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[44] Bhimrao Ramji Ambedkar, *Constitutional Assembly Debates (Official Report)*, vol 11 (Lok Sabha Secretariat 1989) 975.
[45] Granville Seward Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press 1966) 309.
[46] States Reorganisation Act 1956 (India); see also P Brass, *Language, Religion and Politics in North India* (Cambridge University Press 1974) 17.
[47] Constitution of India 1950, Art 350A–350B.

"essential religious practices" to determine the scope of protected religious conduct.[48] However, concerns persist regarding the practical vulnerability of religious minorities in the context of communal violence, discriminatory state action, and an increasingly majoritarian political climate.[49]

The Supreme Court's jurisprudence on affirmative action has also generated significant constitutional controversy. *In Indra Sawhney v Union of India*, the Court upheld the constitutionality of reservations for Other Backward Classes while imposing the "creamy layer" exclusion denying reservation benefits to the relatively affluent among beneficiary groups and capping total reservations at fifty per cent, a ceiling that has since become a constitutional doctrine.[50] This jurisprudence reflects an ongoing judicial effort to balance the equal treatment norm of Article 14 with the group-based equality claims embodied in Articles 15(4) and 16(4).[51]

5.0 COMPARATIVE ANALYSIS

5.1 Models of Constitutional Accommodation

A comparative analysis of the three constitutional frameworks reveals three distinct models of minority accommodation. Nigeria's model is best

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[48] Rajeev Bhargava (ed), *Multiculturalism, Liberalism and Democracy* (Oxford University Press 1999) 78.
[49] Gurpreet Mahajan, 'Linguistic and Minority Rights in India: An Overview' (2002) 37 Economic and Political Weekly 409, 412.
[50] *Indra Sawhney v Union of India* AIR 1993 SC 477.
[51] Koka Subba Rao, 'The Indian Federal System and Minority Safeguards' (1981) 21 Indian Journal of Political Science 301, 308.

characterised as "federal character federalism": the primary instrument of minority protection is not individual rights enforcement but rather the proportional representation of ethno-regional groups in federal institutions, calibrated through the federal character principle. This approach assumes that group representation in state institutions, particularly in terms of bureaucratic appointments and revenue sharing, is the most effective means of protecting minority group interests.[52]

Ethiopia's model constitutes what may be termed "ethnic self-determination federalism": the constitution treats ethnolinguistic identity as the foundational axis of political organisation, granting groups formal rights of self-governance and ultimately of secession. This model is premised on the normative claim that genuine minority protection requires the entrenching of group autonomy, not merely non-discrimination or representational fairness.[53] The model's internal logic is coherent, but its practical implementation has revealed deep vulnerabilities to ethnic elite capture and the instrumentalisation of ethnicity for political purposes.[54]

India's model is best described as "federal non-discrimination with corrective affirmative action": the Constitution combines formal individual rights equality with targeted group-specific measures aimed at rectifying historical inequities. The linguistic federal structure accommodates cultural plurality at the territorial level, while the rights

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[52] Rotimi T. Suberu, 'Federalism and the Management of Ethnic Conflict: The Nigerian Experience' in D Brown and I Wilson (eds), *Ethnicity and Governance in the Third World* (Ashgate 2001) 67, 73.

chapter and affirmative action regime address minority vulnerability at the individual and group level. [55] This model is perhaps the most constitutionally sophisticated of the three, but it faces tensions among individual and group rights, secular neutrality and religious accommodation, and the imperatives of national integration and cultural diversity.[56]

5.2 The Gap Between Text and Practice

Across all three jurisdictions, a consistent pattern emerges: the constitutional text provides considerably stronger protections for devolution and minority rights than the operational reality of governance. In Nigeria, the centralisation of petroleum revenues and the instrumentalisation of the federal character principle by dominant ethnic elites have undermined the practical autonomy of minority-majority states. In Ethiopia, the formal architecture of ethnic self-determination has been hollowed out by single-party dominance and the securitisation of ethnically marked political dissent.[57] In India, reservations and minority rights provisions have been progressively judicialised, producing a complex and contested body of jurisprudence that reflects the unresolved tensions at the heart of the constitutional settlement.[58]

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[55] Yash Pal Ghai, *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States* (Cambridge University Press 2000) 4.

[57]AM Tripp, 'The Evolution of Transnational Feminisms: Consensus, Conflict, and New Dynamics' in MM Ferree and AM Tripp (eds), *Global Feminism* (New York University Press 2006) 51.

These gaps between text and practice can be attributed to a common set of structural and political conditions. First, in all three states, the state remains the primary arena of resource distribution, creating incentives for dominant groups to capture state institutions and direct resources toward their own constituencies. Second, judicial independence, a necessary precondition for effective constitutional enforcement, has been compromised to varying degrees in all three jurisdictions.[59] Third, the political culture in each state exhibits elements of ethnic outbidding, in which political entrepreneurs mobilise ethnic and religious identities to build electoral coalitions, thereby intensifying inter-group competition and eroding the inclusive civic politics that effective minority protection requires.[60]

6.0 INTERNATIONAL NORMS AND DOMESTIC CONSTITUTIONAL FRAMEWORKS

The three constitutional frameworks must also be evaluated against the backdrop of international minority rights norms. Article 27 of the International Covenant on Civil and Political Rights obliges states to ensure that members of ethnic, religious, or linguistic minorities are not denied the right to enjoy their own culture, practise their religion, or use their own language.[61] The 1992 UN Declaration on the Rights of Persons Belonging to Minorities elaborates these obligations, requiring states to

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[59] Upendra Baxi., 'The Rule of Law in India' (2007) 6 Sur: *International Journal on Human Rights* 7, 11.
[60] Thandika Mkandawire, 'Thinking about Developmental States in Africa' (2001) 25 *Cambridge Journal of Economics* 289, 291.
[61] International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, Art 27.

protect and promote minority identities and to ensure effective participation in cultural, social, economic, and public life.[62]

Nigeria, Ethiopia, and India are all state parties to the ICCPR, and each has incorporated aspects of international minority rights norms into their constitutional frameworks. However, the extent and mechanism of incorporation vary. India's constitutional framework, developed contemporaneously with the UDHR, reflects many of the same normative commitments. Nigeria's 1999 Constitution acknowledges international obligations in the context of fundamental objectives and directive principles but does not provide for the direct application of international treaties without legislative domestication. Ethiopia's 1995 Constitution takes a more integrationist approach, stating in Article 9(4) that all international agreements ratified by Ethiopia form part of the law of the land. [63] Despite this provision, the implementation gap between international obligations and domestic practice remains significant.[64]

7.0 CONCLUSION AND RECOMMENDATIONS

This chapter has demonstrated that the constitutional frameworks of Nigeria, Ethiopia, and India each embody distinct approaches to the twin challenges of devolution and the protection of minority rights. Nigeria's federal architecture, shaped by petroleum politics and ethnic arithmetic, privileges elite accommodation over substantive minority empowerment.

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[62]UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, GA Res 47/135 (18 December 1992), Art 1.

[63] Issa Gulamhussein Shivji, 'Constructing a New Rights Regime: Promises, Problems and Prospects' (1999) 8 Social and Legal Studies 253, 259.

[64]CM Fombad, 'Constitutional Reforms and Constitutionalism in Africa' (2011) 59 Buffalo Law Review 1007, 1014.

Ethiopia's ethnic federalism offers the most comprehensive formal recognition of minority self-determination but has been systematically undermined by authoritarian tendencies and the politicisation of ethnicity. India's elaborately differentiated rights regime and affirmative action architecture represent perhaps the most nuanced attempt to address minority vulnerability, yet it too faces structural constraints arising from judicial inconsistency, political majoritarianism, and the perennial tension between group and individual rights.

The comparative analysis reveals several structural lessons for constitutional design in multi-ethnic states. First, formal devolution without genuine fiscal decentralisation is likely to produce hollow autonomy. Second, constitutionalising ethnicity as the primary axis of political community, as Ethiopia has done, generates as many problems as it resolves, since it may institutionalise ethnic identities and facilitate elite capture without addressing the deeper socio-economic sources of inter-group inequality. Third, effective minority rights protection requires not only textual guarantees but also an independent judiciary, a politically empowered civil society, and a culture of constitutionalism in which dominant groups internalise obligations of restraint.[65]

Fourth, and perhaps most fundamentally, the experience of these three states suggests that constitutional design is a necessary but not sufficient condition for minority protection. Constitutional provisions create the normative architecture within which political struggles over minority

[65] Nikos Alivizatos, 'A New Role for the Courts?' in J Elster (ed), *The Roundtable Talks and the Breakdown of Communism* (University of Chicago Press 1996) 57.

rights are conducted, but the outcome of those struggles depends ultimately on the balance of political forces, the institutional capacity of the state, and the depth of democratic culture. As Yash Ghai has observed, the challenge of multi-ethnic constitutionalism is not merely to design institutions that accommodate diversity but to cultivate the political dispositions tolerance, reciprocity, civic solidarity that give those institutions life.[66]

Future constitutional reform in all three states must therefore attend not only to the drafting of rights provisions and the formal architecture of intergovernmental relations, but to the political, fiscal, and institutional conditions that determine whether constitutional promises are kept. The study of comparative constitutional law can illuminate the menu of available design choices; the realisation of minority rights depends on the political will to implement them.

Comparative Summary Table

Concept	**Nigeria**	**Ethiopia**	**India**
Devolution Model	Federal Character/State Autonomy	Ethnic Federalism	Quasi-Federalism with Asymmetric Provisions
Core Logic	Power sharing among major ethnic	Each major ethnic group	Strong center, but special

Concept	Nigeria	Ethiopia	India
	groups at federal level; indigene control at state level	has its own "homeland" state with secession rights	autonomous powers for vulnerable tribal groups in specific regions
Mechanism	Indigene vs. Settler status	Titular ethnic groups control regional states	Sixth Schedule Autonomous Councils
Minority Risk	Internal migrants/settlers become rights-deprived minorities in states not their "own"	Minorities within a "titular" state are often excluded from rights	Non-tribals ("outsiders") can be legally excluded from rights in autonomous areas