

**Master in
Parliamentary procedures
and legislative drafting
(EUPADRA)**



Course Syllabus
Academic Year 2017/18

Course Title: Subnational Parliaments
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Course description

The course provides a general overview of the constitutional role, autonomy, organisation and functions of subnational parliaments in regional and federal experiences.

The issue is addressed by highlighting the influence that the type and nature of decentralisation between the central State and territorial entities exercise on the institutional nature and place of subnational representative assemblies.

The course is divided into two parts.

The First Part offers a general approximation to the constitutional identity of subnational parliaments, including experiences from both EU and extra-EU Member States. It is meant to analyse the constitutional role, the internal composition and organisation of subnational assemblies. A specific insight is provided on the functions exercised by subnational parliaments, moving from the analysis of the traditional legislative function to the consideration of the non-legislative functions.

The Second Part of the course is instead focused on the place of subnational parliaments in EU Member States. Its aim is to deepen the functions exercised by subnational parliaments in the multilevel cooperation, both in the relationship with the European Union and in the vertical cooperation with the central State, at national level. The final lessons provide an insight on different national cases, respectively witnessing the role of subnational assemblies in two distinct types of federalism (Germany and France), in two cases of differentiated regionalism (UK and Spain) and in a model of advanced regionalism (the Italian case).

The course will be integrated with two guest seminars involving experts of the field and officers of subnational parliaments providing a direct insight on the role of such assemblies.

Assessment

Students will be asked to write one short papers (between 2,000 and 3,000 word each) and to give a class presentation (max 10 min), the topics shall be selected together with the instructors, related to each of the two Parts of the Course.

The deadline for the paper is the 20th of December.

Course Structure

	Topic	References
<p>Class 1 (Wednesday 9.30-11) M. Olivetti E. Griglio</p>	<p>Introduction to comparative federalism and regionalism The historical paths (aggregative vs disaggregative) towards federalism/regionalism An overview of the main features/differences among confederal, federal and regional states Approximation to the different models of regionalism and federalism</p>	<ul style="list-style-type: none"> • R. Watts, 'Typologies of federalism', in J. Loughlin, J. Kincaid, W. Swenden (eds.), <i>Routledge Handbook of Regionalism & Federalism</i>, Routledge, 2013 • W. Swenden, <i>Federalism and Regionalism in Western Europe. A comparative and thematic analysis</i>, New York, Palgrave, 2006 (Chapters 1-3; pp. 1-93)
<p>Class 2 (Wednesday 9.30-11) M. Olivetti</p>	<p>The constitutional autonomy and organization of federated/regional entities in Federal and Regional States State Constitutions/Regional Statutes in Federal/Regional States The distribution of legislative, executive and judicial powers between subnational entities and the Federal/Regional State The judicial review of legislation The role of subnational entities in Constitution amending procedures</p>	<ul style="list-style-type: none"> • M. Burgess, G.A. Tarr, 'Introduction: Sub-national constitutionalism and constitutional development', in M. Burgess, G.A. Tarr (eds.), <i>Constitutional Dynamics in Federal Systems: Sub-national Perspectives</i>, Montreal, McGill-Queen's University Press, 2012 (pp. 3-42) • C. Saunders, 'Legislative, Executive, and Judicial Institutions: A Synthesis', in R. Blindenbacher, A. Ostien (eds.), <i>Dialogues on legislative, executive and judicial governance in federal countries</i>, Montreal, McGill-Queen's University Press, 2006 (pp. 344-384)
<p>Class 3 (Wednesday 9.30-11) M. Olivetti</p>	<p>The constitutional place of subnational parliaments in Federal/Regional States Subnational parliaments and national identities: an historical perspective The place of subnational parliaments with regard to: - the sub-national form of government - the national form of government Different models of vertical cooperation of subnational parliaments with upper Houses: structural integration or procedural cooperation Horizontal cooperation among subnational parliaments at national level: the inter-parliamentary relations</p>	<ul style="list-style-type: none"> • G. Alan Tarr, <i>The Place of State Legislatures Under State Constitutions</i>, in <i>The Legislative Lawyer</i>, No. 18, 2004 • M. Russell, <i>The Territorial Role of Second Chambers</i>, in N. Baldwin - D. Shell (Eds.), <i>Second Chambers</i>, London, Frank Cass, 2001 (Additional reading): • E. Álvarez Conde, L. Pegoraro, A. Rinella (Eds.) <i>Regional Councils and Devolved Forms of Governments</i>, Bologna, Clueb. (selected parts)

<p>Class 4 (Tuesday 18.00-19.30) E. Griglio</p>	<p>Autonomy, organization and functions of sub-national parliaments The statutory and administrative autonomy The internal organisation: standing committees, ad hoc committees, the plenum The legislative and non-legislative functions The guarantees: participation in Constitution amending procedures; access to constitutional courts in defence of their competence</p>	<ul style="list-style-type: none"> • C. Fasone, <i>What Role for Regional Assemblies in Regional States? Italy, Spain and the United Kingdom in Comparative Perspective</i>, in <i>Perspectives on Federalism</i>, Vol. 4, 2012 • N. Bolleyer, <i>Why Legislature organise: inter-parliamentary activism in federal systems and its consequences</i>, in <i>The Journal of Legislative studies</i>, 16:4, 2010 (Additional reading): • G. Laforest, A. Lecours (eds.), <i>The Parliament of Autonomous Nations</i>, Montreal, McGill-Queen's University, 2016 (selected parts)
<p>Class 5 (Wednesday 9.30-11) M. Olivetti</p>	<p>Regions in the European Union Historical notes on the role of Regions in the European integration The Committee of the Regions The role of regional entities in the preparation and implementation of EU legislation Regions and the principle of subsidiarity</p>	<ul style="list-style-type: none"> • M. Olivetti, <i>The regions in the EU decision-making processes</i>, in M. Cartabia, N. Lupo, A. Simoncini (Eds.), <i>Democracy and subsidiarity in the EU. National parliaments, regions and civil society in the decision-making process</i>, Bologna, Il Mulino, 2013 • P. Popelier, <i>Subnational multilevel constitutionalism</i>, in <i>Perspectives on Federalism</i>, vol. 6, issue 2, 2014 • S. Kropp, <i>Federalism and Sub-national parliaments: a delicate relationship?</i>, in G. Abels, A. Eppler, <i>Subnational parliaments in the EU multi-level parliamentary system: taking stock of the post-Lisbon era</i>, Innsbruck, Studienverlag, 2016
<p>Class 6 (Tuesday 14.00-15.30) E. Griglio</p>	<p>National case 1 and 2: State parliaments in two distinct models of federalism Germany as an example of aggregative federalism: the role of German <i>Laender</i> Parliaments and their relationship with the <i>Bundesrat</i> Belgium as an example of disaggregative federalism: the Sixth Reform of the State and the new relationship between regional parliaments and the Senate</p>	<ul style="list-style-type: none"> • G. Abels, <i>Adapting to Lisbon: reforming the role of German Landesparlamente in EU affairs</i>, in <i>German Politics</i>, 22:4, 2013 • L. Van Looy, <i>The Flemish Parliament: a regional parliament in Belgium, a chamber of the national parliament in Europe</i>, provisional text presented at the Conference "Parlamenti sub-statali nella dimensione nazionale ed europea", Rome - 5 March 2015, available: http://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2015/01/Luk-Van-Looy-The-Flemish-Parliament-in-the-EU-2015-.pdf

<p>Class 7 (Tuesday 18.00-19.30) E. Griglio</p>	<p>National case 3 and 4: regional parliaments in asymmetric regionalisms Regional Parliaments in the Spanish differentiated regionalism. The case of <i>Cataluña</i> Regional Parliaments in the UK devolution. The case of Scotland</p>	<ul style="list-style-type: none"> • W.M. Downs, <i>Constructing a new Scottish Parliament for the 'Europe of regions': can institutional engineering assure subsidiarity?</i>, in <i>The Journal of Legislative Studies</i>, 6:2, 2000 • A. Trench, <i>Wales and the Westminster Model</i>, in <i>Parliamentary Affairs</i>, 63: 1, 2010 • R. Wilford, <i>Northern Ireland: The Politics of Constraint</i>, in <i>Parliamentary Affairs</i>, 63: 1, 2010
<p>Class 8 (Wednesday 9.30-11) M. Olivetti E. Griglio</p>	<p>National case 5: regional parliaments in a model of advanced regionalism The evolving role of Regional Councils in the Italian advanced regionalism. The challenges posed by the ongoing constitutional reform</p>	<ul style="list-style-type: none"> • C. Fasone, <i>What Role for Regional Assemblies in Regional States? Italy, Spain and the United Kingdom in Comparative Perspective</i>, in <i>Perspectives on Federalism</i>, Vol. 4, 2012 • M. Romanelli, <i>Designing governance within Italian Regional Council's administrations</i>, in <i>Global Virtual Conference</i>, April, 8. - 12. 2013, http://www.gv-conference.com/archive/?vid=1&aid=2&kid=30101-117

Other suggested readings

G. Abels, A. Eppler, *Subnational parliaments in the EU multi-level parliamentary system: taking stock of the post-Lisbon era*, Innsbruck, Studienverlag, 2016