

## ABOUT THE IACFS

The International Association of Centers for Federal Studies (IACFS) is an interdisciplinary association of Centers and Institutes throughout the world with interests in independent research and publication about political, constitutional, legal, administrative, fiscal, economic, historical and philosophical issues relevant to political systems which have federal features. The Association seeks to further the study and understanding of federal principles and patterns in all their variety.

*The Association pursues these goals through:*

- Maintenance of an active scholarly network, through which information is exchanged, conferences held, publications are disseminated and data is collected and held;
- Stimulation and sponsorship of research on theories and practice of federalism;
- Involvement in educational, advising and consulting activities to assist the understanding and application of federalism in the contemporary world;
- Encouragement of the formation of additional institutions concerned with the study of federalism; and
- Expansion of federal studies among the academic communities of the members' respective countries.

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## FEDERALISM, REGIONALISM AND TERRITORY

September 19-20-21, 2012

National Research Council – Hall Marconi (I Floor)  
Piazzale Aldo Moro, 7 – ROMA



Ambrogio Lorenzetti: "Effetti del buon governo" – particolare – (Siena)

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## FEDERALISM, REGIONALISM AND TERRITORY

Territory has long been the visible element of national sovereignty. Historically, the definition of frontier (*limes*) has determined who was a member of the community and who was alien. It was within the territory that the law of the state was applied, in the process creating a “*community of destiny*”.

The territory of a federation is the outcome of an alliance (*foedus*) between its component or member states. Each state makes its own territory available to the federation and in so doing accepts limits on its sovereignty. In this territory both state and federal law apply simultaneously; the state populations come to recognise the federation as their new country and as a broader community which embraces them.

However, in federations territory is also what permits competition between the different member states and allows diversity to exist and persist in different parts of the federation, including different institutions and policies, customs and usages, sometimes even languages and religions. Internal state lines may be crossed, but they continue to define political identity and set limits on jurisdiction.

Internal frontiers in a federal state are not necessarily historical in nature and even where frontiers have distant origins, this tends not to have impeded change over time. As a rule, for example, in regional states frontiers are the product of “*constitutional engineering*” but this can be also the case with federations with more distant origins. Frontiers reflect the human factor but they also reflect geographical, economic and, above all, political factors. Often, such constitutional engineering of the territory may be an ongoing process in a search for optimality conditions for the implementation, replacement or termination of specific public policies.

Moreover, each territory has its specific features, sedimentations of historical, cultural and institutional conceptions which frequently become a defining element - or at least are used in that sense - of the identity of the community in the territory. This also conditions attitudes and behaviour in the wider context of the federal/regional state.

In addition, the development of networks, linked to the activities of public services and utilities, has highlighted the importance of the territorial dimension and of the question of the appropriateness of the level of government chosen.

Finally the territorial factor is connected with the mobility of the population, the production of wealth and the allocation of public financial resources and in turn of public expenditure. There is a certain circularity between these elements which requires a legal system capable of generating economies and of developing investment policies which promote development and remove geographical disparity.

We must therefore ask how responsibilities should be allocated in a federal/regional system bearing in mind the character of the different levels of sub-government. But this on its own is insufficient. We must in addition enquire how responsibilities should be allocated to take account of the character of the territory of these levels. The constitutional theory of federalism highlights the fact that writing or re-writing the constitutional rules to establish optimal arrangements for the performance of what in a given period are defined to be the tasks of government can be an extremely time consuming, arduous and costly operation.

In many cases, therefore, federal and regional systems faced with territorial evolution, instead of reallocating responsibilities, tend to resort to using tools taken from related disciplines, different from those used to allocate responsibilities: for example, interstate or interregional collaboration (horizontal cooperation) or forms of collaboration between the federation (the national government level) and the member states or regions, provinces and local governments (vertical collaboration).

In other cases there is a division of labour whereby responsibilities are allocated between governments according to the so-called *executive federalism*. One level of government is responsible for legislative regulation and another for carrying out administrative functions. In other cases, agencies are set up which are quite distinct from the federation and from the states/regions and which are free to ignore the frontiers of the member states or regions for regulatory or administrative purposes.

Choosing any of these options allows us to avoid constitutional change and to stay with the original allocation of powers. This outcome is all the more likely if the constitutional rules end up being interpreted in vague and inherently contradictory terms. However even this is tantamount to changing the structure of federalism or regionalism, change which *de facto* over time assumes a constitutional character.

Considering federal/regional systems in terms of territory permits a different understanding of the make-up of federations. Federal and regional states must necessarily take account of the impact of their policies over time upon the territory and population.

We must seek to understand how federal and regional states can modify or influence internal boundaries with the aim of making them more appropriate for public policies and for the production of public goods and how, in turn, member states and the regions can set internal optimal conditions by defining the frontiers of sub-regional levels of government.

## SCHEDULE

### Wednesday, September 19<sup>th</sup>

**ISSIRFA-CNR  
Via dei Taurini, 19 – Roma  
Library-Room  
-1 Floor**

- 2:00 p.m. IACFS Executive Committee Meeting
- 4:00 p.m. Business Meeting (IACFS Center Directors)
- 8:00 p.m. Dinner for IACFS Members  
at Minerva Roof Garden

### Thursday, September, 20<sup>th</sup>

**National Research Council  
Piazzale Aldo Moro, 7 – Roma  
Hall Marconi  
1 Floor**

- 9:00 a.m. Opening of Conference
- 1:00 p.m. Lunch
- 6:30 p.m. end of the Session
- 7:30 p.m. depart for visiting Capitoline Museums  
Bus transfers
- 9:00 p.m. Dinner in Trastevere  
at Ristorante Sabatini

### Friday, September, 21<sup>th</sup>

**National Research Council  
Piazzale Aldo Moro, 7 – Roma  
Hall Marconi  
1 Floor**

- 9:00 a.m. 2<sup>nd</sup> day Conference
- 12:30 p.m. end of the Conference
- 13:00 p.m. Lunch