Editorial
Ups and Downs in Times of Crisis: the Importance of Guarantees for Sub-National Entities

According to Carl J. Friedrich’s well-known definition, federalism is a process. In fact, continuous change is a challenge for any federal or regional system. Whether induced from the outside (e.g. globalisation, financial and economic constraints, EU integration) or due to inside dynamics (e.g. regional parties, economic disparities), it affects the relationship of the two opposing principles of State unity and sub-national autonomy requiring continuous adaptation of the delicate balance between them.

More profound adaptation may provoke changes in the distribution of competencies or even regarding the legal or constitutional status of sub-national entities endowed with legislative powers. Controversy and conflict between national government and sub-national entity is often the inevitable consequence. Recent reforms in a number of States have followed opposite trajectories, either granting more autonomy or re-centralising powers. Some have affected the territorial design of the whole State (e.g. the merger of Regions in France) or of some entities (e.g. Vojvodina in Serbia). The movements for independence in Scotland and Catalonia are emblematic of the quest for territorial reconfiguration from the bottom-up.

Recently, the Institute has carried out a study for the Congress of Local and Regional Authorities in Europe (Council of Europe) on how status, powers, resources and borders of sub-national entities can be changed according to domestic law. Constitutional or legislative recognition of regional government as a principle and of the single entities depends on the importance of the latter for the whole system of territorial government. However, an entrenched status (in the national Constitution, special legislation or a sub-national statute) is common standard, in some cases strengthened by an international agreement.

The single guarantees and procedures for modifying competencies and financial resources are very different in detail. While detailed catalogues on the division of powers are common in federal States, in regional or devolutionary systems the powers of sub-national entities are usually listed in the Constitution or in the statutes of the entities. Bilateral negotiation is frequently used, in particular for the transfer of (additional) competences and in the financial sphere. Practically everywhere, boundaries and territorial status of sub-national entities cannot be changed without prior consultation with the concerned entity (often including a referendum). However, an express right to independence or secession remains a rare exception. Although constitutional clauses stressing territorial integrity or silence on this delicate matter prevail, a number of referendums on territorial change have been held in Europe over the last 25 years. In these cases, procedures and required majorities are subject to clarity requirements. Unilateralism is strongly discouraged by (international and) domestic legislation in all cases.

Sub-national entities are rarely directly recognised in the international context; their representation and participation in international matters affecting them mainly occurs via domestic procedures. For sub-national entities in EU Member States, this is in particular the case regarding EU affairs. While the general picture suggests that in most States considerable sub-national autonomy is possible, the financial crisis as well as EU membership and the resulting strengthened role of central governments have put considerable strain on sub-national governments.

In the relations between levels of government, a balance is required between guarantees of autonomy and legal certainty, on one hand, and the necessity of dynamic change for adaptation, on the other. A general attitude in favour of compromise can only be created through reciprocal loyalty and solidarity (among the parts of a bigger whole) thus allowing for the necessary adaptation of the system as reaction to change of the situation within a State and of the external context.

Jens Woelk
South Tyrolean Autonomy in Context

Italy, South Tyrol and the Autonomy-Convention: which way forward?

In 2015, South Tyrol — a small multilingual autonomous region in the Italian Alps — has taken further steps toward a new era for its autonomy arrangement. In addition to the work of both ad hoc expert tables and the so-called Commission of Six, a forum where the most relevant legal measures concerning the autonomy regime are adopted in agreement with the State, a so-called “Convention for the Revision of the Statute of the Autonomous Region of Trentino–South Tyrol” shall be established.

In April 2015, the Provincial Parliament of the Autonomous Province of Bolzano/Bozen (South Tyrol) passed Provincial Law n. 3/2015 which lays down the basic rules for the “Autonomy-Convention”. The Autonomous Province of Trento is about to pass a similar law with regard to the territory of the Autonomous Province of Trento, the Trentino. Together, the two Autonomous Provinces form the Autonomous Region of Trentino–South Tyrol that is — next to the 15 regions endowed with ordinary Statutes — one of five in Italy’s asymmetric regional State.

The so-called “Autonomy-Conventions” are set up to better understand which future governance the inhabitants of both Provinces imagine for their territories. Proposals on how to revise the provisions set forth in the Statute will be elaborated by means of structured discussion paths to a different extent in both Provinces and regular meetings of ad hoc bodies. Formally, the Provincial Parliaments will first discuss the proposals, and then the Regional Parliament. South Tyrol enjoys a far-reaching autonomy and is now increasingly looking for answers on the way forward against the background of both local and national challenges. Locally, the provisions concerning the Autonomous Province of Bolzano/Bozen enshrined in the “Second Statute of the Autonomous Region Trentino–South Tyrol” of 1972 are partly no longer valid or have to be further integrated due to the implications deriving from Europeanization and globalization. Nationally, the Parliament in Rome is currently voting on a constitutional reform bill with major implications for both decision-making processes and the division of competences.

If passed, perfect bicameralism - with both Houses (Chamber of Deputies and Senate of the Republic) having the same duties and powers — will cease to exist and the legislative powers of ordinary Regions are curtailed by establishing a dual system with parallel and independent areas of legislative powers of the State and the Regions, in which most powers would indeed be attributed to the State. The constitutional reform aims at both guaranteeing more flexibility and responsiveness to the political system and at eliminating legal uncertainty. What impact will this have on special regions? What are the consequences for South Tyrol?

South Tyrol and the Safeguard Clause

A so-called “safeguard clause” has been inserted in the constitutional reform bill. Put simply, it reinforces the principle of bilateral negotiations with regard to the revision of the Statutes of the Autonomous Regions. This also means that the provisions regarding South Tyrol cannot be altered against the will of the Autonomous Province of Bolzano/Bozen.

As a general rule, the five Autonomous Regions and the two Autonomous Provinces will have to adapt their Statutes, too, if the ongoing constitutional reform bill is passed and if it enters into force. However, amendments are subject to mutual agreement and until such agreements are not elaborated, the provisions currently laid down in the Statutes of the Autonomous Regions hold.

Notwithstanding the safeguard clause and in response to local challenges, South Tyrol’s Parliament passed the provincial law establishing an “Autonomy-Convention”. Through a process of participation, starting in January 2016, all South Tyroleans will have the possibility to cooperate with and offer ideas to the South Tyrolean Parliament to revise the existing autonomy arrangement — a revolutionary idea for the Province of Bolzano/Bozen, as a glance into its history shows. To what extent South Tyrol’s population of half a million will back up such a process is yet to be seen. South Tyrol is composed of 69.41 per cent German-speakers, 26.06 per cent Italian-speakers and 4.53 per cent Ladin-speakers (data from 2011 census), and in recent years immigration has increased.

South Tyrol’s Historical Legacy

With the 1919 Treaty of St. Germain at the end of World War I, Italy annexed the southern part of the former Austrian Crownland Tyrol, known as South Tyrol. The Brenner Pass became the new border between Austria and Italy, and South Tyrol’s mainly German and Ladin speaking population became Italian citizens and underwent repressive measures during fascism from 1922 onwards.

After World War II, the borders were confirmed. A first step towards formal autonomy was achieved in 1948 in order to fulfill what was led down in the Gruber-Degasperi-Agreement of 1946 when the “South Tyrolean Question” obtained international standing. Austria would henceforth have the right to intervene if the clauses of the Agreement were disregarded. Its clauses for example foresaw “complete equality of rights with the Italian speaking inhabitants” for German speakers. Still, the Agreement did not lead to peaceful coexistence because the autonomy was granted at regional level and German speakers were easily outvoted being the Autonomous Province of Trento almost entirely Italian-speaking.
South Tyrol's Path towards the Second Autonomy Statute 1972

The political crisis reached its climax in the late 1950s when, for the first time, South Tyroleans bombarded State-owned property, seeking to draw attention to their problems. As several attempts to submit a draft for a new autonomy statute for South Tyrol failed, the “South Tyrolean Question” was brought in front of the United Nations.

The UN General Assembly urged for a friendly bilateral solution in two resolutions in 1960 and 1961. Accordingly, intense negotiations between the SVP and the Italian State took place, and in 1969, the so-called “Package” of 137 measures was approved by the South Tyroleans’ People’s Party (SVP) and by both the Italian and the Austrian Parliament.

The most important consequence was the transfer of essentially all legislative and administrative powers from the Region to the two “Autonomous Provinces” of Bolzano/Bozen and Trento, as laid down in the Second Statute of the Autonomous Region of Trentino-South Tyrol of 1972.

South Tyrol's Second Autonomy Statute 1972

The most significant competences within the Autonomous Region of Trentino-South Tyrol are now vested at the provincial level. This allows for differentiated regimes in the two Autonomous Provinces composing the Region: Bolzano/Bozen established an ethnic power-sharing system according to the principles of consociationalism and by means of an ethnic quota system.

The German language is set on a par with Italian. Bilingualism is the rule all over South Tyrol, ranging from public administration to the judiciary. Trilingualism is the rule in the Ladin valleys. An Italian and German education system are established with the principle of mother tongue teaching whereas in the Ladin valleys a plurilingual teaching system called “Ladin Parity System” is in force.

The Region retains only marginal competences and South Tyrol's relationship with the Italian State is characterized by the principle of bilateralism and parity. The Commission of Six elaborated the implementation of the 1972 Statute by means of atypical acts and until today it remains the most efficient body when it comes to negotiations over competences with the Italian State.

In view of the most recent constitutional reform bill that is of recentizing nature, the need to look for a democratically legitimized way to updating the autonomy arrangements enshrined in the Autonomy Statute of 1972 becomes even more important. Also because within South Tyrol’s multilingual society diverging views on the future governance of and in South Tyrol are present, both in some segments of civil society and politics.

South Tyrol's Way Forward: the Autonomy Convention

From 16 January 2016 onwards, South Tyrol’s civil society as well as its politicians and stakeholders will be involved in organized discussion rounds, physically in all districts and — at the same time — digitally by means of an interactive e-platform.

The questions at stake are: How should South Tyrol’s autonomy evolve? How should different policy fields be governed in the future? The main aim of the Convention is to update and integrate South Tyrol’s autonomy arrangements by taking into account the opinions of the entire population of its territory. The goal is to gain legitimacy, approval and identification from the broader society with regard to current issues and challenges.

What is still lacking in South Tyrol, is a way forward for what comes next, for the design of the society after a minority conflict has been settled and integration and interaction among the groups have been achieved in parts but are lacking in others. The Convention-process follows a clearly defined schedule. Two closely linked bodies form the Autonomy-Convention: the “Convention of the 33” and the “Forum of the 100”—the civil forum. The Provincial Parliament of Bolzano/Bozen nominates the members of the “Convention of the 33”. It will consist of: 4 representatives suggested by the Council of the Municipalities, 2 persons suggested by the most representative trade associations, 2 persons suggested by the most representative trade unions, 5 legal experts, 8 citizens representing the civil society and selected from the “Forum of the 100”, 12 MPs comprising both the majority and opposition parties.

The consultative body of 33 will take up its works in late spring 2016 and propose a “revised Statute” at the end of a one-year process of regular meetings. All meetings are open to the public and its results will be documented on a website.

Beforehand (from 16 January onwards) a series of open space events will be held all over South Tyrol. People shall propose their ideas and opinions on how South Tyrol’s governance should look like in the future. Concurrently, the registration for the “Forum of 100 persons” starts: all South Tyroleans over 16 can put forward their candidature for this body.

The “Forum of 100” — citizens selected by means of a stratified random sampling in order to guarantee the balanced representation of South Tyrol’s population in terms of language groups (Italian, German, Ladin), gender and age — ‘observe’ and accompany the activities of the Convention proper, composed by 33 people. The “Forum of 100” regularly meets in 2016 and 2017 to control and monitor the work of the 33. The “Convention of the 33”, on the other hand, meets on average twice a month, discussing on different aspects of the Autonomy by taking into account the ideas elaborated in the open spaces and within the “Forum of 100”.

EURAC's role

The EURAC - Institute for Studies on Federalism and Regionalism and the EURAC-Institute for Minority Rights scientifically support and supervise the Autonomy Convention Project. Its researchers will analyse the process, advice all persons involved and evaluate the outcomes. After one year, the outcomes of the Convention will be presented to the Provincial Parliament for further elaboration first at provincial and then at regional level. Formally, the revision of the Statute of the Autonomous Region of Trentino-South Tyrol is subject to the rules laid down in article 138 of the Italian Constitution. To what extent the political landscape will be favourable for supporting a revision — if such a step is wished — is yet to be seen.

Moreover, the researchers of EURAC are analysing the different aspects of the constitutional reform bill and its implications for all special regions.

In early 2015, the volume “Riforma costituzionale e Regioni”, edited by F. Palermo and S. Parolari was published as EURAC book. Throughout the year, 11 expert meetings with public debates have been organised at EURAC to offer a platform for exchange of opinions for interested citizens, also in preparation of the upcoming reform process and the revision of the autonomy statute (see next page for EURAC's role)

Next year the Institute plans to publish a volume on the five special regions in Italy, aiming at critically analyzing the content and future development of their special status within the constitutional order. The publication of the book will be anticipated by a conference (in April 2016) to discuss the main research results. Further info will be available at EURAC's role

Editorial What’s new? What’s in for you? What else? Publications

Elisabeth Alber, Katrin Niedermair, Vera Ohnewein
The series of discussions on current developments regarding the South Tyrolean Autonomy continues!
After the success of the series of events last spring, the collaboration with the South Tyrolean Political Science Association “Politika” and the patronage of the South Tyrolean Parliament continue and will see six expert-meetings between mid-October and mid-January 2016 at EURAC. The aim is to create a discussion ground for interested citizens and experts in South Tyrol on what are perceived as important topics at the local level. The focus will be put on general aspects of the Autonomy which are expected to become crucial within the upcoming “Autonomy-Convention” (see pages 2-3), on a policy field or on a specific issue currently debated in the media.
Interested citizens are invited to discuss, in German and Italian, the specific topic chosen for that evening with experts from local administrations, universities and politicians. The format is simple: a researcher of the institute acts as “moderator” and guides the discussion between the invited expert and the audience. Every event deals with a different topic, such as: Changing Society in South Tyrol (16.10), Bilingual Education in South Tyrol (30.10), Participatory Democracy in the Autonomous Province of Trento (20.11.), the Autonomy Convention in South Tyrol (27.11), Multilevel-governance in the Alps (4.12), the Italian Senate after the Reform (15.01.16).

The programme with all discussion topics, invited experts and dates is available at:

Obituary
Professor Ronald L. Watts
Professor Frank Delmartino

Since our last newsletter was published in spring 2015, the international academic community lost two outstanding scholars who contributed a great deal to the advancement of the federal thought. On 9 October 2015, Professor Ronald L. Watts passed away in a sudden and unexpected way. He was Principal Emeritus and Professor Emeritus of Political Studies and Fellow of the Institute of Intergovernmental Relations at Queen’s University in Canada and one of the founders and former President of the International Association of Centres for Federal Studies (IACFS), as well as a founding board member of the international Forum of Federations. On several occasions, Professor Watts has been a consultant to the Government of Canada during constitutional deliberations all over the world. He is the author of one of the most established handbooks on comparative federalism: Comparing Federal Systems.

Born in 1929, Ron Watts has been an institution and a source of inspiration for all those involved in federal studies, showing how to combine outstanding academic engagement with practical sense and involvement in policy advice. He took the work of younger scholars extremely seriously and was always ready to offer his wisdom and suggestions. Ron last visited the Institute two years ago, when we organized the annual conference of the IACFS.

On 21 June 2015 another great scholar and true gentleman, and a good friend of the Institute, passed away. It was sad for all of us to learn about the sudden death of Professor Frank Delmartino. He was born in Brussels in 1939 and was Emeritus Jean Monnet Professor of European Institutions and Policies and Research Director at Leuven University, as well as visiting professor at the College of Europe in Brugge/Bruges.

Frank had long ties with the institute and was a member of our ring of friends. His studies on issues related to federalism and European integration are milestones of scholarly achievement and his international reputation was widely acknowledged. At the same time, he was a humble person, always available for input, suggestions and help. With his friendly and fatherly attitude, he was kind, gracious and caring. Above all, Frank was a dedicated European who enthusiastically albeit critically believed in Europe and in the challenges of federal governance, both at national and supranational level.

The human and academic legacy of Ron Watts and Frank Delmartino is immense and supersedes a lifetime. Let us preserve and honor their memory and continue their legacy as exemplary scholars and grand gentlemen. They will be missed in person but not in our intellectual work.

All members of the institute feel privileged to have met and worked with both exceptional scholars and wish to express their deep condolences to their families and close colleagues and friends.
Applications are now open for the 2016 edition of the Winter School on Federalism and Governance, jointly organized by our Institute in cooperation with the University of Innsbruck!

The upcoming edition of the two-week international programme will cover conflict and cooperation in federal systems. Participants will analyze both the effectiveness of federalism as a tool to solve intergovernmental conflicts and discuss the relevant constitutional instruments and institutions in multilevel systems, such as second chambers or constitutional courts. Furthermore, hot topics such as fiscal federalism and the role of political parties in promoting conflict or cooperation will be discussed.

Beside numerous opportunities for discussion with renowned experts throughout the lectures, interactive workshops will also offer participants the chance to share knowledge amongst themselves.

The crossborder Winter School, held in Innsbruck and Bolzano/Bozen, is a unique opportunity for students, researchers, civil servants or practitioners to be trained on theoretical and practical aspects of federalism from a comparative and interdisciplinary perspective.

**APPLICATION DEADLINE:** 25 October 2015
**WORKING LANGUAGE:** English
**INFO:** winterschool@eurac.edu, winterschool.eurac.edu
**VENUE:** University of Innsbruck (Austria) and European Academy EURAC Bolzano/Bozen (Italy), 1-12 February 2016

**Winner of the EURAC Federal Scholar in Residence Program 2016**

The International Jury of the fourth edition of the EURAC Federal Scholar awarded the prize to Assistant Professor Karlo Basta, faculty member at the Department of Political Science, Memorial University of Newfoundland St. John’s, Canada.

His manuscript “Toward a Positive Theory of Multinational Federalism: Identifying Gaps in the Scholarship and Pointing to Future Lines of Inquiry” has been ranked first among all received applications. Karlo Basta holds a BA from York University and an MA and PhD from the University of Toronto. His work examines the origins and impact of federal institutions in plural societies. He is the co-editor, with John McGarry and Richard Simeon, of Territorial Pluralism: Managing Difference in Multinational States (UBC Press, 2015). Karlo Basta is granted a research stay at EURAC in February 2016 and will present his research in a public lecture scheduled on 11 February 2016.

The EURAC-Institute for Studies on Federalism and Regionalism is now accepting applications for the EURAC Federal Scholar in Residence Program 2016.

**TO BE ELIGIBLE:** applicants must submit an unpublished manuscript in either English, German, Italian, French or Spanish by 1 July 2016 and be able to undertake their research stay at EURAC in February 2017.

Detailed information is available at: www.eurac.edu/federalscholar

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Devolution and the future of the Union

After the unexpected victory in the 2015 general election, the new UK Conservative government has set out an ambitious constitutional reform program, starting from a substantial extension of the Scottish devolution. Scotland’s vote in the referendum of September 2014 to remain part of the Union was made in the light of an offer from political leaders of a high degree of home rule (the so called “Vow”). Consequently, a new Scotland Bill was introduced and is now under discussion at Westminster.

On one side, the bill states the permanence of the Scottish Parliament and the Sewel Convention (the convention under which Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of Holyrood). On the other side, it devolves more tax and welfare powers to the Scottish Parliament, as well as all powers relating to its own elections and the elections of the local government. Once approved by Westminster, presumably next spring, the consent of the Scottish Parliament on this bill will be required (under the Sewel Convention).

The Scotland Bill 2015 and the process of constitutional reform in the United Kingdom were the focus of the research carried out by Sara Parolari who was a visiting scholar at the School of Law of the University of Edinburgh under the Outgoing Researcher Program of EURAC. The purpose of the research was to analyze the measures that will be introduced in Scotland within the so-called “devo-more” project, the possible proposals for further devolution to Wales and Northern Ireland, and the possible responses to the English Question. Furthermore, during the research the focus was on the use of referendum as a pre-condition for introducing any constitutional reform, on key problems presented by this instrument in terms of legitimacy and democracy, and on possible alternatives in order to guarantee the participation of citizens in the policy making process (such as the use of instruments of participatory democracy).

Sara Parolari

Scholars of all disciplines dealing with democracy (such as political science, sociology, philosophy, anthropology and law) agree on the fact that today representative constitutional structures are suffering from a deep legitimacy crisis, effectively described through the image of a growing gap between citizens, politics and institutions. Hence, these mechanisms urgently need a revision of the way they work even if it is very difficult to imagine an effective cure for the contemporary illnesses of democracy.

This is the main reason why, throughout the world, academic institutions are organizing conferences and seminars on this peculiar topic in which experts highlight possible ways and tools to overcome this democratic paralysis. The researchers of our institute are part of this international debate. To this regard, members of our institute were invited to the conference: “Constitutional Democracy: The Role of Provincial/Regional and Local Government in Making Governance More Effective, Accountable and Innovative”, organized by the Stellenbosch Good Governance Forum (Stellenbosch University) in collaboration with EURAC, from 19–21 August in Cape Town, South Africa.

Francesco Palermo and Martina Trettel both presented papers regarding new forms of participatory democracy implemented at constitutional, sub-national and local level. Matteo Nicolini focused his presentation on another important aspect of the institutional arrangements which directly affect democratic structures, i.e. financial relations between central and subnational governments. The conference proceeding shall be published in 2016.

Moreover, Martina Trettel is invited to a conference organized by the Andrassy University of Budapest on 30 October at the Pázmány Péter Catholic University which will specifically touch upon these very issues: “Democratic Innovation: New Practices and Potentials of Participatory Procedures”. The conference will present new participatory instruments — such as the Citizens’ Assembly, the Citizens’ Jury or the Participatory Budgeting — which make use of personal resources of the citizens and their collective intelligence to foster political innovation.

Martina Trettel
Comparing Experiences of Cross-border Science Regions: EGTCs and other Forms of Transnational Networks

The EURAC-Institutes for Studies on Federalism and Regionalism and for Minority Rights, in collaboration with the EGTC European Region Tyrol–South Tyrol–Trentino, organized a workshop on cross-border cooperation in research and higher education on 8 June 2015 at EURAC.

International experts presented three case studies from different border regions in Europe: “Eurocampus” - a project of the EGTC Euroregión Pirineos Mediterráneo / Euroregion Pyrénées-Méditerranée, “Eucor - The European Campus” in the Upper Rhine Region and “University of the Greater Region – UniGR” in the Grande Région/Großregion. Of special interest were the experiences with the legal form(s) they have chosen for their pluri-annual cooperation, especially since cross-border cooperation (CBC) can - but does not necessarily have to - be realized by using the new European legal instrument “European Grouping of Territorial Cooperation” (EGTC). Cross-border science regions can be part of a multi-purpose EGTC as one of its various actions of cooperation, or these transnational networks can be the reason for the foundation of an EGTC with a specific purpose, as in the case of the “Eurocampus”, for example. In the beginning, cooperation between universities and research institutions formed the only type of EGTC-action in this cross-border science region. In particular with regard to science cooperation, it is true that successful CBC is closely linked to well-functioning regional and local democracy and self-government.

In a round table discussion local experts analyzed how to foster local university cooperation in the European Region Tyrol-South Tyrol-Trentino. A publication planned for 2016 will present the different European cases as well as analyze in depth the local collaboration between the universities of Trento, Bolzano and Innsbruck. The main questions are: Do we need a new legal structure to get closer to each other? How can the EGTC European Region Tyrol-South Tyrol-Trentino foster scientific collaboration?

Carolin Zwilling

The Catalonian Elections: Clarity Towards Independence?

In a strategic move that took many observers by surprise, the Catalonian Government transformed the regional parliamentary elections of 27 September 2015 into a quasi-referendum on independence that was supposed to clarify this in recent years increasingly contentious issue. Yet, for three main reasons the outcome of the vote rather entailed more complications than clarification.

First, pro-independence parties won a narrow majority of seats, but they equally narrowly failed to attain a majority of votes. Secondly, the arithmetic parliamentary majority may only be turned into effective governmental power, if a pro-independence coalition is formed notwithstanding enormous ideological differences of two blocks. In this regard, there is an immense cleavage between the broad government-led alliance Junts pel Sí and the Candidatura d’Unitat Popular (CUP), a party focused on local politics and characterized by a strong leaning towards libertarian socialism as well as Euroscepticism. Thirdly, even if these two blocks were able to form a coalition, the result of the elections certainly does not reflect support of secession by a “clear majority” on a “clear question”, that is, the criteria established by the Supreme Court of Canada regarding a referendum in one of the country’s provinces (read Québec) and indirectly mentioned by the Spanish Constitutional Court (see esp. judgment no. 42/2014). The fact that a vote on a “clear question” has not (yet) taken place, is of course closely linked to the refusal of the Spanish Government—unlike the UK Government—to make provisions for a formal referendum. But the question of what constitutes a “clear majority”, in other words, the necessary degree of consensus to make a secessionist claim legitimate, is still unresolved in the Catalan and other cases. The Canadian Supreme Court referred this question deliberately to political evaluation and thus essentially to negotiations between proponents of secession and its opponents.

What are then the prospects for Catalonian independence? For sure, these prospects will be determined considerably by the outcome of the Spanish parliamentary elections in December so that the Catalonian Government is unlikely to take any revolutionary steps before that time. But even though the ruling Partido Popular (PP) has demonstrated particularly staunch resistance against any attempt to break up Spain’s unity and territorial integrity, no new government is likely to be very compromising in this regard. Thus, pro-independence forces continue to face the twin challenge to rally as many Catalan voters as possible behind their project and to convince Madrid.

Karl Kössler
Summer school in collaboration with a network of Canadian Universities

The University of Québec in Montréal (UQAM), together with a network of partner institutions in Canada (such as Queen’s University and others), organizes—under the scientific supervision of Prof. Alain G. Gagnon—summer schools on Minority Issues and Diversity Management every two years in one of the partner institutions all over the world.

In 2015, EURAC (the Institute for Studies on Federalism and Regionalism and the Institute for Minority Rights) was chosen as new partner and Bolzano/Bozen as the ideal location to host the Summer School on “Politics in Fragmented Polities: Cohesion, Recognition, Redistribution and Secession” from 14–27 June 2015.

The two week program examined the challenge of complex diversity, through theoretical and empirical perspectives from Europe and Canada. 25 doctoral and exceptional MA students from Québec and other Canadian provinces, Scotland, Catalonia, the Basque Country, Northern Ireland, Germany, and Trentino-South Tyrol attended the program subdivided in lectures, seminars with research work discussions and guided visits on the following seven main thematic areas: (1) Politics of Redistribution in the 21st Century; (2) Marginalized Groups and Inequalities; (3) Minorities in Central and Eastern Europe and beyond; (4) Linguistic and National Diversity; (5) Autonomist and Secessionist Movements; (6) Claims of Recognition; and (7) Solidarity beyond the Nation-State.

Among the lecturers were renowned professors and experts from the partner institutions and EURAC, such as: Linda Cardinal, Zsuzsa Csergő, Oded Haklai, Peter Kraus, Michael Keating, John McGarry, Alain Noël; as well as Joseph Marko, Francesco Palermo and Jens Woelk and others. The study visits took the students to the Provincial Parliament in Bolzano where they had the possibility to discuss with some deputies, to the Victory Monument in Bolzano and to the Castle Tyrol.

For details please see: http://www.eurac.edu/en/research/autonomies/minrig/training/Pages/Summer-School-on-Human-Rights,-Minorities-and-Diversity-Management.aspx

Based on the cooperation agreement between UQAM and EURAC signed in 2015, another edition of the Summer School is planned for 2017.

IACFS conference 2015: Revisiting Unity and Diversity in Federal Countries

The Canada Research Chair in Québec and Canadian Studies (CREQC/CRIDAQ) at the Université du Québec à Montréal (UQAM), hosted this year’s annual conference of the International Association of Centers for Federal Studies (www.iacfs.org) from 1 to 3 October.

“Revisiting unity and diversity in federal countries: changing concepts, reform proposals and new institutional realities” was the theme of the conference to be discussed among the member institutions from 25 countries worldwide. Karl Kössler presented a paper on: “Territorial Autonomy: Owned or Shared?” while Elisabeth Alber gave the country report on current developments in Italy. On that occasion, the IACFS Young Researcher Award 2016 was conferred to Marc Sanjaume (PhD. Universitat Pompeu Fabra, Catalonia and participant of the 2015 edition of the Winter School on Federalism and Governace) who presented his paper “Reconciling Liberal Democracy, Nationalism and Political Divorce in Federalizing Contexts”.

For details please see: http://www.eurac.edu/en/research/autonomies/minrig/training/Pages/Summer-School-on-Human-Rights,-Minorities-and-Diversity-Management.aspx
EU-Mitgliedschaft und Südtirols Autonomie


L’impatto del diritto dell’Unione Europea sull’autonomia dell’Alto Adige

Il presente volume pubblica i risultati di un progetto di ricerca frutto della collaborazione tra l’Istituto di diritto dell’Unione Europea e internazionale e l’Istituto di diritto italiano dell’Università di Innsbruck, l’Istituto per lo Studio del Federalismo e del Regionalismo dell’Accademia Europea (Eurac) di Bolzano e la Facoltà di Economia della Libera Università di Bolzano. La ricerca si concentra sugli effetti, per la Provincia Autonoma di Bolzano, del trasferimento di competenze dallo Stato italiano all’Unione Europea. Ad una prima parte che delinea il quadro delle competenze in capo agli Stati membri alla luce del diritto dell’Unione Europea segue una seconda parte in cui si esaminano le competenze di cui dispone la Provincia Autonoma di Bolzano. La terza parte è dedicata all’impatto del diritto dell’Unione europea su alcune specifiche competenze provinziali, tra le quali, artigianato, turismo, appalti pubblici e urbanistica. Le conclusioni intendono offrire alcuni spunti di riflessione per il legislatore provinciale al fine di un utilizzo più efficace possibile dello spazio di manovra lasciato ancora aperto per lo sviluppo futuro dell’autonomia altoatesina.

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To do otherwise is simply frowned upon.

These two publications in German and in Italian are the final result of a 2-year project regarding the analysis of the implications of EU-law on the legislative and administrative competences of the Autonomous Province of Bolzano/Bozen. The content goes from the general legal framework overview over to selected policy fields which are particularly relevant and/or interesting for South Tyrol: craftsmanship, tourism, government contracting, public service, public procurement, housing, welfare, education and vocational training, spatial planning, environmental protection.