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## The ever-recurring salience of asymmetric federalism

by

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Ed - I



As I write these lines, discussions about asymmetric regionalism are at the top of the political agenda in Italy. Towards the end of the 17<sup>th</sup> parliamentary term, in 2017, the regional governments of Lombardy, Veneto and Emilia-Romagna initiated the procedure for obtaining greater autonomy – literally, ‘particular forms and conditions of autonomy’ – in a number of policy areas. Preliminary agreements were signed shortly before the Italian general election of 2018. The subsequent parliamentary term was dominated by a heated debate on the implementation of asymmetric regionalism. The discussion clearly reflected the significant disagreements about the appropriate balance between the central and regional governments in the Italian model of regional state. Such disagreements were further inflamed by the handling of the Covid-19 pandemic crisis. Moreover, the initiative launched by Lombardy, Veneto and Emilia-Romagna allowed highlighting – once more – that the transition of the Italian regional system was still an unfinished business. To date, the constitutional amendment hastily passed in 2001 has not been fully implemented. This has a significant impact on the (partly missing) standards for the uniform protection of fundamental rights, the distribution of financial resources among the several institutional layers, and the institutional and procedural links between the state, the regions, and the local governments. Crucially, the wording of Art. 116(3) of the Constitution, that is, the clause that is supposed to govern the grant of ‘particular forms and conditions of autonomy’, is relatively unsatisfactory and obscure. That is why scholars and politicians have pointed out the need for a general state law to regulate the substantive and procedural framework of asymmetric regionalism in greater detail.

In the current parliamentary term, the implementation of asymmetric regionalism features high in the agenda of the Lega Salvini Premier, one of the political parties that support the Meloni government. In recent years, the platform of the Lega has been marked by major turnarounds, among which the most prominent was the renouncement of hard Euroscepticism and the ensuing support of the Draghi government. On 23 March 2023, the Meloni government established a nonpartisan committee in charge of setting the basic standards for civil and social rights throughout the national territory. On the same day, the Minister for Regional Affairs and Autonomy, Roberto Calderoli, tabled a general bill on asymmetric regionalism.<sup>1</sup> The bill provides for a roadmap to negotiate and conclude the agreements with the regions concerned. It also defines a procedure for setting the standards



for the protection of fundamental rights. In political terms, one of the goals of the Calderoli bill is to reassure the opponents of asymmetric regionalism, who have often hinted at the risk of a ‘secession of the rich’ (Viesti 2019): the procedure that may prelude to the conclusion of the agreements (*intese*) is quite detailed and tries to define more precisely the respective roles of the actors involved. A possible flaw of the bill is that it (aptly) focuses on the standards for the protection of fundamental rights but seems to elude the underlying financial issues (Staiano 2023: xii). The defective implementation of a new model of financial autonomy for the regional and local governments in the aftermath of the 2001 reform is one of the unsolved problems of the Italian model of regional state and looms large in the more recent plans to grant greater autonomy to the three regions in northern Italy.

This debate is not only of Italian interest. Scholars like Francesco Palermo (2019) have repeatedly warned that nowadays asymmetry is a distinctive feature of *all* federal and regional models. Discussions in Italy are dominated by issues that often echo a wider international conversation: they include the appropriate balance between experimentalism, competition and interterritorial solidarity, the increasing political polarisation of western democracies, and the need to reconsider some of the basic concepts of federalism (and regionalism) in the wake of the major crises of the last decade. The papers published in this issue offer fresh viewpoints on many of these topics.

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 essays that compose this issue cover a number of topics. Two of them focus on intergovernmental financial relations and fiscal federalism. [Salvatore Barbaro](#) takes into account the ability of the Higher Education Pact in Germany to meet its goals. He builds on this case study to answer this research question: can earmarked resources in the form of financial grants better achieve policy goals? His analysis results in a mixed picture, pointing out some critical flaws of federal grants-in-aid. [Francisco Javier Romero Caro](#) considers the integrative and disintegrative potential of the Canadian equalization program. In his piece, Romero Caro builds on the assumption that resort can be made to fiscal instruments to accommodate diversity and reduce the risk of secession. Consequently, his analysis is mainly



focused on Quebec. Against the background of such a diverse federation as Canada, equalization programs emerge as an accommodation and nation-building tool. Still, some side effects can be detected: they may have to do with the increasing polarisation of the Canadian political system or with a feeling of alienation that has occasionally surfaced in the western Province of Alberta.

Three articles offer comparative analyses of specific issues.

[Ana Tereza Fernandes](#) considers the debate about second chambers in federal jurisdictions and their ability to provide territorial representation. Her case study focuses on the activities of the senates of Argentina, Brazil, and Mexico: she concludes that these second chambers are no exception to what Renaud Dehousse (1990) called Madison's paradox. Even in Latin America, the partisan capture of the second chambers has led to the emergence of alternative, executive-based arenas for intergovernmental negotiations.

[Iris Reus and Julia Nelles](#) focus on how the governments of the sixteen German *Länder* reacted to the Covid-19 pandemic and whether or not the pressure for uniformity left any room for differentiated regulations. The findings of their study highlight substantial variance among the German *Länder*. Consequently, the piece by Reus and Nelles contributes to debunking the widespread idea of strong harmonisation as a key component of Germany's response to the Covid-19 crisis: quite to the contrary, the *Länder* 'made use of their scope and set their own course in fighting the pandemic'.

In her piece, [Cecilia Rosado-Villaverde](#) focuses on the role of subnational entities of federal and quasi-federal orders in protecting fundamental rights and freedoms. The departure point of her research is the entrenchment of several right-related clauses in the *estatutos de autonomía* of the Spanish Autonomous Communities in the first decade of the 21<sup>st</sup> century. Similar attempts were made in Italy during the drafting of the second-generation regional *statuti*. Rosado-Villaverde develops a comparison between Italy, Spain, and the Federal Republic of Germany against the background of the economic and pandemic crises. During these crises, subnational governments have often come to the forefront, with the policy line of the regional government of Madrid providing a convincing example for this. The essay defines the Spanish autonomic state as an evolving system, located halfway between the German and the Italian model; on the whole, 'territorial entities have a more significant position than had been foreseen at the end of the first decade of the 21<sup>st</sup> century in terms of rights and freedoms'.



Finally, [Roberto Talenti](#) looks into the global system of climate governance from a specific vantage point, that is, the role of environmental NGOs (ENGOS) . In Talenti's opinion, a significant correlation exists between the emergence of a hybrid multilateral climate regime and the stronger role that ENGOS have been able to play in the governance of climate change.

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<sup>1</sup> Text of the bill available at [https://www.senato.it/leg/19/BGT/Schede/Ddliter/testi/56845\\_testi.htm](https://www.senato.it/leg/19/BGT/Schede/Ddliter/testi/56845_testi.htm).

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