Comparative federalism is a subset of comparative constitutional law. Despite problems of definition at the margin, federations comprise a relatively small and discrete category of the constitutions of the world, with distinctive characteristics. Comparison attracts the usual benefits of comparative law: it throws new light on the constitutional arrangements of each federation and identifies issues and options from which all may learn.

As with all comparative law, however, there are methodological challenges. One derives from differences in the design and operation of federations themselves. Vicki Jackson once described federation as a ‘package deal’, presenting particular difficulties for courts seeking to draw conclusions for legal issues before them from the experience of other federations. She wrote with particular reference to the United States, where tensions between the framers over the original federal design were successively overlaid by the experiences of the civil war, the new deal and the civil rights revolution. Most other federations, however, also could identify features of their own that represent either a compromise at the time of the founding or the outcomes of distinctive local experience with potential relevance to a comparative project. Even in the absence of subtle considerations of this kind, there are structural differences between all federations that need to be taken into account.

A second type of challenge derives from the context in which each federation is embedded. Context has many dimensions for this purpose, but includes at least other aspects of the system of government. The dynamics of a federation may work very differently between various types of presidential system on the one hand and parliamentary systems on the other. Less visibly, but no less significantly, the prevailing legal system exercises another influence on the operation of each federation in practice, in ways that range from the structure and procedures for judicial review; to the impact of sources of law on the distribution of powers; to differing conceptions of the boundaries of legislative and executive power that affect, for example, the making and status of intergovernmental arrangements. Not all these points of distinction are relevant to all comparative projects, but they will have a bearing in some cases and are easily overlooked.

These and other challenges are presented by the subject-matter of the forthcoming "International Winter School on Federalism and Governance". In its fourth edition, the Winter School will deal with the challenging topic of "Federalism and Fundamental Rights". For obvious reasons, rights are the most universalist of all dimensions of a constitution, whether in a federal setting or not. But even in federations created after World War II, there are differences in relation to the rights protected, the processes of judicial review, the impact of regional arrangements and the role of sub-national constitutions. And in the older, pre-war federations, the differences are greater still, ranging from the intricacies of the 14th amendment in the United States; to the traditional reliance on direct democracy in Switzerland, which also is a signatory to the European Convention; to the capacity of either level of government to trigger the notwithstanding clause in Canada; to the absence of systemic rights protection in Australia, for reasons that in part are federal in character. Against this background, the Winter School promises a fascinating two weeks.

Cheryl Saunders
Laureate Professor, Melbourne Law School.
Prof. Saunders will be teaching in the upcoming "Intl. Winter School Federalism and Governance 2013"
Let’s Go Federal!

Federalism is a catchword on everyone’s lips these days, a concept that has become extremely popular from the European to the global level. But let’s be honest: understanding the way federalism works is anything but easy. Who can properly explain what it means? This is why researchers at the EURAC-Institute for Studies on Federalism and Regionalism have developed the role-playing game, “Let’s go Federal! How to Establish a Federation. Which one?!”. The game has been designed to give young generations a sense of what federalism is and what it means to distribute power by accommodating interests of different parties living under the same roof.

The aim of this simulation game is to create ‘living labs’, in which participants take part in a multi-sphere structure of government and governance. They experience first-hand the relationships between different government levels and the impact of decision-making on policy fields (education, transport, environment, culture, justice, integration, health, labour, foreign policy and finance). The overall goal of the game is to construct a federation by first assigning competencies (exclusive and shared) between levels of government and then deciding how to finance them.

Participants take on the role of the experts and propose a variety of federal models before agreeing on a common system, the so-called “EURAC Rainbow Federation”. Will their federation stay together? Can it meet the daily but also unexpected challenges?

For further information, please contact: sfere@eurac.edu.
For further training activities, visit our new website at: http://www.eurac.edu/en/research/institutes/sfere/Projects/training.html

Training and Consultancy for the Tibetan Government-in-Exile

At the invitation of Lobsang Sangay, the Prime Minister of the Tibetan Government-in-Exile (see p. 3 of the spring edition of our newsletter), Karl Kössler travelled to Dharamsala, India in May with two other EURAC colleagues to visit the seat of the exiled government.

The principal aim of the week-long stay was to share the Institute’s expertise on federalism and autonomy in a series of training seminars given to government officials and young researchers of the newly established Tibet Policy Institute (TPI). A second aim was to encourage future collaborations by strengthening contact with pertinent research and government institutions.

After discussion with government officials, the speaker of the parliament and members of the Tibet Policy Institute, the ground was laid for a biennial project in 2013-2014 that will involve both consultancy and training activities in India and South Tyrol. Karl Kössler

Consultancy Activities for the Council of Europe

Francesco Palermo has been elected the First Vice President of the Council of Europe’s Advisory Committee on the Protection of National Minorities. The Advisory Committee is the independent expert committee responsible for evaluating the implementation of the Framework Convention for the Protection of National Minorities in State Parties.

The Framework Convention is the only treaty worldwide dealing with the protection of minority rights. The Committee is composed of 18 independent experts appointed for four years. They all have recognised expertise in the field of the protection of national minorities, serve in their individual capacity and are independent and impartial. Francesco Palermo

The Future of the European Union: the Ecological Challenge

Is the EU well positioned to face today’s global ecological challenge? Is federalism the right model in which to frame this issue?

These were the burning questions at the fourth edition of the “Ventotene Seminars”, organised by the Altiero Spinelli Institute. Spirited debates took place on Ventotene Island in the Tyrrhenian Sea, during which experts made clear the urgent need for the EU to act in a policy-oriented way. This means in part that the EU should help societies shift from the imperative of economic growth to a new paradigm in which growth is limited by environmental considerations. Participants discussed proposals ranging from imposing a greenhouse gas carbon tax to making sustainability a founding value for Europe. Researchers from the Institute for Studies on Federalism and Regionalism focused on the example of sustainable water management at the EU level, demonstrating that a rigid division of competences among policy makers is ill-suited to address the transversal issue of environmental protection. Federica Cidditano
What’s up in 2013 at the International Winter School?

The aim of the upcoming “International Winter School on Federalism and Governance” from 4th to 15th February 2013 is to better understand the challenging and largely unexplored link between federalism and the protection of fundamental rights.

During the fourth Winter School, more than twenty internationally renowned experts from Europe, Asia, Australia and North America will present and discuss several case studies and tackle questions like: To what extent is territorially differentiated protection of fundamental rights possible and even desirable? What fundamental rights are best suited to be developed differently in different parts of a state’s territory? How can federal, regional or devolved forms of government be used to improve rather than limit the enjoyment of fundamental human rights? What lessons can be learned from comparative practice?

The Winter School is a 10-day full-time post-graduate programme organised by the EURAC-Institute for Studies on Federalism and Regionalism (Italy) along with the Faculty of Law and the School of Political Science and Sociology of the University of Innsbruck (Austria). The programme offers a range of lectures and discussions on federalism and governance to help academics, post-docs and practitioners deepen their knowledge of multi-level government and governance, especially from the perspective of law and political science. The cross-border project of the Winter School provides in-depth analysis and practical knowledge of the instruments, problems and solutions available in the field of federalism and fundamental rights. Successful participants are awarded 10 ECTS credits.

For further information, including a detailed programme, list of lecturers and applications, please visit: www.eurac.edu/winterschool2013

APPLICATION DEADLINE: 26th October, 2012.
WORKING LANGUAGE: English
INFO: winterschool@eurac.eu
VENUE: University of Innsbruck (Austria) and European Academy EURAC Bolzano/Bozen (Italy), 4th–15th February 2013

EURAC Federal Scholar 2013

Dr. Donna E. Wood is the EURAC Federal Scholar 2013! The International Jury of the first edition of the “EURAC Federal Scholar in Residence Program” has awarded this year’s prize to Dr. Donna E. Wood, postdoctoral researcher at the Department of Political Science at the University of Victoria. In her research work, she compares how Canada and the European Union govern social policy.

Her manuscript “Could European Governance Ideas Improve Federal-Provincial Relations in Canada – the case study of employment policies” has been ranked first among all received applications, with respect to its originality, replicability and methodological effectiveness.

Dr. Wood has also worked over 25 years for the Government of Alberta and the Government of the Northwest Territories, providing policy advice and directing provincial/territorial income support, social services, apprenticeship, training and labour market programs, including their intergovernmental dimensions.

She is granted a research stay at the EURAC-Institute for Studies on Federalism and Regionalism in February 2013 and will present her research findings at the International Winter School on Federalism and Governance during a public lecture on 12th February in Bolzano/Bozen.

Elisabeth Alber

The EURAC-Institute for Studies on Federalism and Regionalism is now accepting applications for the EURAC Federal Scholar in Residence Program 2014.

TO BE ELIGIBLE: applicants must hand in an unpublished manuscript in either English, German, Italian, French or Spanish by 1st July 2013 and be able to undertake their research stay at EURAC in February 2014. Detailed information is available at: http://www.eurac.edu/en/research/institutes/sfere/Projects/training.html

Apply Now!

What’s in it for you?
Municipalities Within Europe, Europe Within Municipalities

What is the true role of municipalities in the complex, multi-layered system of the European Union? Distinguished experts and stakeholders from the European Union, the Council of Europe as well as national and international umbrella associations will come to EURAC on Friday, 26th October 2012 for a round table and public discussion on local government issues. Experts will discuss the many questions facing municipalities: Are local authorities expressing and obtaining their individual interests? Are they succeeding in their public administration responsibilities? Are they adequately funded to do so? The purpose of the meeting is to determine if local authorities can consider themselves ‘real players’ in Europe.

Andreas Kiefer, Secretary General of the Congress of Local and Regional authorities, will moderate the round table with a number of well-known participants, including:

- Hans Günter Henneke
  Executive Director, German County Association
- Walter Leiss
  Secretary General, Austrian Association of Municipalities
- Angelika Poth-Mögele
  Director of Policy, Policy Department of the Council of European Municipalities and Regions
- Oswald Schiefer
  President, local authority “Bezirksgemeinschaft Überetsch-Unterland”, South Tyrol
- Christian O. Steger
  Europe Representative, German Association of Towns and Municipalities

26th October 2012, 5pm to 7pm, EURAC Conference Hall.
Round table and public discussion: “Gemeinden in Europa - Europa in den Gemeinden”.
WORKING LANGUAGE: German
INFO: sfere@eurac.edu

Happy Anniversary to the Autonomy of South Tyrol: The Celebrations Continue

After last April’s conferences and a book presentation (pages 3 and 4 of the spring 2012 edition of our newsletter), on 22nd November a new event in Bolzano/Bozen will further celebrate and continue the discussion on the 40 years of the Second Autonomy Statute of South Tyrol (and neighbouring Trentino). Organised by the Autonomous Province of Bolzano/Bozen (Abt. Europa/Ripartizione Europa) and with the participation of the Faculty of Law of Innsbruck University, the international conference “40 Jahre Zweites Autonomiestatut / 40 anni del Secondo Statuto di autonomia” will bring together academics from South Tyrol, Trentino and Tyrol, along with practitioners and representatives from local and national authorities from different countries. Included on the speakers’ list are Francesco Palermo and Jens Woelk, respectively director and senior researcher at the EURAC-Institute for Studies on Federalism and Regionalism.

22nd November 2012, 9:30am – 4:30pm.
Spiegelsaal, Landhaus I, Bozen / Palazzo provinciale I, Cortile Interno, Bolzano.
“40 Jahre Zweites Autonomiestatut / 40 anni del Secondo Statuto di autonomia”
WORKING LANGUAGES: German and Italian.

Observatory on Autonomy

The ‘Observatory on Autonomy’ is a new online database offering a selection of case law and up-to-date legal sources related to the two Autonomous Provinces of Trento and Bolzano/Bozen. In particular, it contains the “Statute of Autonomy” with its enactment decrees, as well as the Provincial Laws and Rulings of the Constitutional Court (both from 2001 onwards). A search tool has been developed to navigate this huge repository, with the capacity to search by topic, keyword and date, with several filters available for an advanced search. Results can be exported as an Excel file.

The Observatory on Autonomy is available on the Institute’s webpage at: http://www.eurac.edu/en/research/institutes/sfere/publicationsoa.html
Editorial

What's new?

What's in it for you?

What else?

Publications

Recent publications

Publication in Memory of Professor Sergio Ortino

The book, entitled “Liber Amicorum in Memory of Sergio Ortino”, covers Globalisation, Technologies and Constitutional Theory, Supranational Integration, Federalism and Minorities, Territorial and Cultural Diversity Management. Colleagues, alumni and friends of Professor Ortino tried to trace his research approach, which looked into new fields to explain legal phenomena.

Professor Ortino passed away unexpectedly on 7th July 2011. As the first director of the EURAC-research area ‘Minorities and Autonomies’ and founder of both the Institute for Studies on Federalism and Regionalism and the Institute for Minority Rights, Professor Ortino is considered the father of comparative constitutional research in South Tyrol. He created, developed and established a new research methodology and new research areas rooted in the peculiar legal situation of the Autonomous Province of Bolzano/Bozen.

The essays collected in this book go beyond the traditional academic horizon, which was too narrow for Professor Ortino’s innate search for new challenges, new disciplines and cross-disciplinary inputs. This broad perspective was always important for Professor Ortino in order to deepen the knowledge in fields essential to better understand the most profound causes of legal phenomena and their evolution; this is why he could explain legal developments long before others. All his work, especially in the last twenty years of his extraordinary career, shows how foresighted he was in his research. The essays contained in this book shall contribute to the continuation of Professor Ortino’s research as well as remind us of his legacy. The book can be ordered at www.nomos-shop.de/19776

BOOK PRESENTATION:

23rd November 2012, 6pm, EURAC library, EURAC main building in Bolzano/Bozen. The event is open to the public.

WORKING LANGUAGE: English.

INFO: sfere@eurac.edu

New Book Series!


The first publication in this series is:

L’Europe en formation

The 2012 spring issue of the Journal “L’Europe en formation” examines the relevance of federalism and decentralised government techniques in Europe and around the world. The goal of the issue is threefold: to analyse the most modern trends in federal studies; to outline developments in federalism by geographic location; and to demonstrate the importance of federalism as a political idea and especially as a concrete tool of government, indispensable for managing complex policy fields such as environment, immigration and finance. The issue also provides an outlook on extra-European federalism, shedding light on how federalism is evolving in Africa and Asia.


The book describes and analyses how environmental issues are regulated in several federal, regional and unitary systems and in the European Union. The comparative analysis reveals common trends towards a multi-layered environmental governance, cross-cutting traditional distinctions among different state models. In the second part, the case study of the management and protection of water resources is selected and analysed in the same legal systems. Disaggregating environmental protection into more specific competence fields allows trends and challenges to be tested. The book casts light on the relationship between the state models as to the division of powers and environmental governance.
Call for Papers
European Autonomy and Diversity Papers

The European Autonomy and Diversity Papers (EDAP) is a high quality online series of working papers, founded by the EURAC-Institute for Studies on Federalism and Regionalism and the EURAC-Institute for Minority Rights. Regionalism, federalism, minority protection, multiculturalism and more generally, ‘constitutional flexibility’ in Europe, are core topics that underpin EDAP’s focus. In particular, the papers concentrate on diversity from the perspective of comparative constitutional law and EU law. Contributions from other disciplines such as political science, international relations and economics are also welcome.

For further information: www.eurac.edu/edap