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Forms of Power Sharing

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Vertical (State) Organisation

- Deconcentration
- Decentralisation/Devolution
- Federalism
- Confederalism



Deconcentration (1)

- Deconcentration is the weakest form of decentralisation.
- «Administrative decentralisation»
- Distributes authority and responsibility among different levels of the *national* government
- Different forms and degrees exist (mere shift of responsibilities from central government officials in the capital city to those working in regions, provinces or districts – creation of strong field administration under the supervision of central government ministries – appointment of local officials by the centre or by local elections)



Deconcentration (2)

- mostly used in unitary states
- also used in federal and decentralised states (in specific fields, in specific regions)
 - Implementation of federal tasks
 - Federal Territories



Decentralisation

- Decentralisation is the transfer of authority (decision-making and enforcement power) and responsibility for public functions from the central government to subordinate or quasi-independent government organizations.
- «Political decentralisation»
- Typologies of decentralization have flourished (political and fiscal decentralisation, market decentralisation, etc.).
- Decentralisation, delegation and devolution are terms that are usually used to denominate the same or very similar arrangements.



Federalism (1)

- A system of constitutionally guaranteed shared rule and self-rule
 - The power to govern is divided between a central governing authority and constituent political units (states, provinces or cantons).
 - The system combines shared rules and regional self-rules.
 - The vertical division of power is guaranteed by the constitution.
 - The constitution cannot be amended unilaterally.



Federalism (2)

- The central state and the federal units directly act upon the people and have
 - their own decision-making powers
 - their own institutions
 - their own resources
- The federal units participate in central decision-making.



Federalism and Decentralisation

- In a federal state, the power-sharing arrangement is entrenched in the constitution and the constitution cannot be amended by one level of government solely.
- The subnational units participate institutionally in the making of the shared rule.



Waves and Forms of Federalism

- Rule of Law and Judicial Control
- Common Law – Civil Law – hybrid law systems
- Autocracy – Democracy (winner-takes-it-all, consensus democracy)
- Dualist – integrated / competitive – cooperative
- Governmental System (presidential, parliamentarian)
- Participation of subnational units at the centre
- Electoral and Party System
- Loyalty / involvement of external players



Waves and Forms of Federalism

- Coming-together – Holding-together – Putting-together
- Power-sharing arrangements (lists, residual power)
- Monistic – pluralistic nations
- Federal geometry
- Territorial – personal – mixed / symmetric – asymmetric
- Capitols
- Third tier of government



Bottom-up oder Top-down?

- Coming-together federalism
 - First wave
 - Subnational units are pre-existing
 - Residual power usually given to subnational units
- Keeping-together federalism
 - Second and third wave
 - Subnational units have to be designed or strengthened
 - Residual power usually given to the centre
- Putting-together federalism



Power Sharing Arrangements

- Dual or integrated mode, mixed forms
 - More dual: USA, Canada, Brazil
 - More integrated: Germany, Austria, South Africa, Spain
 - Mixed: Switzerland, India.
- Exclusive competencies
- Shared and concurrent competencies
- Parallel competencies



Subnational Units

- States (Australia, Brazil, India, Malaysia, Mexico, Nigeria, USA)
- Provinces (Argentina, Canada, Pakistan, South Africa)
- Länder (Germany, Austria)
- Kantone (Switzerland)
- Other terminology (Belgium: Regions and communities; Russia: Regions, republics, autonomous regions, regions, and cities)



Political Geometry

- From 2 to over 80 subnational units
 - Historic
 - Linguistic, ethnic, religious
 - Economic
 - Mixed
- Territorial – personal - mixed
- Symmetry – asymmetry (Canada, Malaysia (Borneo), India (z.B. Kaschmir), Russia, Spain, Irak)



Political Geometry

- Possibility to amend geometry (internal secession, mergers)
- Capitols
- Third tier (Brazil, India, Mexico, South Africa)

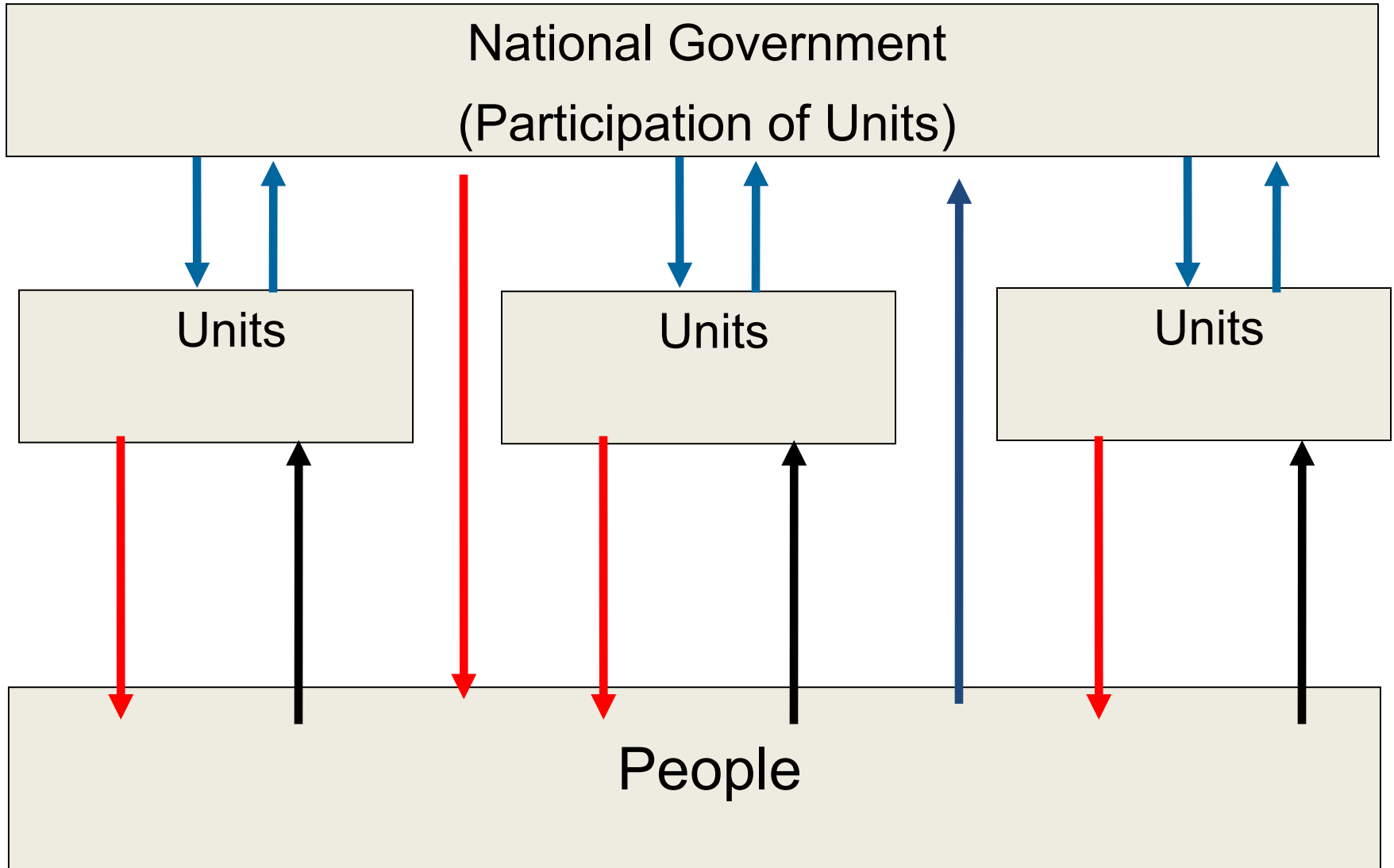


Confederalism

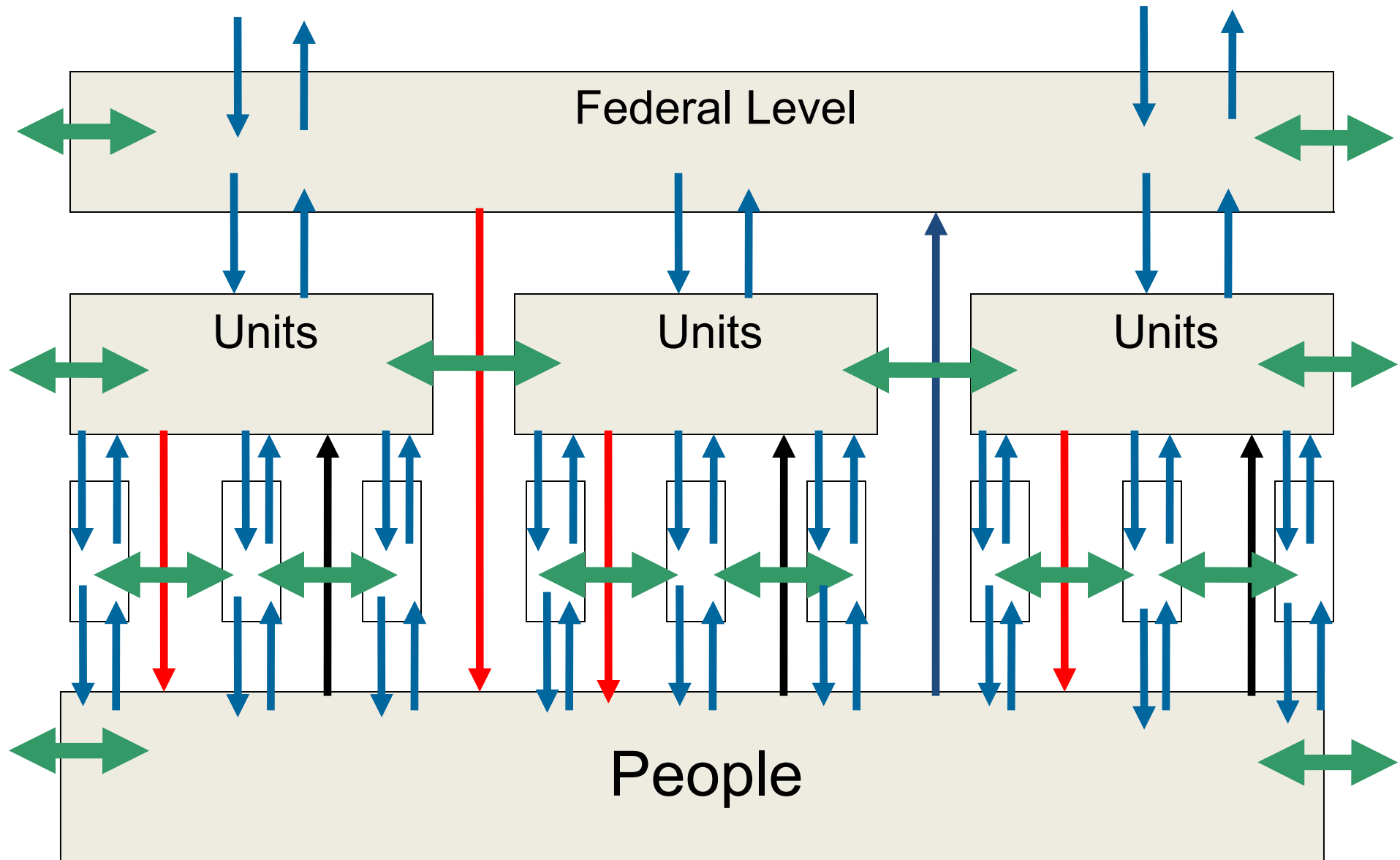
- A system marked by the combination of shared rule and self-rule in which the institutions of shared rule are dependent on the member states
 - shared institutions are composed of delegates from the members (and only have an indirect electoral basis)
 - shared institutions have an indirect fiscal basis
 - Member states directly act upon the people, the shared institutions interact with the member states



From Federalism...



...to vertical and horizontal cooperation



Challenges to the State

- Decreasing importance of territory
- Global migration of populations
- «End of sovereignty» / «Age of shared sovereignty»
 - Free movement of goods and capital
 - Economic, financial, military interdependence
 - Globalisation of problems and actions, acceleration
 - Transnational and global governance / Technocracy
 - Subnational governance and autonomy rights
 - Privatisation / non state and hybrid law
 - TINA-principle / Ad-hoc solutions



End of the State?

«What is left of the the formerly proud democratic republic and nation state? What political power does it still have? Perhaps some power to slightly adjust the level of social redistribution, and to regulate infrastructure, local traffic and some aspects of local security.»

Fleiner/Basta Fleiner.



Renaissance of the State

- Cultural Orientation and Identity, glocalisation
- External and internal threats
- Protection of the common interest
- Social security
- Distrust in other actors
- Constitutional, democratic, social, political shortcomings of alternatives
- Legitimacy of the State
- Advantages of the States comprehensiveness



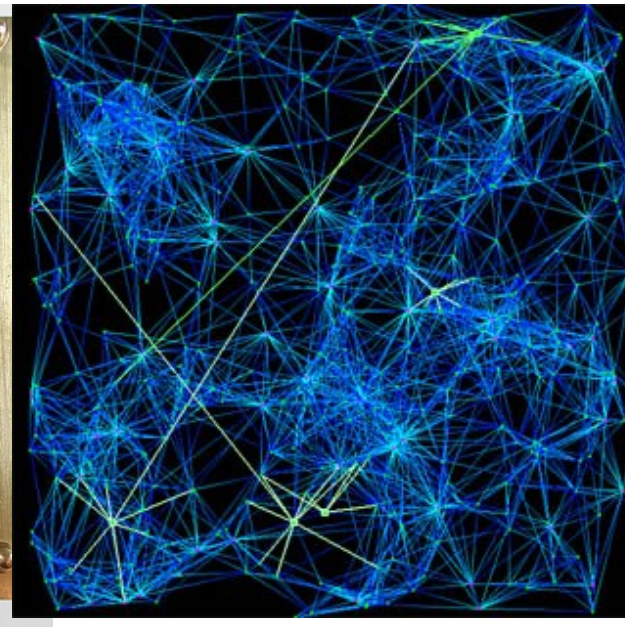
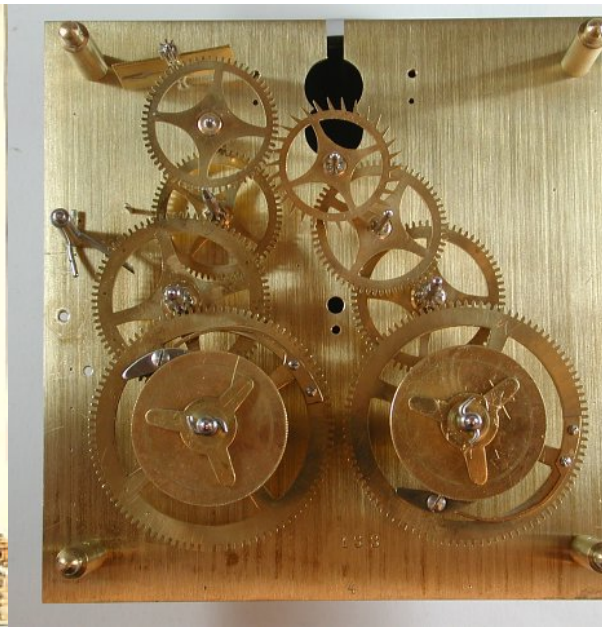
Future of the State?

- From homogeneity to heterogeneity
- From majority rule to consensus/negotiation/compromise
- From executing to guaranteeing and supervising
- From being a the sovereign actor to being a partner and a mediator
- From ruling to defining relationships and interactions between different levels of government



Networks

- From the medieval pyramid
- to the wheelwork of industrialisation
- to the multidimensional network.



What is a Constitutional State?

- An entity to be reinvented:
- Safeguarding the public good without being sovereign
- Protecting the weak without being the only source of law
- “il faut apprendre à ordonner les nuages”



