



CENTRO STUDI SUL FEDERALISMO

PERSPECTIVES ON FEDERALISM



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## By way of introduction

by

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Ed - I



As I write these lines, the Conference on the Future of Europe is in full swing. The first round of sessions of the European Citizens' Panels was held at the European Parliament in September and October 2021. The second sessions are now set to start. Aside from its outcome, it is hard to underestimate the relevance of the Conference process, an experiment in participatory democracy that may turn into an attempt to foster reform of the European Union. This experiment is even more important, as it takes place among the uncertainties about the post-pandemic recovery. In one of the next issues, *Perspectives on Federalism* will pay due attention to the activities of the Conference and to their relevance in the present time.

As usual, we encourage our readers to submit articles, review essays and notes, or to submit proposals for fully-fledged special issues.

### **The contents of this issue**

The six essays that compose this issue cover a number of topics. Three of them analyse specific aspects related to the territorial distribution of power in individual jurisdictions. [Kent Eaton](#) focuses on one country that is rarely mentioned in the studies of comparative federalism, that is, Colombia. The Colombian Constitution of 1991 marked a remarkable shift from 'shared rule with limited self-rule' to 'extensive self-rule with no shared rule'. The increased significance of the departments, that is, intermediate substate entities, went hand in hand with a radical transformation of the Senate, which had ensured equal representation of the departments under the Constitution of 1886. Since 1991, the Senate has been composed 'of one hundred members elected in one nationwide constituency' (Art. 171 of the Constitution currently in force). The current state of affairs has proved to be quite unstable. In addressing his research questions, Eaton makes some interesting points on the interplay of federalisation (in the broad sense) and democratisation in one of the most significant examples of constitutional transitions within democracy. [Ajayan T](#) considers one case of resort to Art. 356 of the Indian Constitution, under which the President of India may 'assume to himself all or any of the functions of the Government of [a] State' in response to 'failure of constitutional machinery' in that state. This happened in 1959, when the Union government put an end to



the Communist state government of Kerala, the first non-Congress administration at a time in which the Indian National Congress (INC) controlled the federal government as well as all the other state governments. Ajayan T discusses the constitutionality of such a move against the background of centre-state relations in India in the years of INC hegemony. This piece is relevant in comparative terms as it provides in-depth information on the use of extraordinary federal powers vis-à-vis one of the constituent units. In recent years, scholars in comparative federalism have extensively discussed the usefulness and purpose of these instruments with regard to secession crises and, of course, to the handling of the Covid-19 pandemic. The piece by [Yonattan Araya Zemaryam](#) focuses on a very topical issue. In 2020, an armed conflict broke out between the Tigray regional government and the Ethiopian federal government run by Prime Minister Abiy Ahmed. In his contribution, Zemaryam argues that ethnolinguistic federalism – or, better said, the way it was implemented in Ethiopia after 1995 – has not provided a remedy for the risk of interborder conflict.

The essay written by [Tomasz P. Woźniakowski and Miguel Poiares Maduro](#) builds on the well-known comparison between the federalising processes of the United States and the European Union (EU). Woźniakowski and Maduro focus on one of the most important drivers of federalisation, that is, the power to tax. The authors argue that the very existence of a ‘power to tax’ may not be less important than the size of the budget of the EU. In this respect, the early history of the United States is rich in insightful teachings. After years of social unrest, ‘the granting to the federal government of the power to tax ultimately brought about a decrease in an overall tax burden’ and contributed to relieving social tensions. Starting from this crucial watershed in the history of the American experiment, the two authors argue that ‘the same dynamics might be replicated in the European Union’.

The essay by [Matteo Oreglia](#) analyses the current state of the relations between the EU and the African, Caribbean and Pacific Group of States (ACP). The Cotonou Partnership Agreement was due to expire in February 2020 but has been extended until 30 November 2021. Meanwhile, the two parties have entered into negotiations for a ‘post-Cotonou’ agreement. The new agreement should lay down common principles and cover six priority areas: democracy and human rights, sustainable economic growth and development, climate



change, human and social development, peace and security, and migration and mobility. Against this background, Oreglia considers the main issues to be solved during the negotiating process.

Finally, [Roberto Talenti](#) looks at the international law regulation of the sector of agriculture, forestry and other land use (AFOLU) in the framework of the fight against climate change. Does the regulation of the AFOLU sector address this challenge? If this is the case, does it live up to the aim of reducing emissions? In answering these research questions, Talenti makes some points on the significance of international cooperation in the climate crisis.

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