



Bulletin n. 3/2008 - February 2009

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Autonomy and Federal Accommodation of Identity Claims: Significance of the Indian Model
in *Indian Journal of Federal Studies*, 18th Issue, 2/2008

No abstract available

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Altman David

Collegiate Executives and Direct Democracy in Switzerland and Uruguay: Similar Institutions, Opposite Political Goals, Distinct Results
in *Swiss Political Science Review - Schweizerische Zeitschrift für Politikwissenschaft - Revue suisse de science politique*, Volume 14, Number 3, Fall 2008 , 483-520

Uruguay, defining itself as the "Switzerland of Latin America", took the Swiss model (collegial executives and direct democracy) as an example when building its own political institutions. Despite the similarities of these institutions, the results were quite different due to the different context. The comparison between the institutions in these two isolated countries highlights the ways in which the same institutions may produce different results and evolve in distinctive ways. This is important to recognize as foreign models and experiences continue to inspire policies. Contrary to common arguments presented in the literature, even in such a "most likely case", institutions cannot simply be copied. Institutional effects are context-dependent and we need to pay attention to this interaction. This article provides new evidence showing that universalist institutional arguments can be misleading.

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Longo Erik

Dalla Corte di Lussemburgo una rilettura del federalismo belga
in *Quaderni Costituzionali*, numero : 3, settembre , 654-660

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Esterling Kevin M.

Does the Federal Government Learn from the States? Medicaid and the Limits of Expertise in the Intergovernmental Lobby

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 1-21

State programmatic expertise is an important asset to federal systems, but this expertise is not always informative to federal decision-makers. I argue the degree to which state expertise is informative to federal decision-makers depends on how well the policy interests of state and federal levels are aligned. I illustrate variation in these conditions using case studies of congressional politics over the Medicaid program. I then apply a statistical test, which demonstrates that states' programmatic expertise regarding Medicaid is less persuasive to congressional committee members compared to other witnesses who are equally knowledgeable. The results suggest a "failure of federalism," where the public good potential of state programmatic expertise often is not realized in the federal system.

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Gilardi Fabrizio, Füglistner Katharina

Empirical Modeling of Policy Diffusion in Federal States: The Dyadic Approach

in *Swiss Political Science Review - Schweizerische Zeitschrift für Politikwissenschaft - Revue suisse de science politique*, Volume 14, Number 3, Fall 2008 , 413-450

Policy diffusion is a common phenomenon in federal states: indeed, one of the normative justifications of decentralized policy making is that it permits the development and spread of best practices. Following Berry and Berry (1990), event-history analysis has been the method of choice for the quantitative investigation of policy diffusion, but Volden (2006) has recently introduced a dyadic variant of this method in which units of analysis are not states but, instead, pairs of states. This article discusses the dyadic approach with a particular focus on the diffusion of policies in Switzerland. The goal is not to introduce a new method, but rather to provide a practical overview for researchers interested in using it. The article shows how the method has migrated from the international relations literature to the policy-diffusion literature, describes the typical structure of a dyadic dataset in a diffusion context, and discusses several modeling issues. The usefulness of the dyadic approach is illustrated empirically with the example of health-insurance subsidy policies in Swiss cantons.

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Jordan Jason

Federalism and Health Care Cost Containment in Comparative Perspective

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 164-186

Despite widespread agreement over the connection between federalism and social expenditures during times of welfare state expansion, disagreement exists concerning federalism's role in the retrenchment era. Existing approaches fail to recognize institutional variation among federal states. Analysis of Britain, Germany, and Canada suggests that federalism may promote or hinder health care retrenchment depending upon how it structures the relationship between regional and national governments. Power-sharing federalism hinders health care reform by increasing the institutional



obstacles to unpopular cutbacks. Power-separating federalism facilitates reform by creating opportunities for blame avoidance without substantially increasing the number of veto players. These findings challenge traditional linear or dichotomous models of federalism, suggesting the need for an approach that captures how particular types of federalism affect retrenchment politics.

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Richardson Lilliard E. Jr., Houston David J.

Federalism and Safety on America's Highways

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 117-137

Safety on America's highways has long been an important state policy issue, but since the 1960s Congress has used incentive grants, crossover sanctions that threaten to withhold federal highway funds, and diversionary sanctions that force states to use highway funds for safety purposes as a means of compelling states to adopt traffic safety policies. In an effort to promote public health, Congress has, at times, pushed states to adopt lower speed limits, mandatory motorcycle helmet laws, occupant protection laws, and laws designed to deter impaired driving. This article examines which fiscal tools have been effective in getting states to adopt traffic safety policies, how states have responded to changes in federal priorities on public health goals, and the implications of these policy efforts for public health.

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Thompson Frank J., Burke Courtney

Federalism by Waiver: MEDICAID and the Transformation of Long-term Care

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 22-46

In recent years, many states in the U.S. have substantially reinvented their Medicaid programs through the unprecedented use of federal waivers. This article focuses on 1915c program waivers, which gave states the opportunity to overcome Medicaid's institutional bias by offering more home and community-based services. The use of this tool has fueled deinstitutionalization and other program changes. It reflects the rise of executive federalism—the growing tendency for major program decisions to shift from the legislative arena to the executive branch of the national and state governments. By functioning as licenses, the 1915c waivers take devolution via the administrative process to new levels. The proliferation of these waivers suggests a need to revise prior conceptions of federal–state relations, such as picket fence federalism.

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Grogan Colleen M., Rigby Elizabeth

Federalism, Partisan Politics, and Shifting Support for State Flexibility: The Case of the U.S. State Children's Health Insurance Program

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 47-69

No abstract available



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Bercovici Gilberto

Parabole e ricorrenze del federalismo

in **Diritto pubblico comparato ed europeo**, n.3 , 1347-1359

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

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Légaré André, Suksi Markku

Rethinking the Forms of Autonomy at the Dawn of the 21st Century

in **International Journal on Minority and Groups Rights**, Volume 15, Numbers 2-3 , 143-155

Arguably, other forms of autonomy also exist than territorial autonomy with law-making powers, such as personal autonomy, cultural autonomy and functional autonomy as well as autonomies with administrative or regulatory powers. The existence of such different forms of autonomy should be kept in mind when the term 'autonomy' is used and the context of the usage of the term should be made clear. In addition, the interface between territorial autonomy with law-making powers on the one hand, and federal organization on the other is explored, the point being that a more coherent theoretical approach to territorial autonomy on the one hand and federalism on the other should be developed.

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Anzon Demmig Adele

Sovranità, processi federalistici, autonomia regionale. In margine alla sentenza 365 del 2007 della Corte costituzionale

in **Giurisprudenza Costituzionale**, fasc. 6 , 4999-5016

No abstract available

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Burkhart Simone, Manow Philip, Ziblatt Daniel

A More Efficient and Accountable Federalism? An Analysis of the Consequences of Germany's 2006 Constitutional Reform

in **German Politics**, Volume 17, Issue 4, December , 522-540

The German federal reform adopted in 2006 aims to enhance efficiency and accountability of governance by disentangling the intertwined levels of government and by reducing the veto rights of the Bundesrat, Germany's strong second chamber. In this article, we assess the degree to which reform in these areas has been fulfilled. In particular we



ask if the reform will i) accelerate the legislative decision-making process, ii) expand the freedom of political action of the federal government and iii) disentangle the competencies between the intertwined levels of German government. Our analysis shows a remarkable gap between the ambitious goals of reformers and the reality of the actual reform outcome.

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Höreth Marcus

A Successful Failure? The Contested Implications of Germany's Federal Reforms

in German Politics, Volume 17, Issue 4, December , 408-423

The article uses the German government's 'Response to the Interpellation of the FDP Party Group' in late March 2008 for two main purposes: to provide insights not only regarding the 'official' political assessment of the reform (which is much too optimistic), but also empirical data on the revised Basic Law. Essentially, even though Article 84, Paragraph 1 has been reformed, articles that still require Bundesrat consent account for almost half of all federal laws. In fact, this article shows that other articles unaffected by the 2006 reforms essentially replace Article 84, Paragraph 1. That is, they still make it necessary for legislative acts to obtain Bundesrat consent. These elements of the Basic Law are effectively 'catch-all elements' (Auffangtatbestände) following the abolition of the old Article 84. This contribution further shows that the laws subject to Bundesrat consent on account of these remaining 'catch-all elements' regulate highly contested subjects, while legislation that no longer requires Bundesrat consent is politically uncontested. The implication is that there is good reason to believe that this reform will collapse under 'divided government' - ironically the situation under which the reform was intended to provide the most benefit.

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Zolnhöfer Reimut

An End to the Reform Logjam? The Reform of German Federalism and Economic Policy-Making

in German Politics, Volume 17, Issue 4, December , 457-469

The paper discusses the effects of the first step of the reform of German federalism on economic policy-making. It turns out that the overall ratio of bills needing Bundesrat approval to all bills decreases substantially, but the necessity of Bundesrat approval for key decisions in economic policy is unlikely to decrease due to the reform (with the exception of health care reforms). Furthermore, it is argued that even if the reform were to reduce the need of Bundesrat approval to a larger extent than expected here, the permanent electoral campaign in which German governments find themselves continues to make coherent and far-reaching reforms difficult. Therefore, the politics of German economic policy are unlikely to change fundamentally in the near future.

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Balázs Lilla

Bosnia and Herzegovina: "Transition, Times Two"

in Europe en formation (L'), n. 349-350, automne-hiver , 99-118



Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349BALAZS.pdf>

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Scharpf Fritz W.

Community, Diversity and Autonomy: The Challenges of Reforming German Federalism

in German Politics, Volume 17, Issue 4, December , 509-521

In federal states with territorially based ethnic, linguistic or religious cleavages, the allocation of competences among the levels of government may be determined by highly salient normative convictions and conflicts. In their absence, the economic theory of federalism and the subsidiarity principle might offer some highly abstract guidelines. Of greater practical significance are country-specific points of departure, path-dependent institutional developments and concrete challenges that might provoke a change of direction.

Germany, for instance, is a polity with a unitary political culture but also with institutionally entrenched sub-national governments. Thus the post-war decades saw a continuous expansion of federal legislative competences combined with a continuous increase of practices of 'cooperative federalism' and 'joint decision-making'. As a result of high consensus requirements, both the federation and the Länder lost the capacity for autonomous political action. When, under the pressures of German unification, Europeanisation and economic globalisation, the demands for decisive policy changes were often frustrated, the blame was directed at federal institutions. Hence the reform of German federalism, the 'first phase' of which began in 2003 and was completed in 2006, sought to increase the capacity for autonomous political action by replacing joint decision-making with the allocation of exclusive competence to both the federation and the Länder. It can be seen already, however, that the reforms that were in fact adopted fall far short of the original goals. I will discuss the reasons for this relative failure and will outline a more promising approach to the management of concurrent competences that might also be useful elsewhere.

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Moore Carolyn, Eppler Annegret

Disentangling Double Politikverflechtung? The Implications of the Federal Reforms for Bund-Länder Relations on Europe

in German Politics, Volume 17, Issue 4, December , 488-508

The recent reforms of German federalism (Reform I) have established a new framework for Bund-Länder co-operation on EU policy. These seek to safeguard Germany's ability to co-operate in Europe by disentangling the joint roles and responsibilities bound up within the complex arrangements of the EU policy-making system, defined as a multiple framework of joint decisions, or doppelte Politikverflechtung. Whilst on the surface, the reforms enacted may be read as a success for the Länder in their bid to secure autonomy on European issues, closer analysis reveals that these changes may in fact hamper the Länder agenda on European issues, closing off new opportunities for influence.

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Benz Arthur



From Joint Decision Traps to Over-regulated Federalism: Adverse Effects of a Successful Constitutional Reform

in **German Politics**, Volume 17, Issue 4, December , 440-456

The article sheds light on an unintended effect of recent constitutional reform in Germany: the extension of detailed regulations in the constitution. This outcome is explained by the structure of the reform process which caused party political and intergovernmental bargaining as usual. Moreover, the interplay between constitutional policy-making and decisions of the Constitutional Court contribute to the described trend of over-regulation of the constitution. The second reform, currently under way, is likely to continue this trend. As a consequence, the federal system is in danger of losing necessary flexibility, while governance will become neither more effective nor more democratic.

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Moore Carolyn, Jacoby Wade, Gunlicks Arthur B.

German Federalism in Transition?

in **German Politics**, Volume 17, Issue 4, December , 393-407

No abstract available

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Jeffery Charlie

Groundhog Day: The Non-Reform of German Federalism, Again

in **German Politics**, Volume 17, Issue 4, December , 587-592

Germany is now witnessing the fifth in a series of set-piece negotiations on the reform of the federal system since 1990. Like the other points in the series, it is unlikely that significant reform will follow. This persistent pattern of non-reform reflects in part the difficulty of disentangling a system based on high consensus requirements between federal and regional governments through negotiations based on similarly high consensus requirements. More fundamentally it reflects the power of a unitarist conception of federalism in Germany. This conception is periodically challenged, but has not yet been overcome, by 'territorialising' pressures from elites and citizens in some German Länder. These territorialising pressures appear persistent and are likely in due course to bring a further iteration - another 'groundhog day' - in the eternal German federalism reform debate.

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Galliani Davide

Le Regioni speciali dopo la riforma del Titolo V della Costituzione: ancora "speciali"?

in **Quaderni Regionali** , n.2

No abstract available



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Auel Katrin

Still No Exit from the Joint Decision Trap: The German Federal Reform(s)

in German Politics, Volume 17, Issue 4, December , 424-439

One of the central projects on the Grand Coalition's agenda 2005 was a reform of the German federal system. And while an earlier Reform Commission had failed, the Grand Coalition was indeed more successful: the first stage of the reform came into force in September 2006. Does that mean Germany will finally escape the 'joint decision trap' and the well-known Reformstau? The paper will argue that the outcome is a result of the same strategies to avoid deadlock that have been observed in the past. Instead of opening the 'joint decision trap', Bund and Länder were at best able to adjust it slightly. And a first outlook on the ongoing second stage of the reform suggests that a very similar outcome can be expected.

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Panara Carlo

The German Länder in the Process of European Integration between Föderalismusreform and Reform Treaty

in European public Law, Volume 14 (2008) Issue 4 , 585-614

The recent reform of the German federal system in 2006 and the ongoing reform of the EU both arouse a new interest in the rights of the German Länder in EU decision-making. The article addresses four issues. First, how the transfer of powers of the Länder to the EU takes place. Second, the forms of direct and indirect participation of the Länder in EU decision-making. Third, the judicial defence of the Länder competences at both national and European level against invasions by the European Community (EC). Finally, the fulfilment of EU obligations in the internal sphere. It is submitted that a relevant loss of competences by the Länder is unavoidable in the context of the European integration, whose focus is on the Member States. Such a loss of competences cannot be fully compensated by the participation rights conferred on the Länder. Nonetheless, such participation rights are to be regarded as an essential element in order to remedy the EU democratic deficit and to preserve the federal structure of Germany.

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Marko Joseph

The New Kosovo Constitution in a Regional Comparative Perspective

in Review of Central & East European Law, vol. 33, n. 4 , 437-450

Kosovo's declaration of independence is not the end of the long story of a difficult relationship between the various Serb state formations and Kosovo Albanians, but only the beginning of a new chapter. The present article discusses the constitutional choices that had to be made in the drafting of the new Kosovo Constitution with regard to institution-building and conflict management in light of the experiences in Bosnia and Herzegovina and Macedonia. After



studying the political background and the legislative history of the drafting of the Constitution and analyzing how the Constitution regulates the governmental structures and human rights, the author comes to the following conclusions: First, there are serious doubts about the effective interplay between Kosovo institutions and the ICR and the capacity to create an "effective" system of checks and balances based on legal security. Second, he identifies the lack of feeling of "ownership" of the constitutional drafting process among the Kosovo Albanian political elites as a serious handicap for the legitimacy of the Constitution. Third, legal gaps and confusion persist regarding legal remedies against administrative decisions. Fourth, he identifies a promising balance between "civic" and "ethnic" elements that is achieved by granting ethnic overrepresentation while at the same time ruling out an absolute veto power for any ethnic group. Finally, he comes to the conclusion that all institutional arrangements cannot guarantee integrative effects as long as good neighborly relations are not developed with Serbia, but this should be fostered by European integration.

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Søberg Marius

The Quest for Institutional Reform in Bosnia and Herzegovina

in East European Politics and Societies, vol. 22, n. 4, Fall , 714-737

This article investigates the quest for institutional reform in Bosnia and Herzegovina since the 1995 Dayton Peace Agreement. Reform does not take place in a vacuum and the successful reform of the Bosnian polity is dependent on public support. Public demands for reform are likely to be influenced by how the current institutions are believed to be functioning and by the public support for the current institutional set-up as such. Still, the demands for alterations by the political elites of the different national communities highlight a continuing lack of consensus. Although the Constitution allows for a revision, the political room for such changes is limited, and the challenge remains to provide adequate degree of autonomy of national groups without diminishing the quality of democracy. The need to differentiate between the protection of legitimate national and minority rights and unacceptable nationalist demands emerges as a challenge with no easy solution.

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Bin Roberto

Alla ricerca della materia perduta

in Regioni (Le), n.2 , 398-406

No abstract available

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Jon S. T. Quah

Curbing Corruption in India: An Impossible Dream?

in Asian Journal of Political Science, Volume 16 Issue 3 , 240 - 259

This article analyses the serious problem of corruption in India by examining its causes and the various anti-corruption



measures employed by the government from the formation in 1941 of the first anti-corruption agency, the Delhi Special Police Establishment, which was expanded to form the Central Bureau of Investigation (CBI) in April 1963. India's ineffective anti-corruption strategy can be attributed to the lack of political will of its leaders and its unfavourable policy context, which has hindered the enforcement of the anti-corruption laws. The lack of political will in fighting corruption is manifested in the lowest per capita expenditure and least favourable staff-population ratio of the CBI when compared to those of its counterparts in Singapore, Hong Kong, South Korea and Thailand. To enhance the CBI's effectiveness, it should be removed from the jurisdiction of the police and be established as an independent agency dedicated solely to curbing corruption. The Constitution of India should also be amended to empower the CBI to investigate corruption cases at the state level without obtaining the consent of the chief minister of the state. In view of the lack of political will, this article concludes that curbing corruption in India remains an impossible dream in the foreseeable future.

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Stewen Tobias

Der EuGH und die nationale Steuerhoheit – Spannungsverhältnis und Konfliktlösung

in Europarecht, Volume 43, Issue 4, 2008 , 445-468

No abstract available

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Trojsi Anna

Dirigenza regionale e dirigenza locale: il riparto di potestà normativa

in Regioni (Le), n..2 , 335-354

No abstract available

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Freitag Markus, Schlicht Raphaela

Educational Federalism in Germany: Foundations of Social Inequality in Education

in Governance, Vol. 22, n. 1, January , 47-72

This article applies Fuzzy Set Qualitative Comparative Analysis to examine how sub-national education systems affect the extent of social inequality in education within the German federal states. Variations in educational outcomes between the federal states can be primarily attributed to the strict educational decentralization in Germany. We examine four conditions of regional education systems presumed to be relevant for the extent of social inequality in education: the availability of early childhood education, the development of all-day schools, the onset of tracking to different school types, and the degree of tripartition in secondary education. Altogether, we find systematic relationships between the variation of sub-national education systems and the extent of social inequality in education. The results indicate that well-developed early childhood education is necessary for a low degree of educational inequality. However, educational inequality is not directly related to partisan and socioeconomic determinants.



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Wong Kenneth K.

Federalism Revised: The Promise and Challenge of the No Child Left Behind Act

in **Public Administration Review**, December 2008 - Volume 68 Issue s1 , S175-S185

Federalism in education has undergone significant changes since the Winter Commission. During the early 1990s, federal policy makers faced the challenge of organizational fragmentation and policy incoherence in public education. In the last 15 years, the intergovernmental system has evolved from one that is predominantly compliance-driven to one that is performance based, as suggested by the congressional adoption of the No Child Left Behind Act in 2001. While the former is often characterized by images of "picket fence" federalism and administrative silos, the latter remains very much a work in progress, with the promise of raising academic proficiency. This paper first examines the paradigm shift and then considers emerging politics in intergovernmental relations. The author explores the ways in which state and local policy makers are altering the rules governing education service provision in response to performance-based federal expectations.

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Banchero Anna

I livelli essenziali delle prestazioni nell'ambito dei servizi alla persona: dalla tutela della salute alla protezione sociale

in **Quaderni Regionali** , n.2

No abstract available

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Panara Carlo

I poteri impliciti nel federalismo tedesco del Grundgesetz

in **Quaderni Costituzionali**, numero : 2, giugno , 425-450

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Zwilling Carolin

lacfs annual meeting 2008 in Barcelona: "Decentralizing and re-centralizing trends in the distribution of powers within federal countries"

in **Federalismi**, Anno VI - N. 19



No abstract available

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Venturi A.

La "tutela della concorrenza": da "valore materia" a "materia valore". La Corte conferma il riparto Stato-Regioni operato dal codice De Lise

in *Regioni (Le)*, n..2 , 407-428

No abstract available

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Canosa Usera Raúl

La definición estatutaria de competencias

in *Teoria y realidad constitucional*, n.21 , 427-434

No abstract available

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Busti Silvio

Leale collaborazione tra Stato e Regioni per i "requisiti di sistema" delle gestioni aeroportuali

in *Regioni (Le)*, n.3 , 660-680

No abstract available

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Weissert Carol S. , Scheller Daniel

Learning from the States? Federalism and National Health Policy

in *Public Administration Review*, December 2008 - Volume 68 Issue s1 , S162-S174

In its 1993 report, the Winter Commission gave direction to the federal government in the area of health policy and Medicaid: lead, follow, or get out of the way. This article examines how the federal government responded to that advice, specifically asking what has happened in the allocation of responsibility in health policies between 1993 and 2006. In short, unlike the suggestion that there be a better-defined direction in federal–state policy assignments in health, the ensuing years have resulted in more of the same. The authors examine what has happened, particularly focusing on vertical diffusion—where the states have acted first—and on the role of policy learning in federal decision making. They find little recognition of policy learning in recent federal health laws—even in areas in which state experience was extensive. The federal government is leading in some health policies—but it is leading without learning.



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Landy Marc

Mega-Disasters and Federalism

in **Public Administration Review**, December 2008 - Volume 68 Issue s1 , S186-S198

Measured in dollar terms, Hurricane Katrina was the worst natural disaster in American history. Mega-disaster response recovery and mitigation put federalism to an especially difficult test because they require speed, efficiency, decisiveness, and effective coordination. This essay focuses on the response to and recovery from Katrina in order to probe the implications of mega-disasters for federalism. It understands federalism as being composed of four dimensions: the three levels of government and the civic realm. It tests key defenses of federalism against civic and government performance during Katrina. It offers examples of successes and failures involving all four dimensions and provides specific recommendations for improving mega-disaster mitigation, response, and recovery while maintaining an appropriate constitutional balance among the three levels of government and between the civilian government and the military.

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Ogden Lydia L., Adams Kathleen

Poorhouse to Warehouse: Institutional Long-Term Care in the United States

in **Publius: The Journal of Federalism**, vol. 39, n. 1, Winter , 138-163

Nursing homes in the United States are a product of American federalism and reflect the complexities and variabilities of that system. Over time, institutional long-term care for frail elders has shifted from local government funding and administration to state-level oversight and support to a shared federal-state concern. The unsystematic American approach produces haphazard results in terms of quality, equity, and efficiency. The graying of the American population will increase the demand for long-term care, resulting in pressure for a more coherent policy response.

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Anguita Susi Alberto

Repartos de competencias y derechos civiles tras la reforma del Título V de la Constitución italiana

in **Teoria y realidad constitucional**, n.22 , 337-355

No abstract available

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Currie David P.



Republication - Separation of Powers in the Federal Republic of Germany

in *German Law Journal*, Vol.9, n.12 , 2113-2178

No abstract available

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Mulcare Daniel

Restricted Authority. Slavery Politics, Internal Improvements, and the Limitation of National Administrative Capacity

in *Political Research Quarterly*, vol. 61, n. 4, december , 671-685

ABSTRACT: This article connects slavery politics with the curtailment of antebellum infrastructure policy and the limits placed on the development of the early American state. Because many Southerners feared that a unified Northern majority could hinder slavery's expansion or continued existence, they successfully worked to curtail federal power, even in areas seemingly unconnected to slavery. They helped to undermine a national improvement system, the federal government's ability to build improvements within state borders, and Congress's power to levy tolls to fund road repairs. In addition, Southerners' efforts to curb certain improvement projects curtailed the federal government's overall administrative capacity.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 3. The division (and the conflicts) of powers and competences

Graefe Peter, Bourns Andrew

The Gradual Defederalization of Canadian Health Policy

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 187-209

Health policy is an important facet of territorial politics, drawing the contours of the sharing community. Changes in the management of the division of powers in health policy point to shifting understandings of the federal political community. This article adopts this approach in the Canadian case, where observers disagree about whether values of federal diversity remain robust or are eroding. It considers three Commissions (Rowell-Sirois, Hall, and Romanow) reporting over a 60-year time span. The Commissions adopt different understandings of the division of powers and of the proper forms of intergovernmental health governance, moving from a robust understanding of federal diversity and the division of powers in the 1940s, to an afederal emphasis on efficiency and pan-Canadian citizenship in the early 2000s.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 3. The division (and the conflicts) of powers and competences

Hernández Antonio M.

The distribution of competence and the tendency towards centralization in the Argentine federation

in *Federalismi*, Anno VI - N. 19



Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 3. The division (and the conflicts) of powers and competences

Cutler Fred

Whodunnit? Voters and Responsibility in Canadian Federalism

in **Canadian Journal of Political Science--Revue canadienne de science politique**, Volume 41, Issue 03, September , 627-654

Government accountability in Canada depends on Canadian voters' attributing responsibility to multiple levels of government for policy outcomes. This study presents the first comprehensive account of these responsibility judgments. The data are from panel surveys of voters in Ontario and Saskatchewan as they faced provincial elections in the fall of 2003 and then the federal election of 2004. Voters were asked about conditions in a number of policy areas and then asked to separately attribute responsibility to the two senior levels of government. Voters do not strongly differentiate the governments' roles and there is little variation across issues. Attentiveness to politics only very slightly improves the quality of responsibility attributions, and only on issues where responsibility is objectively clearer. The results suggest that federalism is a major challenge for Canadian voters wishing to reward or punish their governments for policy outcomes.

Résumé. La responsabilisation gouvernementale au Canada dépend de la capacité du citoyen à différencier clairement les sphères d'activité des divers paliers de gouvernement. Cette étude offre, pour la première fois, un portrait exhaustif des mécanismes d'attribution de la responsabilité dans le système fédéral canadien. Les données sont tirées de deux enquêtes en panel réalisées durant les campagnes électorales provinciales de l'Ontario et de la Saskatchewan à l'automne 2003, puis durant la campagne fédérale de 2004. Deux aspects principaux de ces enquêtes ont été retenus pour cette étude. Tout d'abord, les répondants ont été interrogés sur leur perception de l'état des choses quant à une série d'enjeux de politique publique (économie, système de santé, et ainsi de suite). Ils ont ensuite dû attribuer la responsabilité de ces politiques aux deux paliers supérieurs de gouvernement au Canada. Il s'avère que les électeurs ne différencient que faiblement le rôle de chaque palier de gouvernement et ce, quel que soit l'enjeu. La capacité d'attribution de la responsabilité n'est que légèrement affectée par le niveau d'attention à la politique de l'électeur. Les résultats de l'analyse suggèrent que la nature fédérale du système politique canadien demeure un défi important à surmonter pour l'électeur qui désire récompenser ou punir ses gouvernements pour une politique publique donnée.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 4. The legislative branch

Bach Stanley

Crisp, The Senate, And The Constitution

in **Australian Journal of Politics & History** , Volume 54, Issue 4, December , 545-561

This essay explores the development of L.F. Crisp's understanding of the appropriate role of Australia's Senate in the national political system. A review of his widely-used textbook over three decades reveals that, to Crisp, the Senate was conceived primarily to protect state interests, but that role was nullified almost immediately by the emergence of disciplined parties. Thereafter, the Senate usually was an ineffectual irrelevancy until the introduction of proportional



representation transformed it into a threat to the constitutional system as it should operate. Crisp also appreciated that disciplined parties undermined effective control of government by the House of Representatives, yet he consistently failed to recognize in the Senate an institution capable of doing what the House of Representatives cannot: enforcing accountability on the government of the day.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 4. The legislative branch

Hiroi Taeko

The Dynamics of Lawmaking in a Bicameral Legislature

in Comparative Political Studies , Vol.41, n.12 , 1583-1606

This article analyzes legislative performance in a nascent presidential bicameral democracy, taking Brazil as a case. The author argues that the timing and outcomes of legislative production are functions of bicameral incongruence, types of bicameralism, sequence of examination, and legislative bargaining. These hypotheses are tested using a new legislative data set from Brazil that covers over 3,000 bills submitted to the National Congress since 1988. Event history analyses of these bills show that presidential bicameral (coalitional) majorities, presidential elections, initiation by the lower house, and bills proposing provisional changes raise the chances of a bill's approval. The results also indicate that the effects of many of these variables are time dependent. In contrast, bicameral incongruence, symmetric bicameralism, and legislative elections either raise the risks of a bill's rejection or delay the timing of its approval. Economic crises increase legislative activities in general in both approving and rejecting bills.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 5. The executive branch

Mashaw Jerry L.

Administration and "The Democracy": Administrative Law from Jackson to Lincoln, 1829-1861

in Yale Law Journal (The) , Vol.117, issue 8 , 1568-1693

Jacksonian America was a country in rapid transition. Intensified sectional divisions, exponential increases in urbanization and immigration, the rise of factory production, and repeated cycles of economic boom and bust helped to fuel an anxious desire for political reform. For Jacksonian Democrats the answer to this popular yearning was the reconstruction of American democracy—including a broadened electorate, offices open to all, and the elimination of monopoly and other special privileges. Government at the national level was to be kept small and returned to the people. But as is often the case, the institutionalization of democracy demanded a corresponding increase in governmental capacities. Destroying the power of the “Monster Bank” gave new powers and capacities to the Treasury for the management of monetary policy and fiscal transfers. Offices open to all through the new system of “rotation in office” created the need for bureaucratic systems of control that replaced status-based restraints and personal loyalties. And the side effects of technological development, in particular the human carnage that accompanied the rapid expansion of steamboat travel, generated public demand for protection that prompted the creation of a recognizably modern system of health and safety regulation. “The Democracy” established by the Jacksonians both furthered the building of an American administrative state and solidified an emerging nineteenth-century model of American administration law. In that model administrative accountability was preeminently a matter of (1) political oversight and direction and (2) internal hierarchical control. Judicial control of administration featured a cramped vision of mandamus review combined with almost unlimited personal liability of officials for erroneous action. Although administrative law



structured in this fashion seems peculiar, indeed almost invisible, to the twenty-first-century legal imagination, it fit comfortably within Jacksonian democratic ideology.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 5. The executive branch

Armijo Leslie Elliott, Kearney Christine A.

Does Democratization Alter the Policy Process? Trade Policymaking in Brazil

in **Democratization**, vol. 15, n. 5, December , 991-1017

This article explores the implications of transitions to democracy for the economic policymaking process in developing countries. Democracy is supposed to give citizens oversight of their political leaders, while providing leaders with electoral incentives to respect citizens' preferences. Consequently, a shift from authoritarian to democratic rule ought to alter policymaking. Using the case of Brazilian trade policy, this article examines changed versus consistent patterns of post-transition interest aggregation, political participation, and economic goal-setting. Contrary to expectations of a notably enlarged role for the legislative houses, the study finds that Brazil's executive still dominates trade policymaking. However, significant and increasingly transparent interest aggregation occurs within the federal executive. Moreover, policy capture by sectoral special interests has decreased, while non-traditional civil society participants have gained some influence, and trade policy outcomes now are arguably more public-regarding. We find that Brazil's trade policy process has been incrementally democratized.

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Sola Ayape Carlos

El significado de los Pactos de la Moncloa en el ideario político de la transición democrática mexicana

in **Foro Internacional**, VOLUMEN XLVIII - NÚMERO 3

The Mexican presidential elections of July, 2000, resulted in the National Action Party (PAN) candidate, Vicente Fox's historic victory. After seven decades heading the federal executive, the Institutional Revolutionary Party (PRI) lost control of Los Pinos (the presidency), a position it did not regain in the 2006 electoral process. Coinciding with the turn of the Century, this electoral context featured -amidst other aspects- the incorporation into Mexican political thought, the concept that guaranteed the Spanish success in its democratic transition: the October 1977 Moncloa Pacts. Its deplorable use finally resulted in the concept being stolen by political merchandising, purported to be for reinforcing the idea of change. While in Mexico the so-called Agreements of Chapultepec –a Mexican version of the Moncloa Pacts- were signed in October of 2001, these very soon ended up as dead letters, for they lacked really clear contents, revealing the incapability of the then political forces to develop a consensus-based culture enabling it to face the enormous challenges that living in a real -rather than a formal- democracy poses.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 5. The executive branch

Bailey Jeremy

The New Unitary Executive and Democratic Theory: The Problem of Alexander Hamilton

in **American Political Science Review**, vol. 102, issue 4, november , 453-465



ABSTRACT: Central to the recent argument from the “unitary executive” is the claim that the unitary executive is consistent with the text and history of the Constitution. But because this veracity and importance of this claim is contested, unitarians also argue that the unitary executive is consistent with democratic theory. This article examines that argument by addressing a question in the political thought of Alexander Hamilton. Although Hamilton was an important defender of an energetic executive, and is associated with an expansive interpretation of executive power, he wrote in *The Federalist* that the president and Senate would share the removal power. In contrast with existing scholarship, which either overlooks Hamilton's statement on removals or dismisses it as a careless error, this article argues that Hamilton's statement limiting presidential removals illuminates his larger argument about executive energy. By showing how “duration” would check “unity,” this article clarifies Hamilton's political thought and offers an important critique of the modern argument from the unitary executive.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Frost Amanda

(Over)Valuing Uniformity

in *Virginia Law Review*, Vol.94, issue 7 , 1567-1639

Providing for the uniform interpretation of federal law has long been viewed as a primary goal of the federal court system, and the claimed need for uniformity has shaped the structure of the courts and the scope of their jurisdiction. For example, uniformity has been cited as grounds for broad federal question jurisdiction and for the creation of specialized federal courts. Most visibly, harmonizing interpretation of federal law has become an essential factor in the Supreme Court's selection of cases for review; 70% of the Supreme Court's docket is devoted to resolving disagreements over the meaning of federal law.

This Article questions whether uniformity in and of itself has inherent value, and whether the benefits of eliminating moderate disuniformity in the interpretation of ambiguous federal statutes are worth the costs. Proponents of uniformity claim that divergent interpretations of federal law are unfair to litigants, undermine the legitimacy of federal law, create intolerable conflicts for interstate actors, and lead to forum shopping. The Article explores each argument in turn and finds none to be a compelling reason for federal courts to devote considerable time and resources to maintaining uniformity. For instance, litigants have no basis to claim they were treated unfairly when courts reach different conclusions about the meaning of an ambiguous statute as long as each interpretation is reasonable. Nor is the legitimacy of federal law called into question when judges disagree about the best way to fill gaps or resolve vague provisions in the statutes they construe. Indeed, the doctrine of *Chevron* deference recognizes, and even promotes, the possibility that ambiguous federal statutes can be construed in a variety of ways. Interstate actors are already required to comply with the varied legal regimes of the fifty states, so adjusting their conduct to accommodate divergent interpretations of federal law is not significantly more disruptive. And if forum shopping is truly a problem (which is questionable), a better solution might be to tighten venue rules rather than expend significant federal judicial resources on standardizing federal law.

Furthermore, even in the relatively rare cases when uniformity is essential, the federal courts are not the ideal institution to provide it. Congress is responsible for enacting ambiguous laws that produce conflicting judicial interpretations, and Congress is better situated to determine when the benefits of uniformity outweigh the costs of achieving it. Accordingly, this Article contends that courts should avoid expending resources to standardize federal law, and should instead rely on Congress to legislate uniformity when needed.



Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Carrubba Clifford James

A Model of the Endogenous Development of Judicial Institutions in Federal and International Systems
in *Journal of Politics (The)*, vol. 71, issue 1, january , 55-69

Why do sets of sovereign governments create judicial institutions and grant these institutions the power to rule their actions invalid? Once such a court is created, under what conditions is that court able to rule against these governments and get compliance with their rulings? Finally, how might the influence of the court change over time? This study presents a general theory of judicial institutions that provides a unified answer to these three questions. I argue that governments create judicial institutions to help solve collective action problems endemic to operating under a common regulatory regime. Once established, a court in its institutional “infancy” is capable of facilitating compliance with that regulatory regime's rules but only consistent with the purpose for which the governments created the court. And finally, once the court has earned the trust of a government's public, its ability to enforce the regulatory regime's rules qualitatively expands. In demonstrating this last point, I derive how and why publics can rationally come to believe that supporting a court, if there was a conflict between its government and the court, would be in that public's interest.

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Subsection 6. The judiciary branch

Ferrandino Andrea

Il controllo di costituzionalità e legittimità degli atti regolamentari nell'ordinamento federale russo
in *Diritto pubblico comparato ed europeo*, n.3 , 1583-1589

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Nelson Caleb

Judicial Review of Legislative Purpose
in *New York University Law Review* , Vol.83, n.6 , 1784-1882

Modern constitutional doctrine is full of restrictions on the reasons for which legislatures can enact certain kinds of statutes. Modern American courts, moreover, stand ready to enforce those restrictions by considering a broad array of sources about the hidden purposes behind challenged statutes. Yet for most of our history, courts shied away from those inquiries—not because state and federal constitutions were thought to impose no purpose-based restrictions on legislative power, but because such restrictions were not thought to lend themselves to much judicial enforcement. This Article calls attention to bygone norms of judicial review, which



often prevented courts from investigating the motivations behind statutes even when the statutes' constitutionality depended upon those motivations. The Article proceeds to describe changes over time in the practice of judicial review. The history that emerges sheds light on myriad subjects, including the proper interpretation of various seminal precedents, the source of some of the apparent inconsistency in doctrines that implicate purpose-based restrictions on legislative power, and the ways in which uncodified aspects of judicial practice can affect the glosses that courts put on the Constitution's text.

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Strauss David A.

On the Origin of Rules (with Apologies to Darwin): A Comment on Antonin Scalia's The Rule of Law as a Law of Rules

in **University of Chicago Law Review**, Vol.75, issue 3 , 997-1013

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Oster Jan

The Scope of Judicial Review in the German and U.S. Administrative Legal System

in **German Law Journal**, Vol.9, n.10 , 1267-1296

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Liu Frederick

The Supreme Court Appointments Process and the Real Divide Between Liberals and Conservatives

in **Yale Law Journal (The)**, Vol.117, issue 8 , 1947-1956

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

P. Bruhl Aaron-Andrew

The Unconscionability Game: Strategic Judging and the Evolution of Federal Arbitration Law

in **New York University Law Review** , Vol.83, n.5 , 1420-1490

This Article uses recent developments in the enforcement of arbitration agreements



to illustrate one way in which strategic dynamics can drive doctrinal change. In a fairly short period of time, arbitration has grown from a method of resolving disputes between sophisticated business entities into a phenomenon that pervades the contemporary economy. The United States Supreme Court has encouraged this transformation through expansive interpretations of the Federal Arbitration Act. But not all courts have embraced arbitration so fervently, and therefore case law in this area is marked by tension and conflict. The thesis of this Article is that we can better understand developments in arbitration doctrine by viewing the case law as the product of an ongoing strategic interaction between courts with differing preferences regarding the spread of arbitration. As the Supreme Court has shut off most other means of resisting arbitration, the state law doctrine of unconscionability has in the last several years become a surprisingly attractive and successful tool for striking down arbitration agreements. The nature of unconscionability analysis is that it is flexible, which provides opportunities for courts skeptical of arbitration to use the doctrine to evade the Supreme Court's pro-arbitration directives while simultaneously insulating their rulings from Supreme Court review. Sophisticated resistance to arbitration is just one side of the story, however. The approach employed in this Article examines the judicial system as a whole, including the ways pro-arbitration courts respond, sometimes indirectly, to what they perceive as manipulation of unconscionability. The suspicion that some courts are disfavoring arbitration drives pro-arbitration courts to change their strategies, such as by establishing new doctrine that facilitates monitoring and shifts decisionmaking authority. This strategic framework can help us make sense of otherwise puzzling trends in arbitration doctrine and can help us predict what moves will be next. Although the specific subject matter is arbitration, this analysis is also aimed at those interested in more general problems of judicial federalism

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Subsection 6. The judiciary branch

Yeshanew Sisay Alemahu

The justiciability of human rights in the Federal Democratic Republic of Ethiopia

in African Human Rights Law Journal, vol. 8, n. 2

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Vázquez Carlos Manuel

Treaties As Law Of The Land: The Supremacy Clause And The Judicial Enforcement Of Treaties

in Harvard Law Review, Vol. 122 · December 2008 · No. 2 , 600-695

Courts in recent years have perceived threshold obstacles to the enforcement of treaties deriving from their nature as contracts between nations that generally depend for their



efficacy on the interest and honor of the parties, rather than on domestic adjudication. This approach to treaty enforcement is in tension with the Constitution's declaration that treaties are part of the law of the land and its instruction to judges to give them effect. The Founders understood that treaties depended on interest and honor on the international plane, but they made treaties enforceable in our courts anyway in order to avoid the international friction that could be expected to result from treaty violations and to capture the benefits of a reputation for treaty compliance. The Supremacy Clause gives treaties a domestic judicial sanction that they would otherwise lack. It makes treaties enforceable in the courts in the same circumstances as the other two categories of norms specified in the clause — federal statutes and the Constitution itself. The sole exception to this rule is for treaties that are non-self-executing in the sense contemplated by the Court in *Foster v. Neilson*. The concept of a non-self-executing treaty fits uneasily with the Supremacy Clause, as reflected in the common but untenable view that non-self-executing treaties lack the force of domestic law. According to *Foster*, a non-self-executing treaty is not enforceable in the courts because it is addressed to the political branches. But determining which treaties are so addressed has been challenging. Treaties generally leave the question of domestic implementation to the domestic laws of the states-parties, and our domestic law (the Supremacy Clause) directs judges to give them effect. I argue that the Supremacy Clause establishes a default rule that treaties are directly enforceable in the courts like other laws, rebuttable only by a clear statement that the obligations imposed by the treaty are subject to legislative implementation.

If the stipulation had to appear in the text of the treaty, the clear statement rule would present problems for U.S. treaty-makers seeking to control the domestic consequences of multilateral treaties. To address this problem, the treaty-makers have developed a new form of clear statement, the "declaration" of non-self-execution. However, scholars have questioned the compatibility of such declarations with the Supremacy Clause. I conclude that the treaty-makers have the power to limit the domestic effects of treaties through declarations of non-self-execution. On the other hand, if the Constitution were understood to establish a default rule of non-self-execution, declarations of self-execution would stand on more tenuous ground. Thus, a default rule of self-execution is not only more consistent with the constitutional text and structure and with Supreme Court precedent, it is also normatively attractive because it leaves the treaty-makers with the power to control the domestic consequences of the treaties they conclude.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 6. The judiciary branch

Chopra Neel K.

Valuing the Federal Right: Reevaluating the Outer Limits of Supplemental Jurisdiction in *New York University Law Review* , Vol.83, n.6 , 1915-1947

The federal circuit courts are divided on the question of whether the federal courts' supplemental jurisdiction power encompasses permissive state law counterclaims that lack an independent basis of federal jurisdiction. By analyzing the arguments



set forth in various circuit court decisions, this Note develops a new approach for assessing the availability of supplemental jurisdiction over permissive state law counterclaims. It argues that the federal courts may assert jurisdiction over state law counterclaims only when the federal interest supports hearing those state law claims.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Christos Kotsogiannis, Robert Schwager

Accountability and fiscal equalization

in **Journal of Public Economics**, Volume 92, Issue 12 , 2336-2349

A common feature of multi-jurisdictional systems is equalization programs. The implementation of such programs, that is based on some measurement of sub-national fiscal capacity and effort, is particularly complex. Within a political economy model, this paper analyzes the impact of such systems on accountability, identifying a positive and a negative effect. The positive effect arises because with equalized fiscal resources, a consequence of equalization, citizens attach more importance to any remaining variation in public good supplies and so punish rent-taking more severely. This induces politicians to restrain themselves and so accountability improves. The negative effect arises because the complexity of such programs reduces the informational content of observed public good supplies. This introduces a perverse fiscal incentive that reduces accountability. Thus, the overall impact of equalization programs on accountability depends on the balance of these effects.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Färber Gisela , Baranova Kira

Centralisation and decentralisation of fiscal federalism in Germany

in **Federalismi**, Anno VII - N. 1

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Jean Hindriks, Susana Peralta, Shlomo Weber

Competing in taxes and investment under fiscal equalization

in **Journal of Public Economics**, Volume 92, Issue 12 , 2392-2402

The paper considers a model of federation with two heterogeneous regions that try to attract the capital by competing in capital income taxes and public investment that enhance the productivity of capital. Regions' choices determine allocation of capital across the regions and their revenues under a tax sharing scheme. This framework allows for the examination of different approaches to fiscal equalization schemes [Boadway, R., Flatters, F., 1982. Efficiency and equalization payments in a federal system of government: a synthesis and extension of recent results, Canadian Journal



of Economics 15, 613–633; Weingast, B.R., 2006. Second Generation Fiscal Federalism: Implication for Decentralized Democratic Governance and Economic Development, Working Paper, Hoover Institution, Stanford University]. We show that tax competition distorts (downwards) public investments and that the equalization grants discourage public investments with a little effect on equilibrium taxes. However, the equalization schemes remain beneficial not only for the federation and, under a low degree of regional asymmetry, also for each region.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7. Economic and fiscal federalism

Salerno Giulio Maria

Coordinamento finanziario, autonomie speciali e coesione nazionale

in *Federalismi*, Anno VI - N. 23

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7. Economic and fiscal federalism

Tekeli Recep, Kaplan Muhittin

Determinants of the distribution of the central-government budgetary grants in Turkey

in *Environment and Planning C: Government and Policy*, Volume 26, Issue 5, October , 954-967

Intergovernmental grants are the main revenue source of local governments. In the fiscal decentralization literature it has been argued that fiscal disparities across the regions are accounted for in the central-government grant distribution. However, some argue that grants are given to localities to increase the reelection chances of the incumbent or to increase the votes at election. To compete with the opposition parties the incumbent party may try to allocate the grants to aligned local governments. In this paper we analyze the grant allocation in Turkey. We test empirically whether central-government's budgetary transfers to the municipalities were made on the basis of economic criteria or in accordance with the political interest of politicians, and hence the coalition government. To test the hypothesis we followed the literature but we used additional variables. Using municipal data in sixty-one provinces, we find that the desire to secure reelection motivates politicians.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7. Economic and fiscal federalism

Slavi T. Slavov

Does Monetary Integration Reduce Exchange Rate Pass-Through?

in *World Economy*, Volume 31 Issue 12 , 1599 - 1624

There are several theoretical arguments for why the adoption of a common currency (either a currency union or a currency board) may reduce the exchange rate pass-through (ERPT) to domestic consumer prices. This paper examines a broad panel of 101 countries over the period 1976–2006, using two-stage instrumental-variable estimation techniques in order to resolve the potential endogeneity problem. The main result is that ERPT indeed tends to decline in countries participating in a common currency arrangement. In particular, there has been a strong reduction in



pass-through in the member countries of the European Monetary Union (EMU) since the launch of the euro. Currency boards do not appear to be different from currency unions – both reduce the pass-through from depreciation to inflation. Furthermore, the negative impact of common currencies on ERPT is at work in both high-income and low-income countries. Finally, most of the reduction in pass-through to consumer prices under common currency arrangements happens somewhere along the pricing chain between the border and the supermarket shelf.

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Subsection 7.Economic and fiscal federalism

Petchey Jeffrey D., Shapiro Perry

Equilibrium in fiscal competition games from the point of view of the dual

in Regional Science and Urban Economics, Volume 39, Issue 1 , 97-108

Papers that examine fiscal competition for mobile factors of production commonly employ simultaneous move games between two states and focus on the inefficiency of the equilibria. Most often, the existence of the equilibrium is left unexplored. By examining decision making by governments that make only constrained efficient choices, we derive sufficient conditions for the existence of equilibria when there are multiple policy instruments, multiple mobile factors and many different production processes. Convexity of the minimum cost function, “dual” to the factor preferences and production function primitives, is sufficient to ensure the existence of equilibrium. We also find that equilibrium may not exist because of the economies of scale inherent in provision of public goods which benefit mobile factors.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Bercoff José J. , Meloni Osvaldo

Federal budget allocation in an emergent democracy: evidence from Argentina

in Economics of Governance, Volume 10, Number 1 , 65-83

This paper studies the determinants of the distribution of the national budget amongst Argentinean provinces. We evaluate the relevance of the alternative theories of budget allocation using the Arellano–Bond dynamic panel technique. Our results confirm our presumption that Federal funds allocations are dominated by the Executive and the governors while the Congress plays a minor role. Unlike some findings for the US, neither the overrepresentation variables nor the congressional theories find support in our sample. Our paper fills the gap in the literature on Argentina’s fiscal federalism deficient in analysis of the decision making process of the National Budget.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Daumal Marie

Federalism, separatism and international trade

in European Journal of Political Economy, Volume 24, Issue 3, September 2008 , Pages 675-687

This paper explores whether countries that have a federal Constitution engage in more international trade. We identify two possible mechanisms through which political fragmentation of nation-states, namely federalism, might impact positively on trade globalization processes: domestic market fragmentation and the free trade strategy pursued by



certain separatist regions in federal countries. We use a gravity equation running panel regressions to estimate the impact of federalism on trade. The Poisson estimator proposed by Santos Silva and Tenreyro (2006) is used to handle the null trade flows. We test our predictions on a large data set of 148 countries on the 1980–2002 period. After controlling for determinants of trade potentially correlated with federalism, a federalist system is found to increase international trade. We also find that separatism and linguistic fractionalization impact positively on trade openness.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Sebastian G. Kessing, Kai A. Konrad, Christos Kotsogiannis

Federalism, weak institutions and the competition for foreign direct investment

in International Tax and Public Finance, Volume 16, Number 1 , 105-123

This paper shows that vertical fiscal inefficiencies impede federally organized countries in successfully attracting foreign direct investment. Such countries, particularly if characterized by weak institutions, are disadvantaged in the process of bidding for firms and in their ability to commit to a low overall tax burden. The interaction of these problems deteriorates their competitive position vis-à-vis unitary states in the competition for foreign direct investment. These theoretical considerations are in line with recent empirical evidence that suggests that the number of government layers of host countries has significant and sizeable negative effects on the amount of foreign direct investment inflows.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Jorio Ettore

Federalismo fiscale e sanità

in Federalismi, Anno VI - N. 24

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Barbier-Gauchard Amélie

Fiscal Competition and Redistribution in the EMU: The Relevance of Central Government Intervention

in European Union Review, vol.12, n.3

Dans l'UEM, la concurrence fiscale qui sévit fait peser un risque non négligeable sur l'ampleur des mesures redistributives mises en oeuvre dans chaque pays. A partir d'un modèle théorique d'union à deux pays au sein de laquelle le travail qualifié et le capital physique peuvent se déplacer entre les pays, nous étudions l'intérêt d'une intervention d'un gouvernement supra-national chargé de corriger les externalités fiscales qui naissent de cette étroite relation entre les pays membres de l'Union afin de lutter contre les effets « dommageables » de la concurrence fiscale. Nous montrons alors que le jeu non coopératif entre les gouvernements nationaux conduit à un biais de redistribution en faveur des travailleurs qualifiés. Dans ces conditions, en taxant les services publics offerts par chaque gouvernement, le gouvernement central peut modifier l'affectation des budgets nationaux opérée dans chaque pays.



Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Evan Morris

**Fiscal Competitiveness and Total Competitiveness: A Note,
in Canadian Public Policy**, Volume 34 Number 4 , 511-518

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Jochimsen Beate

**Fiscal Federalism in Germany: Problems, Proposals and Chances for Fundamental Reforms
in German Politics**, Volume 17, Issue 4, December , 541-558

Determining the welfare maximising number of government layers and the optimal allocation of fiscal tasks to them is always a difficult question. In Germany, wrong incentives caused by the fiscal equalisation system and the consequences for budgets in severe financial distress pose only some of the economic problems within the fiscal system. Several proposals for the implementation of new fiscal rules are discussed in stage 2 of the federal reforms. However, taking political considerations and the restrictions of the existing system into account, the most likely results of the second reform stage will include solutions for only the most pressing problems, i.e. debt brakes and implementing rules for debt relief or consolidation aid. Consequently, reform necessities will remain even after the Föderalismusreform II.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Andrea Ferrero

**Fiscal and monetary rules for a currency union
in Journal of International Economics**, Volume 77, Issue 1, February 2009 , 1-10

This paper addresses the optimal joint conduct of fiscal and monetary policy in a two-country model of a currency union with staggered price setting and distortionary taxes. A tractable linear-quadratic approximation permits a representation of the optimal policy plan in terms of targeting rules. In the optimal equilibrium, monetary policy should achieve aggregate price stability following a flexible inflation targeting rule. Fiscal policy should stabilize idiosyncratic shocks allowing for permanent variations of government debt but should abstain from creating inflationary expectations at the union level. Simple policy rules can approximate the optimal commitment benchmark through a mix of strict inflation targeting and flexible budget rules. Conversely, the welfare costs of balanced budget rules are at least one order of magnitude higher than conventional estimates of the costs of business cycle fluctuations.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism



Massimo Bordignon, Luca Colombo, Umberto Galmarini

Fiscal federalism and lobbying

in *Journal of Public Economics*, Volume 92, Issue 12 , 2288-2301

Which government functions should be decentralized (resp. centralized) once lobbying behavior is taken into account? We find that the answer largely depends on how the interests of the regional lobbies are positioned with respect to the function to be decentralized (resp. centralized). When regional lobbies have conflicting interests, then lobbying is less damaging for social welfare under centralization than under decentralization. On the contrary, when regional lobbies have aligned interests, then lobbying is less damaging for social welfare under decentralization, provided that policy spillovers on the non-organized groups are not too strong.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Kappeler Andreas, Väililä Timo

Fiscal federalism and the composition of public investment in Europe

in *European Journal of Political Economy*, Volume 24, Issue 3, September 2008 , Pages 562-570

We analyse the determinants of the composition of public investment in Europe, with a special focus on the role of fiscal decentralisation. The results suggest that fiscal decentralisation boosts economically productive public investment, notably infrastructure, and curbs the relative share of economically less productive investment, such as recreational facilities. While not readily reconcilable with the traditional theory of fiscal federalism, these findings can be interpreted in terms of the literature on fiscal competition, with not only tax rates but also the quality of public expenditure weighing in firms' location decisions.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Salerno Giulio M.

Il federalismo fiscale alle porte: opportunità e problematiche

in *Federalismi*, Anno VI - N. 18

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Innocenti Elena

Il finanziamento della spesa sanitaria nella recente giurisprudenza costituzionale: tra tutela della salute, coordinamento della finanza pubblica e (in)attuazione dell'art. 119 Cost.

in *Regioni (Le)*, n.3 , 571-600

No abstract available



Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Morrone Andrea

Il tempo del federalismo fiscale

in **Mulino (il)**, n. 6, novembre-dicembre, 2008 , 981-992

ABSTRACT: Occorre forse ridimensionare l'entusiasmo con cui da molte parti è stato accolto il disegno di legge delega sul federalismo fiscale. Ad esempio, lasciando da un lato per il momento i grandi ideali e ricollocando l'intero progetto federalista sul piano concreto delle possibilità consentite da un processo politico ancora lungo, complesso e assai incerto.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Bernd Huber, Marco Runkel

Interregional redistribution and budget institutions under asymmetric information

in **Journal of Public Economics**, Volume 92, Issue 12 , 2350-2361

Empirical evidence from the U.S. and the European Union suggests that regions which contribute to interregional redistribution face weaker borrowing constraints than regions which benefit from interregional redistribution. This paper presents an argument in favor of such differentiated budget institutions. It develops a two period model of a federation consisting of two types of regions. The federal government redistributes from one type of regions (contributors) to the other type (recipients). It is shown that a fiscal constitution with lax budget rules for contributors and strict budget rules for recipients solves the self selection problem the federal government faces in the presence of asymmetric information regarding exogenous characteristics of the regions.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Nobuo Akai, Emilson C. D. Silva

Interregional redistribution as a cure to the soft budget syndrome in federations

in **International Tax and Public Finance**, Volume 16, Number 1 , 43-58

The soft budget syndrome is ubiquitous in federations. It emerges whenever a high tier in a fiscal system provides extra resources to a lower tier to prevent the latter from failing to reach a mutually agreeable predetermined target. Interregional income redistribution is also an endemic feature of most federations. We show that the center's ability of making interregional transfers ex-ante and ex-post cures the soft budget syndrome whenever the center is perfectly informed ex post. Under these circumstances, the interregional transfer scheme makes it a dominant strategy for each regional government to truthfully reveal its privately held information ex-ante.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism



Cooper Russel, Kempf Hubert, Peled Dan

Is it or isit ain't my abligations? Regional debt in a fiscal federation
in *International Economic Review*, Volume 49 Issue 4 , 1469 - 1504

This article studies the repayment of regional debt in a multiregion economy with a central authority: Who pays the obligation issued by a region? With commitment, the central government will use its economy-wide taxation power in support of its objective to smooth distortionary taxes and consumption across regions. Absent commitment, this tool of the central government may be exploited to induce it to bail out regional government deficits. We characterize the conditions under which bailouts occur and their welfare implications. In particular, we show when the gains from a federation may outweigh the welfare costs of a bailout. We use these insights to comment on actual fiscal relations in three quite different federations: the United States, the European Union, and Argentina.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Enriques Luca, Tröger Tobias H.

Issuer Choice in Europe

in *Cambridge Law Journal (The)*, Volume 67, Issue 03, November , 521-559

Regulatory competition is a salient feature of US federalism. The fifty States potentially serve as the rivalling jurisdictions' laboratories breeding constant legislative innovation.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Scaff Fernando Facury

La dimensione finanziaria del federalismo

in *Diritto pubblico comparato ed europeo*, n.3 , 1389-1397

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Knight Brian

Legislative Representation, Bargaining Power and the Distribution of Federal Funds: Evidence from the US Congress

in *Economic Journal*, Volume 118 Issue 532 , October 2008 , pp. 1785 - 1803

This article investigates the relationship between representation in legislatures and the geographic distribution of federal



funds. In a legislative bargaining model, we demonstrate that funds are concentrated in high representation areas, and two channels underlie this result. The proposal power channel reflects the role of representation in committee assignments, and the vote cost channel reflects the role of representation in coalition formation. In our empirical analysis, we find that small states, relative to large states, receive more funding in the US Senate, relative to the House. We also find empirical support for the two channels underlying this relationship.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Gentile Antonino

L'attuazione del prelievo in chiave federale

in *Federalismi*, Anno VI - N. 24

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Marco Buti, Martin Larch, Fabio Balboni

Monetary and fiscal policy interactions in the EMU when cyclical conditions are uncertain

in *Empirica: Journal of Applied Economics and Economic Policy*, Volume 36, Number 1 , 21-44

This paper examines economic policy interactions in the Economic and Monetary Union when the assessment of cyclical conditions in real time is surrounded by uncertainty. On the basis of a simple stylised model it shows that with a Nash-type of interaction different views about the output gap on the side of the policy players—the Council of the European Union, the European Commission and the European Central Bank—can give rise to excessive activism with policy players pushing economic variables into opposite directions. It argues that the costs of such policy conflicts can be reduced by agreeing on a common assessment of the cycle, by constraining policy variables, and/or by increasing the weight of fiscally conservative institutions. An alternative option to sidestep policy conflicts ensuing from diverging views of the cycle is to take policy decisions sequentially, as is the case in a Stackelberg-type of interaction. The paper shows that for a given misperception of the cycle, the impact on the policy instruments and on output and inflation are generally smaller in the Stackelberg equilibrium as compared to a Nash outcome. Alternative allocations of roles—that is leader versus follower—are discussed and assessed.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Brueckner Jan K.

Partial fiscal decentralization

in *Regional Science and Urban Economics*, Volume 39, Issue 1 , 23-32

The fiscal decentralization impulse now sweeping the world often leads to partial decentralization, where subnational governments are funded by central transfers, rather than leading to full local autonomy. Despite the practical importance of this arrangement, the literature contains no economic analysis of a partial decentralization regime in a Tiebout-style



model. This paper provides such an analysis, relying on the key assumption that public-good provision requires effort on the part of government officials. By choosing different degrees of effort, localities can then provide different public-good levels even when a fixed, common transfer constrains them to spend the same amount. A number of useful results are derived.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Berry Christopher

Piling On: Multilevel Government and the Fiscal Common-Pool

in American Journal of Political Science, Vol. 52, Issue 4 , 802-820

This article discusses the common-pool problems that arise when multiple territorially overlapping governments share the authority to provide services and levy taxes in a common geographic area. Contrary to the traditional Tiebout model in which increasing the number of competing governments improves efficiency, I argue that increasing the number of overlapping governments results in "overfishing" from the shared tax base. I test the model empirically using data from U.S. counties and find a strong positive relationship between the number of overlapping jurisdictions and the size of the local public sector. Substantively, the "overlap effect" amounts to roughly 10% of local revenue.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

PetersenThieß, Scheller Henrik, Wintermann Ole

Public Attitudes towards German Federalism: A Point of Departure for a Reform of German (Fiscal) Federalism? Differences between Public Opinion and the Political Debate

in German Politics, Volume 17, Issue 4, December , 559-586

The debate on how to revise Germany's federal structure has relied on oft-cited ideas that largely lack an empirical basis. The current discourse is marked by an additional shortcoming: individuals' preferences about how to structure the country's federal system have been more or less unexamined. This contradicts the fundamental principles derived from the economic theory of federalism, which stresses that those principles should serve as a basis for all such reform considerations. Our key findings show that public attitudes towards German federalism are very ambivalent. For this, a fundamental re-examination of the conventional arguments that moves away from a notion of 'competitive federalism' towards an optimisation and increased democratic acceptance of more collaborative forms of coordination between the different federal levels seems to be necessary. Following this, Germany seems to be prepared for global challenges like demographic change and climate change.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Beck Guenter W. , Hubrich Kirstin, Marcellino Massimiliano

Regional inflation dynamics within and across euro area countries and a comparison with the United States

in Economic Policy, Volume 24 Issue 57 , 141 - 184

Inflation differentials across regions of an integrated economy can reflect a proper response to demand and supply



conditions, but can also indicate distortions with negative welfare implications. Using a novel dataset of regional inflation rates from six euro area countries, we examine the size and persistence of their differentials and find that they appear to be related to factor market distortions and other structural characteristics, rather than to cyclical and growth dynamics. Our empirical analysis shows that only about half of inflation rates variation is accounted for by area-wide factors such as monetary policy or oil price developments. National factors (such as labour market institutions) still play a very important role, and a regional component accounts for about 18% of inflation variability.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Jack Mintz

**Reply/Réponse - Fiscal Competitiveness and Total Competitiveness: A Note
in Canadian Public Policy** , Volume 34 Number 4 , 519-520

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Barbero Matteo

**Se il federalismo fiscale diventa questione di ...principi
in Regioni (Le)**, n.3 , 723-728

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Glenn Follette, Andrea Kusko, Byron Lutz

**State and Local Finances and the Macroeconomy: The High–Employment Budget and Fiscal Impetus
in National Tax Journal**, 61 September , 531-45

We use two measures of fiscal policy—the high–employment budget and fiscal impetus—to examine the interplay of the macroeconomy and state and local government budgets. We find that each one percent increase in GDP raises state and local net saving (as measured in the NIPA) by 0.1 percent of GDP through the automatic cyclical response of taxes and expenditures. We also find that the sector’s budget policies have been modestly pro–cyclical: The direct contribution to growth in real GDP has been about 0.2 percentage points smaller, on average, following business cycle peaks than it was before the peaks.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Robert S. Chirinko, Daniel J. Wilson

**State investment tax incentives: A zero-sum game?
in Journal of Public Economics**, Volume 92, Issue 12 , 2362-2384



Over the past four decades, state investment tax incentives have proliferated. This emergence of state investment tax credits (ITC) and other investment tax incentives raises two important questions: 1) Are these tax incentives effective in achieving their stated objective, to increase investment within the state?; 2) To the extent these incentives raise investment within the state, how much of this increase is due to investment drawn away from other states?

To begin to answer these questions, we construct a detailed panel dataset for 48 states for 20+ years. The dataset contains series on output and capital, their relative prices, and establishment counts. The effects of tax variables on capital formation and establishments are measured by the Jorgensonian user cost of capital that depends in a nonlinear manner on federal and state tax variables. Cross-jurisdictional differences in state investment tax credits and state corporate tax rates entering the user cost, combined with a panel that is long in the time dimension, are key to identifying the effectiveness of state investment incentives.

Two models are estimated. The Capital Demand Model is motivated by the first-order condition for a profit-maximizing firm and relates at the state level the capital/output ratio to the relative user cost of capital. The Twin-Counties Model exploits both the spatial breaks (“discontinuities”) in tax policy at state borders and our panel dataset to relate at the county level the relative user cost to the location of manufacturing establishments. Using the Capital Demand Model, we find that own-state capital formation is substantially increased by tax-induced reductions in the own-state price of capital and, more interestingly, substantially decreased by tax-induced reductions in the price of capital in competitive-states. Similarly, using our Twin-Counties Model, we find that county manufacturing establishment counts around state borders are higher on the side of the border with the lower price of capital, but the difference is economically small, suggesting that establishments are much less mobile than overall capital. Extensions of the Capital Demand Model also reveal that state capital tax policy appears to be a zero-sum game among the states in that an equiproportionate increase in own-state and competitive-states user costs tends to have no effect on own-state capital formation.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

De Grauwe Paul

The Euro at ten: achievements and challenges

in *Empirica: Journal of Applied Economics and Economic Policy*, Volume 36, Number 1 , 5-20

In this paper we discuss the achievements and the challenges of the Eurozone. We first analyze the record with respect to inflation. Second, we discuss the degree of price transparency in the Eurozone. Next we analyze the extent to which monetary union has promoted faster economic growth. Fourth, we study the challenges that arise from the increasing divergencies of wages and prices within the Eurozone. We conclude with a discussion of the governance of the Eurozone and the political issues to which this leads

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Brett Craig, Tardif Christina

The Grants are Falling! The Grants are Falling! How Municipal Governments Changed Taxes in Response to Provincial Support in New Brunswick, 1983--2003

in *Canadian Public Policy* , Volume 34 Number 4 , 441-456



The real value of grants to New Brunswick municipal councils from the provincial government fell dramatically from 1983 to 2003. At the same time, municipal property tax rates increased, especially among municipalities with comparatively low tax rates in 1983. This study uses an econometric model of the joint determination of local property tax rates and local property tax bases to examine the hypothesis that municipal responses to falling grants were constrained by tax competition. After controlling for observable characteristics, there is little evidence of spatial interaction among jurisdictions, suggesting that tax competition was not a major factor in municipal decisions. The grant cuts themselves appear to be a far more important determinant of changes in property tax rates. There is also some evidence that the tax base is sensitive to a municipality's own tax rates. However, the elasticity of the tax base with respect to the tax rate is small enough that there remains scope for municipalities to increase tax revenue by increasing their tax rates.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7. Economic and fiscal federalism

Busemeyer Marius R.

The Impact of Fiscal Decentralisation on Education and Other Types of Spending

in Swiss Political Science Review - Schweizerische Zeitschrift für Politikwissenschaft - Revue suisse de science politique, Volume 14, Number 3, Fall 2008 , 451-481

Scholars have argued about the impact of fiscal decentralisation on public spending for a long time without coming to any firm theoretical and empirical conclusions. In contrast to earlier studies, this paper looks at the impact of fiscal decentralisation across different types of spending. The conventional wisdom of a "race to the bottom" in taxes and spending as a consequence of fiscal decentralization is juxtaposed to the recent literature on expenditure competition, which posits that expansive local competition results in higher spending in fiscally decentralized countries. We argue that the effects of fiscal decentralization should be seen most clearly for those types of policies which are provisioned mainly on the local/regional level. Empirically, we find a robust and positive association between fiscal decentralization and aggregate levels of education spending. However, when looking at public policies provided at the national level (e.g. pension policies), fiscal decentralisation is associated with lower levels of aggregate spending. The argument is tested empirically by means of cross-sectional regressions as well as a pooled time series analysis of education, pension, social and total public spending in OECD countries from 1980 to 2001.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7. Economic and fiscal federalism

Schwellnus Cyrille

The Non-Traded Sector, Lobbying, And The Choice Between The Customs Union And The Common Market

in Economics and Politics, Volume 20 Issue 3 , 361 - 390

This paper models immigration policy as the outcome of political competition between interest groups representing individuals employed in different sectors. In standard positive theory, restrictive immigration policy results from a low-skilled median voter voting against predominantly low-skilled immigration. In the present paper, in contrast, once trade policies are liberalized, restrictive immigration policy results from anti-immigration lobbying by interest groups representing the non-traded sectors. It is shown that this is in line with empirical regularities from recent episodes of restrictive immigration legislation in the European Union. It is further shown that if governments negotiate bilaterally over trade and migration policy regimes, the equilibrium regime depends (i) on the sequencing of the international negotiation



process and (ii) on the set of available trade and migration policy regimes. In particular, the most comprehensive and most welfare-beneficial type of liberalization may be rejected only because a less comprehensive type of liberalization is available.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Albert Solé-Ollé, Pilar Sorribas-Navarro

The effects of partisan alignment on the allocation of intergovernmental transfers. Differences-in-differences estimates for Spain

in **Journal of Public Economics**, Volume 92, Issue 12 , 2302-2319

In this paper we test the hypothesis that municipalities aligned with upper-tier grantor governments (i.e., controlled by the same party) will receive more grants than those that are unaligned. We use a rich Spanish database, which provides information on grants received by nearly 900 municipalities during the period 1993–2003 from three different upper-tier governments (i.e., Central, Regional and Upper-local). Since three elections were held at each tier during this period, we have enough within-municipality variation in partisan alignment to provide differences-in-differences estimates of the effects of alignment on the amount of grants coming from each source. Moreover, the fact that a municipality may simultaneously receive grants from aligned and unaligned grantors allows us to use a triple-differences estimator, which consists of estimating the effects of changing alignment status on the change in grants coming from the aligned grantors relative to the change in grants coming from the unaligned ones. The results suggest that partisan alignment has a sizeable positive effect on the amount of grants received by municipalities. For example, with majority governments at the two layers, aligned municipalities receive over 40% more grants than unaligned ones.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Tanzi Vito

The future of fiscal federalism

in **European Journal of Political Economy**, Volume 24, Issue 3, September 2008 , Pages 705-712

For at least three decades after World War II, there was little interest in fiscal decentralization. Because of the large growth in public spending that took place during that period, a growth that was mainly focused at the central government level, this was a period characterized by fiscal centralization in most countries. Starting in the late 1970s, a reaction against large governments started. This reaction followed two distinct tracks: privatization and fiscal decentralization. The paper argues that these two tracks were almost two sides of the same coin and were largely mutually exclusive. They reflected similar concerns and objectives. In more recent decades, globalization has been creating global public goods or public “bads” and international activities that would require public attention or the action of a “world government”. Because no such government exists, its role is progressively being delegated to proxies, in the form of international organizations, agreements, treaties, accords and other forms of international understandings. The paper concludes that this development is likely to weaken over time the role of central governments. It also speculates that it may strengthen the importance of municipalities.

Section A) The theory and practise of the federal states and multi-level systems of government



Subsection 7.Economic and fiscal federalism

Nobuo Akai, Motohiro Sato

Too big or too small? A synthetic view of the commitment problem of interregional transfers

in *Journal of Urban Economics*, Volume 64, Issue 3 , 551-559

There is a growing body of literature on the commitment problem of interregional transfers. The problem occurs because of an ex post bailout by a central government leading to ex ante adverse incentive consequences for a local government. However, different models have yielded different economic consequences. The local government may be too large, overspending and/or overborrowing, or it may be too small, raising less of its own revenue. In the presence of interregional spillovers, the equilibrium may yield a Pareto-efficient outcome. The present paper aims to synthesize these models, developing a simple decentralized leadership model. A critical question concerns what decision is made ex ante by the local government—namely public expenditure or tax collection—with the remaining policy instrument being residual adjusted by ex post transfers. We discuss how different scenarios affect the equilibrium outcome.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Deffenu Andrea

Tributi propri delle Regioni speciali e armonia con i principi del sistema tributario statale tra rationes contraddittorie e discriminazioni irragionevoli

in *Regioni (Le)*, n.3 , 729-738

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Matz Dahlberg, Eva Mörk, Jørn Ratts, Hanna Ågren

Using a discontinuous grant rule to identify the effect of grants on local taxes and spending

in *Journal of Public Economics*, Volume 92, Issue 12 , 2320-2335

When investigating the effects of federal grants on the behavior of lower-level governments, it is hard to defend the handling of grants as an exogenous factor. Federal governments often set grants based on characteristics and performance of decentralized governments. In this paper we make use of a discontinuity in the Swedish grant system in order to estimate the causal effects of general intergovernmental grants on local spending and local tax rates. The formula for the distribution of funds is used as an exclusion restriction in an IV-estimation. We find evidence of crowding-in, where federal grants are shifted to more local spending, but not to reduced local tax rates

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 7.Economic and fiscal federalism

Lockwood Ben

Voting, lobbying, and the decentralization theorem

in *Economics and Politics*, Volume 20 Issue 3 , 416 - 431



This paper revisits the well-known fiscal "Decentralization Theorem" by relaxing the role of the assumption that governments are benevolent, while retaining the assumption of policy uniformity. If, instead, decisions are made by majority voting, the theorem fails. Specifically, (i) centralization can welfare-dominate decentralization even if there are no externalities and regions are heterogeneous and (ii) decentralization can welfare-dominate centralization even if there are positive externalities and regions are homogeneous. Similar results are obtained if a benevolent government is subject to lobbying. Hence, the Decentralization Theorem is not robust to relatively minor deviations away from the benchmark of a purely benevolent government.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 8. The Central Bank(s)

Alan S. Blinder, Michael Ehrmann, Marcel Fratzscher, Jakob De Haan and David-Jan Jansen

Central Bank Communication and Monetary Policy: A Survey of Theory and Evidence

in *Journal of Economic Literature*, Vol. 46, No. 4 , 910–45

Over the last two decades, communication has become an increasingly important aspect of monetary policy. These real-world developments have spawned a huge new scholarly literature on central bank communication mostly empirical, and almost all of it written in this decade. We survey this ever-growing literature. The evidence suggests that communication can be an important and powerful part of the central banks toolkit since it has the ability to move financial markets, to enhance the predictability of monetary policy decisions, and potentially to help achieve central banks macroeconomic objectives. However, the large variation in communication strategies across central banks suggests that a consensus has yet to emerge on what constitutes an optimal communication strategy.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Quadros de Magalhães José Luiz

Autonomia municipale e bilancio partecipativo

in *Diritto pubblico comparato ed europeo*, n.3 , 1453-1456

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Tkacik Michael

Characteristics of Forms of Autonomy

in *International Journal on Minority and Groups Rights*, Volume 15, Numbers 2-3 , 369-401

This article recasts our understanding of the forms autonomy may take. Rather than emphasizing a rigid set of definitions, the article argues that autonomy forms can be characterized by the aggregate number of issues controlled by the local community (scope), the level of local control over any given issue (depth) and the territorial insularity of the autonomous community. So characterized, autonomies run the gambit from personal to cultural to functional to administrative to legislative. Of course, there are grey areas between these types of autonomy and some agreements may fall somewhere in between. The article also further breaks legislative autonomy into strong and weak forms.



Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Ackrén Maria, Olausson Pär M.

Condition(s) for Island Autonomy

in International Journal on Minority and Groups Rights, Volume 15, Numbers 2-3 , 227-258

The inquiry is focusing on why island autonomy occurs. Our point of departure considers four possible conditions such as geographical distance, ethnicity, GDP/capita and size according to population leading towards island autonomy. We use two sample groups in our study: one encompassing autonomous islands deriving from different parts of the world, with three main islands illustrating what we mean by island autonomy. These consist of the Azores, the Faroe Islands and Isle of Man. The second group consists of so called non-autonomous islands scattered around the world. The analysis is carried out with a specific technique within the Qualitative Comparative Analysis (QCA) family and that is Multi-Value QCA (MVQCA). MVQCA is an extension of the Crisp-Set QCA (CSQCA) and withholds a dichotomous dependent variable, while the possible explanatory variables (independent variables) can have multi-values. As a second technique Fuzzy-Set QCA (FSQCA) is employed as a control technique only. While assessing these techniques we receive combinations of conditions leading to the outcome in question. Results show that with MVQCA we receive four different paths towards island autonomy. Ethnicity as the only explanation is one route towards the outcome. A second path is small or large size. Long geographical distance combined with no ethnic diversity is a third way towards island autonomy. The fourth path is long geographical distance combined with the lower or upper middle income group. All the paths are equally valid.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

De Carli Paolo

Gli affidamenti dei servizi sociali tra concorrenza e localismo

in Amministrare, n.3 , 395-422

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Stefuriuc Irina

Government Formation in Multi-Level Settings: Spanish Regional Coalitions and the Quest for Vertical Congruence

in Party Politics, Volume 15, Number 1, January , 93-115

It is generally assumed that in multi-level political systems political actors desire to form regional coalitions that match the party composition of the coalition governing at the central level, and that where this matching attempt does not occur it is because a possible new coalition formula for the central level is being tested at the regional one. This article shows that the congruence of party composition of government coalitions across levels is in itself neither desirable nor undesirable for regional political actors. Its strategic potential is mediated by three other factors: the institutional setting



regulating the intensity of cross-level intergovernmental cooperation in policy-making, the type of party in question and its respective relative bargaining weight at both levels of government. Empirical evidence from four Spanish regional government-formation cases supports this argument.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9.Local government(s)

Clini Alberto

Il Poder Municipal

in *Diritto pubblico comparato ed europeo*, n.3 , 1443-1452

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9.Local government(s)

Panzeri Lino

L'impedimento permanente del Presidente della Giunta regionale

in *Regioni (Le)*, n.3 , 543-570

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9.Local government(s)

Araujo Joan Oliver

La Mayor "calidad democrática" del nuevo Estatuto de Autonomía de las Islas Baleares: régimen electoral, Consejo Consultivo y procedimiento de reforma

in *Revista de derecho politico*, n.73 , 15-68

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9.Local government(s)

Viver Pi-Sunyer Carles

La Riforma dello Statuto della Comunità autonoma di Catalogna: principali novità e problemi di costituzionalità

in *Diritto e società*, n. 3 , 315-350

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9.Local government(s)

Melica Luigi



La soggettività costituzionale degli enti locali nel processo di attuazione del Titolo V della Costituzione

in *Federalismi*, Anno VI - N. 19

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Cole Alistair, Palmer Rosanne

Logiques de territorialité et de régionalisation en Europe de l'Ouest

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 19-36

Cet article répond à un double objectif empirique et théorique. Il présente tout d'abord un panorama du fait régional en Europe occidentale en distinguant quatre modèles d'administration des territoires. Les auteurs montrent notamment que la capacité politique des régions ne se résume pas à des ressources institutionnelles et qu'elle s'inscrit plus largement dans l'histoire des relations centre-périphérie. À partir d'une lecture critique des principaux travaux anglophones et francophones sur le fait régional en Europe, cet article présente trois approches théoriques du phénomène régional : le courant ethno-territorial constructiviste ; le néo-régionalisme et la gouvernance multi-niveaux. Les auteurs mettent en évidence les principaux acquis mais aussi les limites de ces paradigmes.

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Subsection 9. Local government(s)

Alberdi Reyes Pérez

Los derechos de participación en los Estatutos de Autonomía reformados recientemente: especial consideración al Estatuto de Autonomía para Andalucía

in *Revista de derecho político*, n.73 , 179-205

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Guéranger David

L'intercommunalité, créature de l'État. Analyse socio-historique de la coopération intercommunale. Le cas du bassin chambérien

in *Revue française de science politique*, volume 58, n. 4, Aout

Les analyses de l'objet intercommunal tendent à confronter, en écho à l'opposition centre-périphérie, les velléités de réforme du pouvoir central et les capacités de résistance/neutralisation des élus locaux, concluant souvent au retrait progressif de l'un au bénéfice des autres. Cet article a pour objet de repenser le rôle de l'État dans le fonctionnement politique des institutions intercommunales. En étudiant l'agglomération chambérienne sur le temps long et en soulignant les effets sociopolitiques de l'institution, on montre que la structure intercommunale et les élus qui l'habitent sont marqués durablement par l'orientation décisive donnée initialement par les services déconcentrés de l'État. Dès lors,



l'intercommunalité apparaît être une « créature de l'État » qui, même si elle échappe aux desseins de ses concepteurs, fonctionne comme un dispositif d'intégration politique particulièrement efficace.

Local authorities' cooperation, "creature of the state" ? A socio-historical analysis of municipal cooperation in the French area of Chambéry

Literature on municipal cooperation tends to oppose, in accordance with centre/periphery distinction, the urge for reform by the central State and the capacities of resistance of local governments, thus concluding that there has been a loss of power of the French State over the latter. This article contributes to rethink the political role of central State in inter-municipal institutions. Based on a long-term study of the French agglomeration of Chambéry, it focuses on the social and political effects of institutions. In particular, it analyses how State representatives originally played a key role in institutional design, giving local cooperation a decisive and sustainable orientation. In such a perspective, municipal cooperation appears to be a 'creature of the State' which, while escaping its initial purposes, works as a particularly effective mechanism of political integration

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Asquith Andy

Managing Middle Earth: The Evolving Role of Local Authority Chief Executive Officers in Auckland, New Zealand

in **Local Government Studies**, Vol.34, issue 5 , 625 - 640

New Zealand is often seen as a 'test-bed' for public sector management reform. Indeed, much has been written about the machinery and operation of central government, yet little attention has been paid to the actors and institutions of local government. This article, using evidence obtained through a series of semi-structured interviews with serving and former Chief Executive Officers (CEOs) in the Auckland region, examines the impact upon local authority chief executives of two major reforms within local government. Firstly, the impact of sweeping managerial reforms in 1989, and then secondly reforms to reinvigorate and reinvent the scope and scale of local authorities in the period since 2002. The article argues that whilst local government CEOs in New Zealand are managerially strong, these skills need to be refocused to ensure maximum benefit for local government can be gained from post-2002 reforms.

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Subsection 9. Local government(s)

Bochel Hugh, Denver David

Minor Parties and Independents in Times of Change: Scottish Local Elections 1974 to 2007

in **Local Government Studies**, Vol.34, issue 5 , 577 - 593

This article explores the electoral performance of minor party and Independent candidates in Scottish local elections from 1974 to 2007. This is a period which began with a major restructuring of local government and ended with a change in the electoral system from first-past-the-post to the single transferable vote. It encompasses a second restructuring in the 1990s, the consolidation of the Scottish National Party as an electoral force, and the creation of the



Scottish Parliament. Throughout the period, while there have been ebbs and flows, Independents and minor parties have remained significant players in local electoral politics in Scotland.

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Erlingsson Gissur O., Bergh Andreas, Sjölin Mats

Public Corruption in Swedish Municipalities - Trouble Looming on the Horizon?

in **Local Government Studies**, Vol.34, issue 5 , 595 - 608

In the 1990s, several public corruption scandals were uncovered in Sweden. This article focuses specifically on local corruption, and our purpose is to examine whether a case can be made that problems of public corruption in Swedish municipalities have increased. By applying instruments from the institutional rational choice framework, we reach the conclusion that there are indeed reasons to suspect that retrenchment initiatives and organisational reforms over the last two decades, often labelled 'new public management', have increased the risk of corruption. Although hard empirical data do not yet exist, the suspicion that public corruption in Swedish municipalities may have become an increasing problem cannot be disregarded. Hence, we conclude by calling for further empirical research in this field.

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Subsection 9. Local government(s)

Ponzo Irene

Quello che i comuni hanno in comune. Politiche locali di accoglienza per gli immigrati

in **Polis**, n.3 , 451-482

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Allegretti Umberto

Ragioni e frontiere dell'autonomia speciale della Sardegna

in **Federalismi**, Anno VII - N. 1

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Quinlivan Aodh

Reconsidering Directly Elected Mayors in Ireland: Experiences from the United Kingdom and America

in **Local Government Studies**, Vol.34, issue 5 , 609 - 623



As part of the proposed modernisation of Irish local government a directly elected mayor with executive powers will be introduced in Dublin in 2011. It is then anticipated that the system of elected mayors will be extended to the whole country. However, it is not known what impact this new form of executive leadership will have on the prevailing system whereby city and county managers are dominant. Drawing from experiences in the United Kingdom and the United States, this paper suggests that Ireland needs clear, unambiguous mayoral models. As a political leader with executive powers it is imperative that the mayor's relationships with both the council and the city/county manager are tightly defined. A US-style recall option would also enhance the Irish system.

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Chapman Jeffrey I.

State and Local Fiscal Sustainability: The Challenges

in *Public Administration Review*, December 2008 - Volume 68 Issue s1 , S115-S131

At the state and local level, fiscal sustainability is the long-run capability of a government to consistently meet its financial responsibilities. It reflects the adequacy of available revenues to ensure the continued provision of the service and capital levels that the public demands. After examining separate revenue and expenditure trends for state and local governments, this article identifies three specific sets of pressures that affect subnational fiscal sustainability—cyclical, structural, and intergovernmental. It then presents three specific examples of these pressures: Medicaid, pensions and retiree health benefits, and infrastructure. The author asserts that without changes in the fiscal system—in both revenues and expenditures—state and local fiscal sustainability will disappear. It concludes with some potential solutions but argues that the most difficult reform is to ensure that the public understands that there is no such thing as a free lunch.

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Subsection 9. Local government(s)

Thompson Frank J.

State and Local Governance Fifteen Years Later: Enduring and New Challenges

in *Public Administration Review*, December 2008 - Volume 68 Issue s1 , S8-S19

This article draws on the contributions to this issue and related evidence to assay the extent to which the states and larger local governments have moved in directions endorsed by the Winter Commission in 1993. The commission's recommendations targeted (1) the political context of state and local governance, with a particular focus on executive leadership, campaign finance reform, and citizen engagement; (2) the specifics of public administration, with primary emphasis on empowering managers through internal deregulation and bolstering human resource capacity; and (3) the nature of the relationship between the national government and the states in a key policy arena. Significant changes in the fabric of state and local governance have occurred in each of these three areas over the last 15 years. Many of these modifications are consonant with the thrust of the Winter Commission report, but the evidence also points to the limits of state and local reform. Further reform initiatives should be built on systematic efforts to advance knowledge concerning the origins, nature, and outcomes of the array of institutions and processes present at the state and local levels.



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Subsection 9. Local government(s)

Potoski Matthew

State and Local Government Procurement and the Winter Commission

in **Public Administration Review**, December 2008 - Volume 68 Issue s1 , S58-S69

The Winter Commission proposed a state and local government procurement reform agenda that placed public managers at the core of a depoliticized, deregulated, and more pragmatic public sector contracting process. Drawing on the literature and data from several state and local government surveys, this article shows that between 1992 and 2003, state and local governments' contracting practices moved in directions consistent with the commission's reform agenda. By 2003, state and local governments had decentralized and deregulated their contracting processes, were contracting more effectively and in circumstances in which it is more likely to be successful, and had adopted several innovative technologies and management practices.

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Corpaci Alfredo

Sui nuovi poteri dei Sindaci in materia di sicurezza: un rafforzamento delle autonomie locali?

in **Regioni (Le)**, n.3 , 465-470

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Cabiddu Maria Agostina

Territorio (governo del)

in **Amministrare**, n.3 , 309-324

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Silverström Sören

The Competence of Autonomous Entities in the International Arena - With Special Reference to the Åland Islands in the European Union

in **International Journal on Minority and Groups Rights**, Volume 15, Numbers 2-3 , 259-271

International law and the international community is primarily based on the dominant role of the state. Other actors are increasingly involved in conducting international affairs. This article examines different solutions for bringing autonomous entities to the international level, taking one specific autonomous entity, the Åland Islands, as an example. The article concentrates on competences of autonomous entities in relation to international treaties and the European Union.



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Subsection 9. Local government(s)

Hamedinger Alexander, Bartik Herbert, Wolffhardt Alexander

The Impact of EU Area-based Programmes on Local Governance: Towards a 'Europeanisation'?
in *Urban Studies*, Volume 45, No. 13, 2669-2687

In the context of the on-going debate on 'Europeanisation' as a result of adaptation pressure on domestic structures emanating from the EU level, the article sets out to describe the particular characteristics of the 'European turn' in the urban politics of the cities of Graz and Dortmund. Special attention is given to the effects of Structural Funds programmes on local government structures with regard to 'new urban governance'. The conclusions point to different types of path-dependent adaptation to EU policies and norms, to the relevance of mediating local factors to explanations of variation between the cities and to the inevitably different trajectories of 'Europeanisation' in cities across the EU. The article contributes to theoretical debates around the utility of historical/sociological institutionalist approaches in research on governance, notions of 'download/top—down' and 'upload/bottom—up' Europeanisation as well as the conceptualisation of the scope (the 'deepness') of the EU impact.

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Subsection 9. Local government(s)

Garrorena Morales Angel

Tribunal Constitucional y sistema electoral de las Comunidades Autónomas. Una desafortunada jurisprudencia
in *Revista Espanola de Derecho Constitucional*, N.83, 243-275

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 9. Local government(s)

Lowery David, Gray Virginia, Benz Jennifer, Deason Mary, Kirkland Justin, Sykes Jennifer

Understanding the Relationship between Health PACs and Health Lobbying in the American States
in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter, 70-94

The authors examine how health PAC activity in the states is connected to lobbying. Is the political money that health interest organizations bring to the policy process a powerful, independent means of influence or is it better understood narrowly as a tactic used to support lobbying? The authors examine the relationship between campaign contributions and lobby activity and the limited work that has been conducted on them and raise a number of questions about the process by which they are connected. The authors utilize 1998 data on state lobbying and PAC activity, allowing us to answer causal research questions generated from existing studies at the national level. We conclude that PAC activity is best viewed as an adjunct of lobbying rather than an independent form of political activity.

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Woods Neal D., Konisky David M., O'M. Bowman Ann

You Get What You Pay For: Environmental Policy and Public Health

in *Publius: The Journal of Federalism*, vol. 39, n. 1, Winter , 95-116

In this article, the authors examine the cumulative impact of state environmental protection policies and environmental quality on the health of state residents in the United States. Using a series of path analytic models, the authors simultaneously analyze the effect of state environmental policies on environmental pollution and health outcomes. Authors' results indicate that states with stronger environmental programs have lower levels of pollution and better public health. These results are robust across multiple measures and alternative model specifications. We also find some evidence that states that assume authority to implement federal environmental programs have worse health outcomes. Authors' findings suggest that overall levels of public health may be affected by state choices with respect to environmental policies and highlight the importance of assessing programmatic consequences across policy areas.

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 10. Processes of federalization and decentralization

Palermo Francesco

Achille e la tartaruga. Ovvero, il futuro della specialità

in *Federalismi*, Anno VI - N. 23

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 10. Processes of federalization and decentralization

Solozábal Echavarría Juan José

Algunas consideraciones sobre las reformas estatutarias

in *Teoria y realidad constitucional*, n.22 , 315-335

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 10. Processes of federalization and decentralization

Cecchetti Marcello

Attualità e prospettive della 'specialità' regionale alla luce del 'regionalismo differenziato' come principio di sistema

in *Federalismi*, Anno VI - N. 23

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 10. Processes of federalization and decentralization

Légaré, André



Canada's Experiment with Aboriginal Self-Determination in Nunavut: From Vision to Illusion
in *International Journal on Minority and Groups Rights*, Volume 15, Numbers 2-3 , 335-367

The paper presents a geographical and historical overview of the Territory Nunavut (Canada) established in 1999 and inhabited by a majority of Inuit People. The author outlines the process that led to the conclusion of the Nunavut Land Claims Agreement and the current structure of the government of Nunavut, which can best be described as a form of Inuit self-government. The main objective of the paper consists in an overview and analysis of current socio-economic challenges faced by the government of Nunavut. Based on the visions of the Bathurst Mandate, the author attempts to assess the success of the 'Nunavut Project'.

The author concludes that because of Nunavut's weak economy and fiscal dependency on the central federal government of Canada, the numerous socio-economic challenges have not been resolved. The Nunavut experiment has not yet been proven a success. The prosperous vision, expressed through the Bathurst Mandate, of a viable Nunavut seems for now just an illusion.

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Subsection 10. Processes of federalization and decentralization

de Vega Pedro, Cano Bueso Juan, Portero Molina José Antonio, Ruipérez y Alamillo Javier

Comisión sobre el Estado Autonómico

in *Teoría y realidad constitucional*, n.21 , 129-153

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 10. Processes of federalization and decentralization

Green Elliott

Decentralisation and conflict in Uganda

in *Conflict, Security, and Development*, vol. 8, issue 4, december , 427-450

ABSTRACT: Political economists have long debated the relationship between decentralisation and conflict, with much discussion about how and what functions of government should be decentralised to the local level. There has been little discussion, however, about two key aspects of decentralisation: first, to which levels of local government power should be decentralised, and second, on what basis new decentralised districts should be created. In order to understand the relationship between these two aspects of decentralisation and conflict I investigate here the case of Uganda, where President Yoweri Museveni and his National Resistance Movement (NRM) government embarked on a radical decentralisation programme upon coming into power in 1986. I argue here that Uganda's decentralisation programme, while helping to reduce national-level conflict, has nonetheless replaced it with local-level conflict. This process has taken place in two ways. First, the concentration of local power at the district level has led to struggles over district leadership positions. Second, the huge expansion in the number of new districts has led to local-level conflict by altering relations between local ethnic groups.

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Welikala Asanga

Democratisation and Conflict Resolution: The Rationale for Federalising Sri Lanka
in *Indian Journal of Federal Studies*, 18th Issue, 2/2008

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government
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Mardones Z., Rodrigo

Descentralización: una definición y una evaluación de la agenda legislativa chilena (1990-2008)
in *EURE - Revista latinoamericana de estudios urbano regionales*, Vol.34, n.102 , 39-60

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government
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Scholler Heinrich

Die Grundstrukturen der kirgisischen Verfassung und ihre Bedeutung für Dezentralisierung und Selbstverwaltung
in *Verfassung und Recht in Ubersee*, vol. 41, issue 2 , 131-145

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government
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Lamoureux Diane

Démocratiser radicalement la démocratie
in *Nouvelles pratiques sociales*, Volume 21, numéro 1, automne 2008 , 121-136

This paper advocates for an extension of citizens' participation and civic deliberation. It draws from recent experiences of participatory democracy at the municipal level, whether they are the product of public consultation or of citizens' mobilization. It also emphasizes the importance of developing a culture of public deliberation both to enlarge civic participation, including that of politically marginalized persons and groups, and as a politicization device. It then delineates some conditions to render public deliberation really inclusive. It concludes by evaluating the contribution of various experiences such as Montreal's Citizens Summits or the Forum social québécois to such a culture of public deliberation.

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Daftary Farimah

Experimenting with Territorial Administrative Autonomy in Corsica: Exception or Pilot Region?
in *International Journal on Minority and Groups Rights*, Volume 15, Numbers 2-3 , 273-312

This article provides an overview of the gradual establishment since 1982 of territorial administrative autonomy on the French island of Corsica. The impetus for the reforms was provided by a growing self-determination movement concerned with protecting the specific Corsican identity and dealing with the social and economic challenges arising from insularity. It argues that neither institutional experimentation coupled with substantial aid nor periodic crackdowns on nationalists have succeeded in resolving the conflict. The difficult functioning of autonomy can be attributed in part to the late initiation of reform following the onset of violence as well as to weak and confusing arrangements, as well as an unfavourable political, economic and social context. The persistent use of violence by nationalists, partially justified by the fact that a number of their key demands remain unaddressed, and fuelled by inconsistent state policies, have constituted further obstacles. Last but not least, the extension of measures initially designed for Corsica to the rest of the French territory in successive waves of decentralisation have undermined the symbolic impact of the reforms.

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Tranchant Jean-Pierre

Fiscal decentralisation, institutional quality and ethnic conflict: A panel data analysis, 1985-2001
in *Conflict, Security, and Development*, vol. 8, issue 4, december , 491-514

ABSTRACT: Fiscal decentralisation is increasing throughout the world, especially in developing countries where it is argued to foster good governance and delivery of public goods. Fiscal decentralisation is also widely promoted as an institutional device to manage ethnic conflict. Proponents of fiscal decentralisation claim that it helps accommodate ethnic minorities by granting them considerable policy-making authority. However, the empirical literature on ethnic conflict has mainly focused on federalism and political decentralisation while the few studies that have included fiscal decentralisation have produced mixed results. In this paper, I test the effect of fiscal decentralisation on ethnic conflict while emphasising state capacities as a crucial mediating variable. I assume that fiscal decentralisation is unlikely to produce any effect in countries characterised by low state capacities and weak institutions. The rationale is threefold. (i) State capacities are usually lower at the local level than at the central level; yet implementing fiscal decentralisation requires that subunits are endowed with sufficient bureaucratic and technical competences. (ii) Devolution of policy-making authority to lower tiers of governments is usually assumed more genuine in countries characterised by good governance. (iii) When state capacities are weak, ethnic groups may be tempted to claim more than fiscal decentralisation and seek independence. I assume also that minorities that are the most ethnically distant from the rest of the population are those that should benefit most from fiscal decentralisation. The system GMM estimations confirm that ethnically distinctive minorities benefit more from fiscal decentralisation. Regarding state capacities, findings are radically different with respect to the indicators that are used. Fiscal decentralisation is found to reduce the likelihood of conflict if GDP per capita is considered as a proxy for state capacity, while opposite results emerge when governance indices are used.

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Suksi Markku



Functional Autonomy: The Case of Finland with Some Notes on the Basis of International Human Rights Law and Comparisons with Other Cases

in *International Journal on Minority and Groups Rights*, Volume 15, Numbers 2-3 , 195-225

It is possible to distinguish functional autonomy, consisting of various administrative arrangement, as a specific form of autonomy on the top of territorial, cultural and personal autonomy. Functional autonomy may be understood as an organizational option for the provision of adequate linguistic services to a minority population in respect of a certain public function (such as education) by means of creating special linguistically identified administrative units at different hierarchical levels inside the general line-organization charged with the national or local administration of the public function. Language (and sometimes even religion) can be used as a divisor by which the principle of 'separate but equal' is implemented in ways that defy organizational characterizations commonly found in textbooks of administrative law or public administration. Functional autonomy is a pragmatic approach to the promotion of rights of a minority population and could be more commonly used.

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Pipitone Ugo

India vieja y nueva (instituciones, descentralización, empleo)

in *Foro Internacional*, VOLUMEN XLVIII - NÚMERO 3

From the early nineties, India's economic growth has accelerated, revealing several critical aspects, from the persistent consequences of an agrarian reform implemented without considering the quality of its institutions or the dynamic links between computer science and the domestic market, to the excessive weight services have had in the economy's long-term reactivation. Ancient tasks -overcoming secular caste segmentation in the people's conscience- mixed with more recent ones, such as creating a dozen million jobs a year for the next decades, in order to ensure the social stability that its economic growth requires.

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Le Gals Patrick

La dcentralisation de la Vme Rpublique: hritage dpartemental versus villes et rgions

in *Modern and Contemporary France*, Volume 16, Issue 4, November , 451-467

La Vme République a d'abord permis le triomphe de l'Etat centralisateur (dans les limites du jacobinisme apprivoisé) pendant les années 1960. La mobilisation de l'Etat pour moderniser l'économie et la société française initiée par le régime gaulliste s'est accompagnée d'un fort mouvement de centralisation et d'investissements sur les territoires. Elle a été suivie d'une lente montée en puissance mais continuée des différents niveaux de collectivités locales. Le général de Gaulle se méfiait des partis politiques et des intérêts locaux. Ils ont finalement conquis le régime politique de la Vme dans une version présidentialisée. Cette dynamique de concurrence entre niveaux de gouvernement puissamment organisée au sein du Parlement est l'une des clés de la dynamique de décentralisation continue observée depuis le milieu des années 1960. La lente montée en puissance des régions et des villes constitue l'un des retournements les plus spectaculaires des 50 années de la Vme République. L'organisation de la République et la mise en oeuvre de l'action publique sont décentralisées. Cependant, le compromis dynamique entre le maintien d'un vieux système hérité



(commune, département, Sénat) et du nouveau système (structures intercommunales notamment les agglomérations, et régions) parat de plus en plus anachronique pour des raisons d'efficacité, d'efficience et d'effectivité de l'action publique.

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Dabrowski Marcin

La mise en oeuvre des fonds structurels en Pologne Influence européenne, poids du passé et apprentissages collectifs

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 145-170

Cette contribution à l'étude du développement régional et du changement institutionnel dans les pays d'Europe centrale rend compte de l'impact des fonds structurels (FS) en Pologne au travers du cas de la Basse-Silésie. Elle a pour objectif d'évaluer le système de distribution des FS conçu par le gouvernement polonais en examinant l'origine, la pertinence et l'évolution possible des dispositifs institutionnels. L'accent est mis sur les ajustements institutionnels préalables à l'introduction en Pologne de la politique régionale de l'UE et sur l'apprentissage par la pratique qu'ont fait les administrations chargées de répartir les FS et les bénéficiaires de ces derniers. Nous verrons comment la réforme de la gestion territoriale censée préparer un cadre administratif pour la gestion des FS – exigée et catalysée par l'UE – s'est heurtée au centralisme et à d'autres traits hérités du passé communiste qui sont enracinés dans l'appareil administratif. Il en a résulté le maintien de la tutelle du pouvoir central sur la conduite de la politique régionale. Cette tendance a été confirmée par la réaffirmation de l'hégémonie de l'État qui a conçu le système de distribution des FS de manière à limiter le rôle des pouvoirs régionaux. L'examen du cas de la Basse-Silésie montre que la persistance du centralisme et du formalisme entravent l'efficacité du système. Cependant, les apprentissages collectifs qui ont lieu à tous les niveaux contribuent à la construction des capacités administratives ainsi qu'à la rationalisation progressive des procédures, ce qui favorise l'absorption des FS. De plus, la régionalisation de la gestion des FS pour la période 2007-2013 apparaît comme un vecteur de renforcement de la position des pouvoirs régionaux en dépit du maintien de la tutelle de l'État. Ces deux phénomènes pourraient participer à l'affaiblissement de la tendance au centralisme qui a profondément marqué tant le système de gestion territoriale que le système de mise en place des FS.

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Martone Vittorio

La sfida dei nuovi assetti istituzionali. Il decentramento amministrativo a Napoli tra ceto politico, contesto urbano e partecipazione

in *Rivista Italiana di Politiche Pubbliche*, 2, Agosto , 5-32

No abstract available

Section A) The theory and practise of the federal states and multi-level systems of government

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Destremau Blandine, Messu Michel

Le droit à l'assistance sociale à l'épreuve du local



in *Revue française de science politique*, volume 58, n. 5, Octobre

L'assistance sociale en France est l'œuvre de la République. Celle-ci a consolidé un droit à l'assistance à partir du territoire communal, tandis que parallèlement s'édifiait sur une base professionnelle un droit à la « sécurité sociale ». L'assistance, toutefois, était pensée comme un simple secours, toujours précaire et de faible niveau. Deux mouvements sont venus modifier ce paysage : la multiplication à partir des années 1970-1980 de minima sociaux et les lois dites de décentralisation (1982-1983 et 2003-2004). Le premier brouille les frontières entre « assurance » et « assistance ». Le second compromet la vision républicaine de l'assistance elle-même.

Social Welfare Right and Decentralisation Policies in France

In France, social welfare is the work of the Republic, which has striven to centralise a right to be assisted, traditionally set up by parishes. On the other hand, a right to Social Security was legally built and implemented through companies and professional bindings. Assistance, however, was always thought as an occasional and precarious relief of a limited amount. Two evolutions have come to modify this organisation : the widening realm of "guaranteed" social benefits, starting in the 70s-80s, and the so-called decentralisation policies (in 1982-1983 and in 2003-2004). Today the former blurs the boundaries between insurance and assistance, while the latter compromises the republican vision of social welfare itself.

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García Guerrero José Luis

Lo stato autonomico. Evoluzione e qualche conclusione sulla prima riforma integrale di alcuni statuti in Federalismi, Anno VI - N. 18

Section A) The theory and practise of the federal states and multi-level systems of government

Subsection 10. Processes of federalization and decentralization

Latendresse Anne

L'émergence des sommets citoyens de Montréal: vers la construction d'un programme autour du droit à la ville?

in *Nations and Nationalism*, Volume 14, Issue 4, October 2008 , 104-120

Since the year 2000 in Montreal, four citizen's summits gave opportunities to organized and non organized citizens to debate about urban issues and participatory democracy. Inspired by the notion of Right to the City, developed by Henri Lefebvre, the citizens summits pointed out the right of the citizens to define the city, whatever their status. In this article, I argue that those citizen's summits allow participants to build a citizen's agenda and an autonomous political space outside the municipal structure. In spite the context characterized by the globalization, the neoliberalism and the diversity



of the population concentrated in metropolitan areas, the new organizational and political forms experimented by the citizen's summit raise a number of challenges to the urban movement.

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Diprose Rachael

Passing on the challenges or prescribing better management of diversity? Decentralisation, power sharing and conflict dynamics in Central Sulawesi, Indonesia

in Conflict, Security, and Development, vol. 8, issue 4, december , 393-425

ABSTRACT: Using the case of conflict-affected Central Sulawesi in democratising Indonesia, this paper argues that decentralisation has had both positive and negative indirect impacts on conflict dynamics. First, it has allowed for the direct election of regional heads. This has changed the nature of local politics, which has heightened local tensions through competition for power at the district level. However, this has so far been peacefully managed. Second, decentralisation has to some extent achieved its aim of greater involvement of the local populace in decision making, alleviating the long-standing grievances they have had with authoritarian rule, resource extraction, and regent appointments from outside the region and the island. Third, it has changed population demographics by redrawing administrative boundaries. In the research districts, this has resulted in greater ethno-religious segregation. It has also changed the boundaries around the voting populace, which tends to play into conflict tensions wherever such boundaries reinforce sensitive identity cleavages. Fourth, carving out new regions with decentralisation has created new district legislatures and executives, further fuelling competition for these fiercely sought-after positions and the associated political power in the new districts, as well as inter-group competition for the resources in the 'new' regions. However, this has simultaneously reduced competitive pressures in the 'mother' regions, in particular in Poso, one of the regions severely affected by communal violence, which was partially linked to elite politics. While the demographic, structural, and institutional changes stimulated by decentralisation will not necessarily lead to violent conflict, they do interact with or potentially stimulate local tensions. Felt grievances, perceptions of inequalities, elite competition and claims to minority rights are just some of the contentious issues, which can interact with decentralisation policies, as they do with national level politics. Managing these tensions is imperative for ensuring that the benefits of decentralisation reach local communities.

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C. Simon Fan, Chen Linb, Daniel Treisman

Political decentralization and corruption: Evidence from around the world

in Journal of Public Economics, Volume 93, Issues 1-2, , 14-34

How does political decentralization affect the frequency and costliness of bribe extraction by corrupt officials? Previous empirical studies, using subjective indexes of perceived corruption and mostly fiscal indicators of decentralization, have suggested conflicting conclusions. In search of more precise findings, we combine and explore two new data sources—an original cross-national data set on particular types of decentralization and the results of a firm level survey conducted in 80 countries about firms' concrete experiences with bribery. In countries with a larger number of



government or administrative tiers and (given local revenues) a larger number of local public employees, reported bribery was more frequent. When local—or central—governments received a larger share of GDP in revenue, bribery was less frequent. Overall, the results suggest the danger of uncoordinated rent-seeking as government structures become more complex.

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Nikolova Pavlina

Régionalisation et politique régionale en Bulgarie Évaluer le rôle de l'Union européenne

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 85-111

La mesure dans laquelle l'UE a influencé la régionalisation et la politique régionale de la Bulgarie au cours des années précédant l'adhésion est évaluée ici. L'auteur se fonde sur le concept d'europanisation privilégié par l'approche néoinstitutionnelle en science politique. Il examine les changements survenus dans la division administrative et territoriale du pays et montre que les réformes entreprises avant l'adhésion visaient une adaptation pragmatique aux règles régissant les fonds structurels de l'UE et non une redistribution paradigmatique des pouvoirs entre les différents niveaux de l'État. Cela s'explique par le fait que peu d'acteurs bulgares étaient favorables à la régionalisation et disposaient des ressources ou de la volonté de travailler au changement. Sont également analysés le contenu et la mise en oeuvre de la politique régionale bulgare. Il en ressort qu'elle a été grandement influencée par les principes et les objectifs de la politique régionale et des fonds structurels de l'UE. Cependant, si l'on tente d'aller au-delà des règles formelles en examinant les pratiques nationales, notamment le partenariat entre les différents niveaux politiques, il apparaît clairement que le changement est resté superficiel en raison de la répartition des pouvoirs, des ressources et des capacités au sein du pays.

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Pasquier Romain, Perron Catherine

Régionalisations et régionalismes dans une Europe élargie : les enjeux d'une comparaison Est-Ouest

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 5-18

Ces dernières décennies, les cadres d'analyse du fait régional ont été quasi exclusivement construits à partir de cas empiriques ouest-européens. On distingue trois modèles principaux : le courant ethno-territorial constructiviste, la gouvernance multi-niveaux et le néorégionalisme. Sont-ils généralisables à l'Union européenne des vingt-sept ou l'élargissement implique-t-il de revisiter les grilles de lecture du fait régional en Europe ? Après une mise à l'épreuve critique des cadres théoriques ouest-européens sur les terrains de l'Est, cet article introductif présente une série de variables permettant de renouveler les analyses du régionalisme et de la régionalisation dans une Europe élargie.

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Massicard Élise

Régionalisme impossible, régionalisation improbable La gestion territoriale en Turquie à l'heure du rapprochement avec l'Union européenne



in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 172-203

L'ouverture des négociations d'adhésion de la Turquie a coïncidé avec d'importantes réformes des pouvoirs locaux. Si elles répondent en partie à des demandes assez floues de l'Union européenne, ces réformes s'inscrivent avant tout dans des logiques internes. Bien qu'elles renforcent l'échelon intermédiaire, elles n'entraînent pas de régionalisation en raison, notamment, d'une tradition politicoinstitutionnelle centraliste enracinée qui fait obstacle à tout régionalisme. Ces changements institutionnels laissent perdurer les caractéristiques essentielles du système politico-administratif ; c'est principalement par la mise en place de politiques régionales d'après le modèle européen que certains changements pourraient survenir dans la configuration territoriale des ressources. Par ses résistances et adaptations, la Turquie semble suivre la voie des nouveaux membres de l'UE.

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Sebastian Galiana, Paul Gertlerb, Ernesto Schargrotskyd

School decentralization: Helping the good get better, but leaving the poor behind

in *Journal of Public Economic Theory*, Volume 10 Issue 6 , 2106-2120

The decentralization of public services is a major feature of institutional innovation. The main argument in support of decentralization is that it brings decisions closer to the people, thereby alleviating information asymmetries and improving accountability. However, decentralization can also degrade service provision in poor communities that lack the ability to voice and defend their preferences. In this paper, we analyze the average and distributional effects of school decentralization on educational quality in Argentina. We find that decentralization had an overall positive impact on student test scores. The decentralization gains, however, did not reach the poor. Thus, although "bringing decisions closer to the people" may help the good get better, the already disadvantaged may not receive these benefits.

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Harrison John

Stating the Production of Scales: Centrally Orchestrated Regionalism, Regionally Orchestrated Centralism

in *International Journal of Urban and Regional Research*, Volume 32 Issue 4 , 922 - 941

Under the banner of the new regionalism, the past decade has witnessed a revival of academic and political interest in the region as a strategic site for economic activity and scale for socially integrating civil society. What remains unclear, however, are the 'actual mechanisms' that connect this new politics of economic development with transitions in the regulation and governance of contemporary capitalism and its territorial form. This article seeks further connection by distinguishing between the processes of centrally orchestrated regionalism and regionally orchestrated centralism in the production of regions. While sympathetic to the general tenor of the new regionalism, this article presents an account of England's unique new regionalist policy experiment to pose searching questions relating to the future direction of the new regionalism. Arguing that the new regionalism remains a fruitful avenue for unravelling the processes involved in the production of spatial scale(s), the article concludes that uncovering the politically charged processes involved in the production of subnational space remains an urgent task for urban and regional scholars.



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Basaguren Alberto

Trasformazioni dello Stato autonomico e riforma dello statuto del paese basco: tra rottura e 'accomodamento ragionevole'

in *Federalismi*, Anno VI - N. 18

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Perron Catherine

Une régionalisation sous étroite surveillance L'exemple tchèque d'une régionalisation sans régionalisme

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 113-143

L'établissement de structures régionales dans les pays d'Europe centrale et orientale, l'une des grandes réformes du postcommunisme, a eu lieu en même temps qu'un vaste mouvement de régionalisation en Europe de l'Ouest. Or, contrairement à l'Ouest où les mobilisations politiques, économiques et sociales à la base ont été des facteurs essentiels du changement (s'ajoutant à l'influence de fortes contraintes externes telles que la mondialisation et l'eupéanisation), en République tchèque, le processus de régionalisation s'est opéré en l'absence de mobilisations régionales, voire régionalistes. L'analyse du mode de construction régionale montre que le processus a été lancé au sommet de l'État à l'initiative d'élites gouvernementales à la fois soucieuses de rationaliser le fonctionnement de l'administration territoriale et, surtout, de conserver leur mainmise sur l'ensemble des pouvoirs et ressources étatiques. Ceci conduit à s'interroger sur le type de dynamique régionale susceptible d'émerger après la mise en place des régions et l'arrivée concomitante des fonds structurels de l'Union européenne.

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Perez Calvo Alberto

Unione Europea, Globalizzazione e cambiamenti nell'organizzazione politica spagnola

in *Federalismi*, Anno VI - N. 18

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Wittig Peter

Deutschland als aktive Friedensmacht. Plädoyer für die Unterstützung des UNO-Peacekeeping

in *Zeitschrift für Politik*, Jahrgang 55, Heft 4, 2008



UN peacekeeping faces enormous challenges. The demand for UN member state contributions is equally high. Germany has become a major peacekeeping actor, mainly within the NATO and EU framework. Yet Bundeswehr operations abroad are more controversial than ever. The controversy surrounding the operation in Afghanistan may negatively affect an objective debate on less robust UN missions. Germany has an interest in an effective system of UN peacekeeping, not least as reliable partner for the EU and NATO. There are good reasons why participation in UN peacekeeping operations should become a third pillar of German security policy. It goes without saying that this requires careful political case-by-case analysis and pragmatism.

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Subsection 1. The United Nations and its system

Patterson Malcolm

A Corporate Alternative to United Nations ad hoc Military Deployments

in **Journal of Conflict and Security Law**, Volume 13, Number 2, summer , 215-232;

The history of United Nations peacekeeping is frequently one of failure. The causes are endemic, persistent and unlikely to be remedied. It seems reasonable to consider two ideas in response: whether ad hoc peacekeepers might be augmented or even replaced by competent contract labour; and whether well-trained contractors might in future subdue by force those who inflict gross human rights abuses on others. Alternatives to ad hoc forces are not new. Nevertheless, theoretical or practical substitutes have not been evaluated alongside the merits of a private corporation supported by a business model. Military contractors are frequently represented as an affront to states' authority. This is misleading. There has never been a clear divide between public and private resources in armed conflict and states have always employed both. There exists no compelling reason in law why the UN should not devise modern contracts that evolve from historically ubiquitous arrangements amongst its members and their more ancient predecessors. Formidable hurdles remain. Nonetheless, the deployment of disciplined, professional contractors under rigorous conditions may offer improvements on present standards of peacekeeping. This would enable the Security Council to better address its Charter responsibilities and, in particular, the Preamble and its admonition on war.

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Subsection 1. The United Nations and its system

Scheuerman William E.

All Power to the (State-less?) General Assembly!

in **Constellations**, Vol. 15, Issue 4, December , 485-492

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Moosleitner Juergen

Collective Security and Human Rights: How the United Nations' Institutional Design Corrupted Complementary Purposes

in **Global Society**, Volume 23, Issue 1, January , 11-36



That human rights should be viewed as a complementary aim to the international pursuit of collective security was an intention of the drafters of the Charter and the subsequent Universal Declaration and they were correct to stress that functional relationship which exists between the domestic observation of human rights and the achievement of lasting peace and security internationally. Yet, in spite of the United Nations' assertion of the complementary nature of the purposes of collective security and human rights, this essay argues that if we survey the inception of the United Nations Organisation then it will become clear that the organisation was from the onset institutionally impaired in regard to effective human rights proliferation and enforcement. Indeed, the organisation's particular approach to collective security was designed intentionally so as to render any hopes for the effective observation and enforcement of human rights nugatory.

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Hutter Franz-Josef, Kimmle Carsten

Das uneingelöste Versprechen. 60 Jahre Allgemeine Erklärung der Menschenrechte

in *Blätter für deutsche & internationale Politik*, Dezember, 2008 , 96-102

Am 10. Dezember jährt sich die Verkündung der Allgemeinen Erklärung der Menschenrechte (AEMR) durch die Vollversammlung der Vereinten Nationen (UN) zum 60. Mal: „Die Anerkennung der allen Mitgliedern der menschlichen Familie inwohnenden Würde und ihrer gleichen und unveräußerlichen Rechte [bildet] die Grundlage der Freiheit, der Gerechtigkeit und des Friedens in der Welt.“, so heißt es in der Präambel.¹ Die vergangenen sechs Dekaden, aber auch speziell die letzten Jahre haben ...

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Gareis Sven Bernhard

Der UN-Menschenrechtsrat: Neue Kraft für den Menschenrechtsschutz?

in *Aus Politik und Zeitgeschichte*, Band 46, 2008

Der 2006 geschaffene Menschenrechtsrat der Vereinten Nationen berichtet über die Menschenrechtssituation in jedem UN-Mitgliedstaat. Seine Wirksamkeit wird geschwächt durch den großen Einfluss, den autoritäre Staaten auf ihn haben.
<http://www.bpb.de/publikationen/440GS5.html>

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Mihr Anja

Die Vereinten Nationen und Menschenrechtsbildung

in *Aus Politik und Zeitgeschichte*, Band 46, 2008

Ein Schwerpunkt der UN-Arbeit ist Menschenrechtsbildung, die Menschen ermöglichen soll, ihre Rechte zu kennen und



sich für sie einzusetzen. Doch ihre Verankerung in Schulplänen ist schwierig.

<http://www.bpb.de/publikationen/UDB5TC.html>

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Burke Roland

From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968

in *Journal of World History*, Volume 19, Number 4, December , 275-296

This article examines the first International Conference on Human Rights, held in Tehran in April and May 1968. At Tehran, a powerful bloc of Asian, African, and Arab states successfully asserted their control over the UN's Human Rights Program. Their aggressive conference diplomacy was the culmination of a major transition in UN politics, with supposedly Western notions of individual freedom rejected in favor of an agenda that privileged economic modernization and the rights of peoples and nations. Twenty years after the iconic image of Eleanor Roosevelt holding the Universal Declaration of Human Rights, the residual elements of the program she presided over were repudiated in a storm of insistent demands from the new anticolonial order.

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Schaller Christian

Gibt es eine "Responsibility to Protect"?

in *Aus Politik und Zeitgeschichte*, Band 46, 2008

Grundsätzlich ist jeder Staat verpflichtet, seine Bevölkerung vor Völkermord und anderen Menschenrechtsverletzungen zu schützen. Darf die Staatengemeinschaft in Staaten eingreifen, wenn diese ihre Schutzfunktion nicht erfüllen?

<http://www.bpb.de/publikationen/LL0MNX.html>

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McCrudden Christopher

Human Dignity and Judicial Interpretation of Human Rights

in *European Journal of International Law*, Vol.19, n.4 , 655-724

The Universal Declaration on Human Rights was pivotal in popularizing the use of 'dignity' or 'human dignity' in human rights discourse. This article argues that the use of 'dignity', beyond a basic minimum core, does not provide a universalistic, principled basis for judicial decision-making in the human rights context, in the sense that there is little common understanding of what dignity requires substantively within or across jurisdictions. The meaning of dignity is therefore context-specific, varying significantly from jurisdiction to jurisdiction and (often) over time within particular



jurisdictions. Indeed, instead of providing a basis for principled decision-making, dignity seems open to significant judicial manipulation, increasing rather than decreasing judicial discretion. That is one of its significant attractions to both judges and litigators alike. Dignity provides a convenient language for the adoption of substantive interpretations of human rights guarantees which appear to be intentionally, not just coincidentally, highly contingent on local circumstances. Despite that, however, I argue that the concept of 'human dignity' plays an important role in the development of human rights adjudication, not in providing an agreed content to human rights but in contributing to particular methods of human rights interpretation and adjudication.

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Carozza Paolo G.

Human Dignity and Judicial Interpretation of Human Rights: A Reply
in *European Journal of International Law*, Vol.19, n.5 , 931-944

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Gardbaum Stephen

Human Rights as International Constitutional Rights
in *European Journal of International Law*, Vol.19, n.4 , 725-748

The Universal Declaration was, of course, the first of the three global international human rights instruments which have collectively come to be known as the International Bill of Rights. Very often, however, this latter term appears within quotation marks or is prefaced by the qualifying phrase, 'so-called', signalling that there are serious, although mostly unexplored, questions about the validity of the implied comparison with domestic bills of rights. In this article, I treat the anniversary as an occasion to take stock by exploring these questions and making the comparison express. I do so by considering the two parts of the term separately. First, regarding 'bill of rights', what are the similarities and differences between the UDHR, ICCPR, and ICESCR on the one hand and domestic bills of rights on the other? In particular, to what extent or in what sense, if any, has international human rights law become constitutionalized and, thereby, similar and closer to most domestic bills of rights? Secondly, regarding 'international', do the major international human rights instruments simply duplicate domestic bills of rights or provide a generally inferior substitute for them where unavailable – as a certain strand of human rights scepticism suggests? Or do they perform any distinctive functions over and above domestic bills of rights that make a novel and unique contribution to the development of constitutionalism?

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Fassbender Bardo

Idee und Anspruch der Menschenrechte im Völkerrecht
in *Aus Politik und Zeitgeschichte*, Band 46, 2008

Quelle:



<http://www.bpb.de/publikationen/T99THV.html>

Kurzbeschreibung:

1948 nahm die UN-Generalversammlung die Allgemeine Erklärung der Menschenrechte an. Aber die Zeit, in der "der Westen" die Geltung der Menschenrechtsidee in anderen Ländern erzwingen konnte, ist vorbei.

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Die Allgemeine Erklärung der Menschenrechte

Von der Allgemeinen Erklärung zu verbindlichen Verträgen

Menschenrechte der "zweiten" und "dritten Generation"

Das Problem der Universalität der Menschenrechte

Bilanz in Thesen und Fragen

Einleitung

Für die Geltung der Menschenrechte im Völkerrecht bildet der 26. Juni 1945 die entscheidende Zäsur, der Tag, an dem in San Francisco die 51 Gründungsmitglieder der Vereinten Nationen (UN) die Charta der Weltorganisation annahmen. Im zweiten Absatz der Präambel der Charta bekräftigten die "Völker der Vereinten Nationen" ihren "Glauben an die grundlegenden Menschenrechte, an Würde und Wert der menschlichen Person, an die gleichen Rechte von Männern und Frauen". Gemäß Artikel 1 Nr. 3 der Charta ist es eines ihrer Ziele, "die Achtung vor den Menschenrechten und Grundfreiheiten für alle ohne Unterschied der Rasse, des Geschlechts, der Sprache oder der Religion zu fördern und zu festigen". Seit dieser Zäsur ist der einzelne Staat nicht mehr der einzige Garant der Grund- und Menschenrechte seiner Angehörigen. Vielmehr wurde die völkerrechtliche Ordnung zum Anwalt des Individuums gegenüber den Staaten (und insbesondere dem jeweiligen Heimatstaat des Einzelnen) erhoben - an erster Stelle in den Interessen, die allen Menschen kraft ihres Menschseins gemeinsam sind: Leben, Gesundheit, Freiheit.

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Noch der Satzung des Völkerbundes von 1919 war ein solches Bekenntnis zu universalen Menschenrechten fremd gewesen. Die im Völkerrecht des 19. Jahrhunderts fest etablierte Ansicht, die Grund- und Menschenrechte seien eine rein innerstaatliche Angelegenheit, hatte den Ersten Weltkrieg unbeschadet überstanden.

Die Allgemeine Erklärung der Menschenrechte

Am 10. Dezember 1948 nahm die UN-Generalversammlung in Paris mit 48 Ja-Stimmen bei acht Enthaltungen (der kommunistischen Staaten sowie Saudi-Arabiens und Südafrikas) die Allgemeine Erklärung der Menschenrechte an. Die Anerkennung der menschlichen Würde und der gleichen und unveräußerlichen Rechte eines jeden bilde die Grundlage der Freiheit, der Gerechtigkeit und des Friedens in der Welt, heißt es am Anfang der Erklärung, worauf Art. 1 Satz 1 bestimmt: "Alle Menschen sind frei und gleich an Würde und Rechten geboren." Der italienische Philosoph Norberto Bobbio nannte die Erklärung "etwas völlig Neues in der Geschichte der Menschheit", denn mit ihr sei zum ersten Mal ein System grundlegender Prinzipien des menschlichen Zusammenlebens in freier Entscheidung angenommen worden - von der Mehrheit der auf der Erde lebenden Menschen, vertreten durch ihre Regierungen. "Mit dieser Erklärung wird ein Wertesystem universal, und zwar nicht nur im Prinzip, sondern faktisch, denn es wurde als Regelung für das Zusammenleben der künftigen Gemeinschaft aller Menschen und Staaten formuliert."^[1]

Den historischen Grund der Allgemeinen Erklärung benennt ihre Präambel schon im zweiten Absatz: Die Nichtbeachtung und Verachtung der Menschenrechte habe zu Akten der Barbarei geführt, die das Gewissen der Menschheit mit Empörung erfüllten. Mit diesen barbarous acts waren in erster Linie die Verbrechen der nationalsozialistischen Führung Deutschlands gemeint.^[2] Die Formulierung vermittelt aber auch eine ganz grundsätzliche Erkenntnis, fußend auf historischer Erfahrung, die zu der Allgemeinen Erklärung und der durch sie eingeleiteten und bis heute andauernden Entwicklung des völkerrechtlichen Menschenrechtsschutzes geführt hat - die Erkenntnis nämlich, dass es nicht ausreicht, die Grund- und Menschenrechte eines Volkes allein der betreffenden nationalen öffentlichen Gewalt anzuvertrauen. "Die Regierung ist eingesetzt, um dem Menschen die Nutzung seiner natürlichen und unabdingbaren Rechte zu verbürgen", hieß es etwa im Artikel 1 der französischen Erklärung der Rechte des Menschen und des Bürgers von 1793. Was aber, wenn die Regierung eine systematische Unterdrückung dieser Rechte betreibt, die auch durch ein verfassungsrechtlich garantiertes Widerstandsrecht^[3] nicht verhindert werden kann? Für diesen Fall, so die Erkenntnis von 1948, bedarf es einer übernationalen Garantie und möglichst auch institutionellen Sicherung der Menschenrechte. Zugleich wurde den Staaten mit einer International Bill of Rights ein Standard gesetzt, ein Ausdruck des weltzivilisatorisch erreichten Erwartungshorizonts, an dem sich ihre Rechtsetzung und -praxis orientieren und messen lassen sollten. Dieser sei heute allgemein anerkannt, so der Zürcher Staats- und Völkerrechtslehrer Daniel Thürer. Es sei keine Verfassung mehr denkbar, die nicht zumindest einen Kerngehalt der internationalen Menschenrechte verwirkliche. "Das Völkerrecht beinhaltet insofern eine substantielle Legitimationsgrundlage des staatlichen Verfassungsrechts."^[4]

In 30 Artikeln proklamierte die Generalversammlung klassische Freiheitsrechte (wie das Recht auf Leben, Freiheit und Sicherheit, die Gewissens- und Religionsfreiheit, die Meinungs- und Informationsfreiheit) auf der einen Seite und



wirtschaftliche und soziale Rechte (wie das Recht auf soziale Sicherheit, das Recht auf Arbeit und das Recht auf Bildung) auf der anderen.[5] Der Katalog ist umfangreich, spezifische Schrankenregelungen fehlen.[6] Die Generalversammlung konnte sich diese Großzügigkeit leisten, weil Einvernehmen darüber bestand, dass die Erklärung selbst noch keine rechtsverbindlichen Menschenrechte hervorbringen sollte, sondern vielmehr ein von allen Völkern und Nationen zu erreichender common standard of achievement war, wie es die Präambel der Erklärung selbst sagte. Die erste nationale Verfassung, die diesen Rechtsstandard berücksichtigte, war übrigens das deutsche Grundgesetz von 1949. Heute werden viele Artikel der Erklärung als Ausdruck des Völkergewohnheitsrechts anerkannt.

Von der Allgemeinen Erklärung zu verbindlichen Verträgen

Unter ausdrücklicher Berufung auf die Allgemeine Erklärung entschlossen sich die Mitglieder des Europarates im Jahre 1950, mit der Europäischen Menschenrechtskonvention (EMRK) "die ersten Schritte auf dem Weg zu einer kollektiven Garantie bestimmter in der Allgemeinen Erklärung aufgeführter Rechte zu unternehmen" (Präambel). Auf der übereuropäischen, universellen Ebene dauerte der Prozess der Einigung auf verbindliche Verträge zum Schutz der Menschenrechte sehr viel länger. Hier mussten die westlichen Staaten vor allem Kompromisse finden mit den kommunistischen Staaten unter Führung der Sowjetunion sowie den Entwicklungsländern, die nach und nach ihre Unabhängigkeit erlangten. Erst 1966 wurden die beiden UN-Menschenrechtspakte angenommen: der Internationale Pakt über bürgerliche und politische Rechte sowie der Internationale Pakt über wirtschaftliche, soziale und kulturelle Rechte. Zehn weitere Jahre vergingen, bis die nötige Anzahl von Ratifikationen erreicht war und die Pakte in Kraft treten konnten. Der erste Pakt machte die überwiegende Anzahl der Freiheitsrechte der Allgemeinen Erklärung von 1948 verbindlich, während der zweite die wirtschaftlichen, sozialen und kulturellen Rechte der Erklärung aufgriff, sie aber grundsätzlich nicht als einklagbare Individualrechte ausgestaltete, sondern den Vertragsstaaten nur entsprechende "Bemühensverpflichtungen" auferlegte. Während es in Art. 2 Abs. 1 des ersten Paktes heißt, jeder Vertragsstaat verpflichtete sich, die in diesem Pakt anerkannten Rechte zu achten und sie allen seiner Herrschaftsgewalt unterstehenden Personen unterschiedslos zu gewährleisten, enthält der entsprechende Artikel des zweiten Paktes nur die Verpflichtung jedes Vertragsstaats, "unter Ausschöpfung aller seiner Möglichkeiten Maßnahmen zu treffen, um nach und nach mit allen geeigneten Mitteln (...) die volle Verwirklichung der in diesem Pakt anerkannten Rechte zu erreichen". Damit wurden die Zusagen unter den Generalvorbehalt des jeweils finanziell und organisatorisch Möglichen gestellt, was durchaus einem Gebot der Aufrichtigkeit entspricht. Denn "nicht alles, was erstrebenswert ist, kann man auch realisieren".[7]

Im Sprachgebrauch der Vereinten Nationen, der das anglo-amerikanische Leitbild des Menschenrechtsschutzes widerspiegelt, bilden die Allgemeine Erklärung von 1948 und die beiden Pakte von 1966 gemeinsam die International Bill of Human Rights. In der Tat sind diese Dokumente die Grundlage zahlreicher späterer universaler Verträge über Einzelfragen des Menschenrechtsschutzes, wie die Diskriminierungsverhütung, die Rechte der Frauen, den Schutz von Kindern und Jugendlichen, Menschenrechte im Justizwesen, die Rechte behinderter Menschen, die Vereinigungsfreiheit der Arbeitnehmer und die Rechte von Staatenlosen, Asylbewerbern und Flüchtlingen.[8] Zu den Menschenrechtsverträgen im weiteren Sinne zählt auch das Statut des Internationalen Strafgerichtshofs, denn der Gerichtshof soll besonders schwere Verletzungen der Menschenrechte (Völkermord, Verbrechen gegen die Menschlichkeit und Kriegsverbrechen) bestrafen und damit auch verhüten.[9]

Die beiden Internationalen Pakte von 1966 sind von fast allen Staaten der Erde angenommen worden.[10] So besteht vom Standpunkt des völkerrechtlichen Vertragsrechtes an der universellen Geltung der Menschenrechte kein Zweifel.



Allerdings hat die Volksrepublik China den Pakt über bürgerliche und politische Rechte bis heute nicht ratifiziert. Die USA wiederum konnten sich bislang nicht entschließen, dem Pakt über wirtschaftliche, soziale und kulturelle Rechte beizutreten. Deutliche Lücken weist die Liste der Ratifikationen der beiden Fakultativprotokolle zum Pakt über bürgerliche und politische Rechte - über die Prüfung von Individualbeschwerden (1966) sowie über die Abschaffung der Todesstrafe (1989) - auf. Beide Pakte kennen keine Kündigungsklausel, sondern nur Regeln über ihre Änderung. Gleichwohl kann ein Staat sie nach den Regeln des allgemeinen völkerrechtlichen Vertragsrechts kündigen, wozu es bisher aber noch nie gekommen ist.

Menschenrechte der "zweiten" und "dritten Generation"

Der völkerrechtliche Menschenrechtsschutz ist zeitlich dem innerstaatlichen (der "westlichen" Staaten) gefolgt. Erst in jüngster Zeit wirkt das Völkerrecht mit eigenen Neuschöpfungen auf das nationale Recht zurück. Die klassischen Freiheitsrechte, die sich schon in den europäischen und nordamerikanischen Verfassungen des 18. und 19. Jahrhunderts finden, werden als "Rechte der ersten Generation" bezeichnet (first generation rights). Diese standen auch noch im Mittelpunkt der EMRK (Recht auf Leben, Recht auf Freiheit und Sicherheit, Recht auf Achtung des Privat- und Familienlebens, Gedanken-, Gewissens- und Religionsfreiheit, Freiheit der Meinungsäußerung, Versammlungs- und Vereinigungsfreiheit).

Der wichtigste universale Vertrag, der die im 20. Jahrhundert in das nationale Verfassungsrecht verschiedener Länder eingeführten sozialen und wirtschaftlichen Rechte völkerrechtlich kodifizierte, war der Internationale Pakt über wirtschaftliche, soziale und kulturelle Rechte von 1966.[11] Hier finden sich als so genannte "Rechte der zweiten Generation" insbesondere: das Recht auf Arbeit, das Recht auf gerechte und günstige Arbeitsbedingungen, die Gewerkschaftsfreiheit, der Schutz von Familien, Müttern, Kindern und Jugendlichen, das Recht auf einen angemessenen Lebensstandard, das Recht "eines jeden auf das für ihn erreichbare Höchstmaß an körperlicher und geistiger Gesundheit", das Recht auf Bildung sowie das Recht auf Teilnahme am kulturellen und wissenschaftlichen Leben. Einen ähnlichen Inhalt hat die Europäische Sozialcharta von 1961.

Der Begriff der "Rechte der dritten Generation" schließlich ist eine Sammelbezeichnung verschiedener neu proklamierter Menschenrechte, die inhaltlich keine Verbindung aufweisen.[12] Das politisch vielleicht bedeutendste solche Recht ist das "Recht auf Entwicklung", das die Staaten der "Dritten Welt" seit den 1970er Jahren propagiert und in der Form von Resolutionen der UN-Generalversammlung verkündet haben.[13] Eine genaue Definition dieses Rechts, das nicht nur Individuen, sondern auch Völkern zustehen soll, ist bisher nicht gelungen. Im Kern ging es um einen gegen die Industriestaaten gerichteten Anspruch auf Entwicklungshilfe in Form von Geld, Technik und Know-how. Ähnlich gering ausgeprägte Konturen besitzen das früher besonders von den kommunistischen Staaten Ost- und Mitteleuropas (einschließlich der DDR) propagierte "Recht auf Frieden"[14] sowie das "Recht auf eine saubere (oder gesunde) Umwelt", das zum ersten Mal in der Abschlusserklärung der UN-Konferenz von Stockholm von 1972 formuliert wurde. Im Zeichen des weltweit stark gewachsenen Umweltbewusstseins hat dieses Recht an Bedeutung gewonnen und ist in die unmittelbare Nähe des (unumstrittenen) Rechts auf Leben sowie des Rechts auf Gesundheit gerückt. Neuerdings werden einzelne Aspekte des Rechts auf eine saubere Umwelt zu besonderen Rechten verdichtet, zum Beispiel zu einem "Recht auf Wasser".

Bisher konnte für keines dieser "Rechte der dritten Generation" eine völkerrechtlich verbindliche Einigung über die Berechtigten, die Verpflichteten und den genauen Inhalt erzielt werden. Dies zeigt, dass es sich gegenwärtig nicht um



individuelle Rechtspositionen handelt, sondern um einen Ausdruck von allgemeinen Zielen der internationalen Gemeinschaft.[15] Es ist aber charakteristisch, dass diese Ziele in der Form von Individualrechten proklamiert werden. Denn seit der Französischen und der Amerikanischen Revolution wird mit den Menschenrechten nicht nur die Verbesserung des Loses des Einzelnen beabsichtigt, sondern die Gestaltung und Umgestaltung der Gesellschaft.

Das Problem der Universalität der Menschenrechte

Ungeachtet der förmlichen Bindung fast aller Staaten der Erde an die wichtigsten universalen Menschenrechtsverträge und wiederholter Bekenntnisse der Regierungen zur Universalität, Unteilbarkeit und Interdependenz aller Menschenrechte ist das Spannungsverhältnis zwischen universalen Menschenrechten und der Autonomie nationaler, regionaler oder religiös bestimmter (Rechts-)Kulturen bis heute ungelöst.[16] Von Zeit zu Zeit wird erklärt, die Menschenrechte seien eine kulturell und geschichtlich bedingte westliche Idee, die sich nicht auf andere Regionen übertragen lasse und die auch keineswegs "zeitlos" gültig sei. Im positiven Völkerrecht findet diese Distanzierung ihren Niederschlag in zahlreichen Vorbehalten zu den Menschenrechtsverträgen, die sich insbesondere auf die Religions- und Glaubensfreiheit sowie die Gleichberechtigung von Mann und Frau beziehen.[17] So konnten sich die asiatischen und die islamisch-arabischen Staaten bis heute nicht entschließen, den universell verbürgten Menschenrechten durch regionale Verträge zu einer größeren Wirksamkeit zu verhelfen und diese damit auch politisch nachdrücklicher anzuerkennen, als es mit der Hinterlegung einer Ratifikationsurkunde im fernen New York oder Genf der Fall ist.[18]

Dennoch ist weltweit unumstritten, dass es einen schützenswerten, universalen menschenrechtlichen Kernbereich (wie das Recht auf Leben, auf körperliche Unversehrtheit, auf Freiheit von willkürlicher Inhaftierung) gibt. Je mehr aber die abwehrrechtliche Grundlage der Menschenrechte verlassen und ihnen eine objektive, gesellschaftsgestaltende Funktion beigemessen wird, desto größer wird das Potential eines Widerspruchs zu dem ebenfalls völkerrechtlich verbürgten Selbstbestimmungsrecht der Völker. "Alle Völker haben das Recht auf Selbstbestimmung", heißt es in dem gemeinsamen Art. 1 Abs. 1 der beiden UN-Menschenrechtspakte. "Kraft dieses Rechts entscheiden sie frei über ihren politischen Status und gestalten in Freiheit ihre wirtschaftliche, soziale und kulturelle Entwicklung." Das Selbstbestimmungsrecht wurde einer Forderung der "Dritten Welt" gemäß in die Pakte aufgenommen, die damit den Anspruch der Völker unter kolonialer Herrschaft auf Unabhängigkeit verankern wollte. Es war nicht daran gedacht, das Selbstbestimmungsrecht als ein Gegengewicht zu den Menschenrechten aufzubauen. Aus heutiger Sicht aber kann Artikel 1 der Pakte auch als die Markierung einer äußersten Grenze des internationalen Menschenrechtsschutzes verstanden werden: Die Menschenrechte dürfen nicht so ausgelegt werden, als geböten sie eine völlige oder beinahe völlige Angleichung der politischen und gesellschaftlichen Verhältnisse eines Landes an den Standard der "real existierenden" Demokratien Europas und Nordamerikas.

Bilanz in Thesen und Fragen

1. Die Menschenrechtsidee hat im Völkerrecht nach dem Zweiten Weltkrieg einen ungeahnten Siegeszug erlebt. Mit dem Potsdamer Völkerrechtler Eckart Klein halte ich es "für schwerlich denkbar, dass die Menschheit hinter diesen Entwicklungsstand wieder generell zurücktreten wird".[19] Es ist nicht zu hoch gegriffen, von einem Paradigmenwechsel zu sprechen. Diente das klassische Völkerrecht des 19. und 20. Jahrhunderts vornehmlich dem Interesse der Staaten, wurde im Zeitalter der UN das Interesse des Individuums zum höchsten Zweck des Völkerrechts erhoben. Vielleicht lag



hierin aber eine Überforderung des Völkerrechts - sind doch insbesondere die tatsächlichen Möglichkeiten des Individuums, seine Rechte völkerrechtlich durchzusetzen, noch immer sehr begrenzt. Ein unmittelbarer Zugang zu einem überstaatlichen Gericht (dem Europäischen Gerichtshof für Menschenrechte) besteht nur in Europa.

2. Zum großen Teil müssen die Menschenrechtsverträge als ein Ausdruck symbolischer Politik angesehen werden. Politiker feiern jeden Beitritt eines weiteren Landes zu einem Vertrag als großen Fortschritt - als habe dieser förmliche Schritt auf die tatsächliche Lage in dem Land maßgeblichen Einfluss. Wer die zahlreichen Vertragsdokumente in der Annahme liest, die Wirklichkeit entspreche ihren Verbürgungen auch nur ungefähr, fühlt sich als ein Bewohner der besten aller denkbaren Welten. Der Schutz der Menschenrechte ist aber weithin nur semantischer Natur. Der hohe Ratifikationsstand der universalen Menschenrechtsverträge ist nicht für bare Münze zu nehmen.[20] Wenn in einem Land rechtsstaatliche Kultur und entsprechende Institutionen fehlen, wenn in der Ausbildung der Polizisten und Soldaten die Menschenrechte nicht vorkommen, wenn die Bürger nicht einmal von den ihnen zustehenden Rechten wissen, bleibt die Bindung an einen Vertrag wirkungslos.

3. Die normative Entwicklung des internationalen Menschenrechtsschutzes ist heute von einer gewissen Erschöpfung gekennzeichnet. Mit großem Eifer und sicherlich bestem Willen ist auf universaler und regionaler Ebene ein Vertrag nach dem anderen entworfen und in Kraft gesetzt worden. Bereits bekannte Rechte wurden sowohl im Hinblick auf ihren Inhalt wie ihren Träger differenziert und spezifiziert, neue Rechte hervorgebracht. Selbst die Regierungen haben den Überblick über die sich vielfach überschneidenden und teilweise auch widersprüchlichen Verpflichtungen verloren. Weniger wäre mehr gewesen. Die Klarheit des Programms der Allgemeinen Erklärung von 1948 ist einer eher diffusen normativen Gemengelage gewichen. Die internationale Gemeinschaft sollte sich auf die effektive Durchsetzung eines Kernbereichs der Menschenrechte konzentrieren, anstatt immer neue Rechte zu proklamieren.

4. Diese normative ist zugleich auch eine programmatische Erschöpfung. Es kommt einem das Bild eines Wanderers in den Sinn, der nach einem langen wie beschwerlichen Weg in die Richtung eines ihm verheißenen Gipfels nun nicht mehr so recht weiter weiß, zumal sich seine Erwartung, die Welt um ihn werde immer schöner, nicht bewahrheitet hat. Norberto Bobbio hat die Geschichte der Menschenrechte einmal so beschrieben: "Die Menschenrechte entstehen als universale Naturrechte, sie entwickeln sich weiter zu spezifischen (nationalen) positiven Rechten und realisieren sich schließlich als universale positive Rechte." [21] Demnach hat die Wanderung im 18. Jahrhundert begonnen; sie dauert nun mit einer gewissen Finalität schon 250 Jahre an. Die universalen positiven Rechte sind da und ausgefeilt, doch nun wohin sich wenden? Der Ausbau der völkerrechtlichen Institutionen und Verfahren zum Schutz der Menschenrechte (wie die Gründung eines internationalen Menschenrechtsgerichtshofs mit einer Zuständigkeit für die Entscheidung über Individualbeschwerden) erscheint vielen als die nächste konsequente Etappe. Andere zweifeln: Ist es noch derselbe, vor so langer Zeit eingeschlagene Weg? Stimmen die Ausgangskordinaten noch? Müsste womöglich, um das angestrebte Ziel zu erreichen, ein ganz anderer Weg gefunden und besritten werden?

5. Es stellt sich die Frage, wie sich der Aufstieg neuer, "nicht-westlicher" Mächte im internationalen System auswirken wird. Mit anderen Worten: Hat sich die Menschenrechtsidee in den vergangenen Jahrzehnten tatsächlich in der Weise universalisiert, dass sie durch eine relative weltpolitische Schwächung ihrer Ursprungsländer nicht beschädigt wird? Ist es dem Westen gelungen, andere Regionen (China, Indien, Afrika, nicht zuletzt auch das heutige Russland) von der Idee so zu überzeugen, dass diese "selbsttragend" geworden ist, oder wird sie als ein octroi empfunden, dessen man sich, sobald man es nur kann, wieder entledigt? Jedenfalls dürfte die Zeit, in der der Westen die Geltung der Menschenrechtsidee in anderen Erdteilen erzwingen konnte, zu Ende gehen. Es wird in der Zukunft viel mehr Überzeugungsarbeit zu leisten sein - die Menschenrechte müssen erneut erklärt und begründet werden, nicht bloß als eine feststehende Wahrheit verkündet. In einem ernsthaften Dialog der Weltkulturen (das heißt auch: der



Weltreligionen) müssen gemeinsame menschenrechtliche Überzeugungen als ein universeller Kern herausgearbeitet werden. Doch dieser Dialog wird nur gelingen, wenn der Westen glaubwürdig versichern kann, dass es ihm nicht darum geht, mit den Menschenrechten sein eigenes politisches, gesellschaftliches und wirtschaftliches System auf den Rest der Welt zu übertragen.

6. Für die Wirklichkeit des Menschenrechtsschutzes dürfte heute die Rolle nichtstaatlicher Organisationen, der international verbreiteten Massenmedien und zunehmend des Internet bedeutender sein als die der völkerrechtlichen Regelwerke. Diese bieten den Organisationen und Journalisten freilich einen wesentlichen Bezugspunkt. Die KSZE-Schlussakte von Helsinki und die nachfolgenden Dokumente waren zum Beispiel für die Bürgerrechtsgruppen der damaligen Ostblockstaaten eine wichtige Argumentationshilfe. Doch im Alltag des Kampfes um die Menschenrechte verlieren die feinen, in den Rechtsabteilungen der Außenministerien ersonnenen vertraglichen Distinktionen ihre Bedeutung, und der ursprüngliche, programmatische Charakter der Menschenrechte tritt wieder hervor, der so undifferenzierte, doch machtvolle Postulate wie das des Artikels 3 der Allgemeinen Erklärung von 1948 ermöglichte: "Jeder Mensch hat das Recht auf Leben, Freiheit und Sicherheit der Person."

7. Die völkerrechtlich geschützten Menschenrechte beziehen sich auf das Verhältnis zwischen Staat und Individuum. Wird die Rolle des Staates begrenzt (zum Beispiel durch Privatisierung öffentlicher Aufgaben) verringert sich auch der Anwendungsbereich der Menschenrechte. Je mehr sich der Staat zurückzieht, umso weniger kann er eine direkte Schutzfunktion für die Menschenrechte ausüben. "Die Wirtschaft ist unser Schicksal", formulierte Walther Rathenau 1921; das Wort gilt heute im globalen Maßstab, und eben auch für die Frage des tatsächlichen Genusses der Menschenrechte. Bemühungen im Rahmen der UN, international tätige Unternehmen unmittelbar an die Normen der Menschenrechtsverträge zu binden oder eine völkerrechtliche Haftung der Unternehmen für von ihnen begangene Menschenrechtsverletzungen zu begründen, sind bisher erfolglos geblieben.[22] Das ist nicht erstaunlich, weil eine solche Bindung wesentliche strukturelle Änderungen des Völkerrechts voraussetzt - im Kern die Erhebung der Unternehmen zu eigenen Völkerrechtssubjekten.

Fußnoten

1 Norberto Bobbio, Das Zeitalter der Menschenrechte, Berlin 1998, S. 17f.

2 Am Vortag, dem 9. Dezember 1948, hatte die Generalversammlung die "Konvention zur Verhütung und Bestrafung des Völkermordes" angenommen. Vgl. Bardo Fassbender, Die Verhütung und Bestrafung des Völkermordes, in: Die Politische Meinung, 51 (2006) 434, S. 57 - 63.

3 Vgl. Christian Tomuschat, Das Recht des Widerstands nach staatlichem Recht und Völkerrecht, in: Horst Albach (Hrsg.), Über die Pflicht zum Ungehorsam gegenüber dem Staat, Göttingen 2007, S. 60 - 95.

4 Vgl. Daniel Thürer, Kosmopolitisches Staatsrecht, Zürich-Berlin 2005, S. 6.

5 Zur Entstehungs- und Wirkungsgeschichte der Erklärung vgl. Karl Josef Partsch, Hoffen auf Menschenrechte: Rückbesinnung auf eine internationale Entwicklung, Zürich-Osnabrück 1994, S. 30 - 80.

6 Vgl. Bardo Fassbender, Der Gesetzesvorbehalt in internationalen Menschenrechtsverträgen, in: Eckart Klein (Hrsg.), Gewaltenteilung und Menschenrechte, Berlin 2006, S. 73 - 114.

7 N. Bobbio (Anm. 1), S. 37.

8 Zusammenstellung der Verträge und Erklärungen in: Christian Tomuschat (Hrsg.), Menschenrechte, Bonn 2002, sowie in: Bundeszentrale für politische Bildung (Hrsg.), Menschenrechte, Bonn 2004. Vgl. Eckart Klein, Die Vereinten



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- 9 Vgl. Bardo Fassbender, Der Internationale Strafgerichtshof: Auf dem Weg zu einem "Weltinnenrecht"?, in: APuZ, (2002) 27 - 28, S. 32 - 38.
- 10 Vgl. die Angaben auf der Homepage des Büros des Hohen Kommissars der UN für Menschenrechte: www.ohchr.org.
- 11 Vgl. Brigitte Hamm/Alexander Kocks, 40 Jahre UN-Sozialpakt: Bilanz und Perspektiven, Friedens-Warte, 81 (2006), S. 87 - 106.
- 12 Vgl. Eibe H. Riedel, Menschenrechte der dritten Dimension, in: Europäische Grundrechte-Zeitschrift (EuGRZ), 16 (1989), S. 9 - 21.
- 13 Vgl. insbes. die Resolution 41/128 vom 4. 12. 1986.
- 14 Vgl. die Resolutionen 33/73 vom 15. 12. 1978 und 39/11 vom 12. 11. 1984.
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Subsection 1. The United Nations and its system

Il diritto internazionale in bilico fra stati, comunità internazionale e società civile e globale in Teoria Politica, Vol. 24, Fascicolo 2 , Margiotta Costanza

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law; a picture in which the appearance of so-called global civil society on the international arena is making matters worse.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

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Martens Kerstin

Menschenrechts-NGOs im UN-System

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Kurzbeschreibung:

Nichtregierungsorganisationen spielen für den Menschenrechtsschutz eine wichtige Rolle als Agenda-Setter, Berater und Überwacher. Im Beitrag werden Strukturen und Grenzen der Zusammenarbeit mit den UN vorgestellt.



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Einleitung

NGOs[1] haben vielfältige Möglichkeiten, bei der Entwicklung der Menschenrechte mit den Vereinten Nationen (UN) zusammenzuarbeiten. Sie unterstützen UN-Institutionen und versorgen diese mit Informationen zu Menschenrechtsverletzungen. Sie beraten regelmäßig UN-Ausschüsse, die im Bereich Menschenrechte aktiv sind oder unterstützen sie in der Überwachung der Einhaltung von Menschenrechtskonventionen. NGOs interagieren mit der UN bereits seit deren Gründung; im Laufe der 1990er Jahre hat sich die Bandbreite und Intensität der Zusammenarbeit aber noch deutlich erweitert.[2]

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In diesem Beitrag soll den Möglichkeiten von NGOs, sich im Rahmen des UN-Systems für Menschenrechte zu engagieren, nachgegangen werden, indem ihre Interaktionen als Agenda- und Standard-Setter, als Berater und Formulierer und als Überwacher- und Umsetzer von UN-Politiken beleuchtet werden. Des Weiteren werden die Voraussetzungen für NGO-Interaktionen mit der UN betrachtet, wobei zum einen Zugangsbedingungen für NGOs bei der UN untersucht und zum anderen organisatorische Strukturen in den NGOs zur Zusammenarbeit mit der UN dargestellt werden.

Ich danke Anja Mihr für die hilfreiche Kommentierung dieses Beitrages. Celia Enders und Gesa Schulze haben bei der formalen Ausgestaltung des Beitrages mitgewirkt.



Was leisten Menschenrechts-NGOs im Kontext der UN?

Auf dem Gebiet der Menschenrechte arbeiten NGOs intensiv mit der UN zusammen, weil sie sich davon spürbaren Einfluss erhoffen - insbesondere in Bereichen und auf Länder, zu denen sie sonst keinen Zugang haben. Eines der Hauptziele des NGO-Engagements im Kontext der UN ist die Beeinflussung politischer Debatten durch die verschiedenen Kommunikationskanäle. Häufig nutzen Menschenrechts-NGOs die offiziellen Wege, die ihnen die UN geschaffen hat, um ihre Anliegen einzubringen: So hat die UN etwa regelmäßig stattfindende Sitzungen, planmäßige Treffen oder feste Ausschüsse an denen die Organisationen teilnehmen können (zum Teil auf Einladung) und bei denen ihre mündlichen und schriftlichen Beiträge zu Protokoll genommen werden. Auf diese Weise können sie sich formal in den Politikprozess einbringen. NGOs versuchen darüber hinaus durch paralleles, informelles Lobbying Einfluss auf UN-Mitarbeiter und -Mitarbeiterinnen und Regierungsvertreter und -vertreterinnen zu nehmen.[3] Die Informationen, welche so bereitgestellt wurden, können dann in offiziellen UN-Berichten oder von Regierungsvertretern und -vertreterinnen in ihren Stellungnahmen genutzt werden.

Viele NGO-Aktivitäten auf dieser Ebene zielen darauf ab, Themen auf die internationale politische Agenda zu setzen und internationale Standards in den jeweiligen Politikfeldern zu beeinflussen. Durch ihre Aktivitäten wollen sie die Ausarbeitung von internationalen Abkommen auf UN-Ebene voranbringen, um anschließend auf Staaten Druck ausüben zu können, sich an ihre internationalen Verpflichtungen zu halten.[4] Im Bereich der Menschenrechte haben NGOs inzwischen nachhaltig zum Fortschritt internationaler Normen und Standards beigetragen. Insbesondere haben sie Vorschläge für die weitere Entwicklung, Sicherung und Durchführung von Menschenrechtskonventionen gemacht. So gilt zum Beispiel die Folterverbots-Kampagne von Amnesty International (AI) in den 1970er Jahren als eine der ersten sehr erfolgreichen NGO-Initiativen.[5] Auch die Einrichtung des Amtes eines Hohen Kommissars der Vereinten Nationen für Menschenrechte im Jahr 1993 geht auf jahrelange Lobbyarbeit von Menschenrechtsorganisationen zurück.[6] Ein weiteres Beispiel von NGO-Aktivitäten im Bereich der Standardfestlegung ist deren Bestrebung zur Einführung des International Criminal Court (ICC, Internationaler Strafgerichtshof), der 2002 seine Arbeit aufnahm.

NGOs sind auch als Politikberater und -formulierer in Prozesse und Vorgänge der Vereinten Nationen involviert. UN-Beschäftigte laden Repräsentanten und Repräsentantinnen der NGOs bisweilen ein, um sich zu einem bestimmten Thema beraten zu lassen, da diese das nötige juristische Fachwissen oder spezifische Know-how auf diesem Gebiet haben. Im Menschenrechtssektor haben NGOs zum Beispiel an Komitee- oder Arbeitsgruppensitzungen in der Vorbereitungsphase von Gesetzentwürfen teilgenommen (der sogenannten travaux préparatoires), die später zu endgültigen UN-Dokumenten wurden.[7] Einzelne NGOs waren sogar direkt in den Entwurfsprozess verschiedener Abkommen involviert. So beteiligten sich Experten und Expertinnen von Menschenrechts-NGOs zum Beispiel am Entwurf der Konvention über die Rechte des Kindes.[8] Auch die Hohe Kommissarin für Menschenrechte lädt Vertreter und Vertreterinnen von Menschenrechts-NGOs oftmals zu sich ein, um sich vor einem Besuch in einem Land über die dortige Situation der Menschenrechte von ihnen briefen zu lassen.

Seit etwa Mitte der 1990er Jahre haben sich zudem weitere informelle Kooperationsmechanismen entwickelt, die es NGOs ermöglichen, mit UN-Entscheidungsträgern und -Entscheidungsträgerinnen auf höchster Ebene zusammenzuarbeiten. Die so genannte "Arria-Formel" ist beispielsweise eines der Foren, bei dem sich Mitglieder des Sicherheitsrates in zwanglosen Treffen über Fragen des internationalen Friedens und der Sicherheit außerhalb des Rates informieren lassen.[9] Heute finden Arria-Treffen normalerweise mindestens einmal im Monat statt, und manche



dieser Treffen schließen auch NGOs als Informanten ein. Bis jetzt wurde die Zusammenarbeit zwischen NGOs und UN auf Basis der "Arria-Formel" hauptsächlich auf den Gebieten humanitäre Hilfe und Menschenrechte mit den großen international agierenden Organisationen beobachtet. So ist Amnesty International ein regelmäßiger Gast, wenn es um Menschenrechte geht.[10]

Menschenrechts-NGOs tragen auch zum Monitoring und zur Implementierung von Menschenrechten bei. Seit dem Jahr 2000 besteht zum Beispiel der "Global Compact" der Vereinten Nationen, eine freiwillige Partnerschaft zwischen den UN und Unternehmen aus aller Welt, die gemeinsam mit Arbeiterorganisationen und NGOs universale Prinzipien im Bereich Menschenrechte, Arbeit, Umwelt und Antikorruption vorantreiben möchten. NGOs tragen zur Verbesserung der Menschenrechtssituation oder zur Vermeidung von Menschenrechtsverletzungen in verschiedenen Ländern bei, indem sie ihr Wissen und ihre Informationen in die politischen Debatten auf UN-Ebene einbringen. Insbesondere vor und während der Sitzungen des UN-Menschenrechtsrates (zuvor UN-Menschenrechtskommission)[11] in Genf sind NGOs in der Bereitstellung von Informationen zu Menschenrechtsverletzungen für UN-Mitarbeiter und -Mitarbeiterinnen und Regierungsvertreter und -vertreterinnen aktiv. Auf diese Weise versuchen sie, die Diskussionen zu einem spezifischen Land oder einem spezifischem Thema zu beeinflussen. Mit der Einrichtung des Menschenrechtsrates hat allerdings das Engagement vieler namhafter NGOs im Menschenrechtsbereich auf UN-Ebene abgenommen. Die schiere Menge der Organisationen hat zum Teil ihrem Ruf insgesamt geschadet; viele gehen heute lieber den Weg über einzelne Regierungen oder mobilisieren die Öffentlichkeit, die dann den Druck auf Regierungen ausüben.[12]

Neben der punktuellen Einflussnahme zu den Sitzungen des Menschenrechtsrates arbeiten NGOs auch das ganze Jahr kontinuierlich mit der Weltorganisation zusammen. Sie tauschen regelmäßig Informationen mit den zuständigen UN-Mitarbeitern und -Mitarbeiterinnen - so genannten desk-officers (Referenten) - aus: Diese arbeiten schwerpunktmäßig zu einem bestimmten Land bzw. einer Region oder zu thematischen Schwerpunkten innerhalb des Politikfeldes wie zum Beispiel der Diskriminierung von ethnischen Minderheiten. Diese desk-officer sind wichtige Bezugspunkte für NGOs innerhalb des UN-Systems: Vertreter und Vertreterinnen von Menschenrechts-NGOs versorgen sie mit Berichten und Forschungsergebnissen zu Menschenrechtsverletzungen, so dass diese sie an höhere Stellen im UN-System weiterleiten oder in ihren Länderberichten bzw. thematischen Schwerpunktberichten nutzen können.

NGO-Berichte und Zusammenfassungen zur Menschenrechtssituation in einem speziellen Land dienen den Mitarbeitern und Mitarbeiterinnen der UN häufig als unerlässliches Hintergrundmaterial. Sind die jeweiligen Länderberichte im Menschenrechtsrat fällig, gewinnen Informationen von NGOs für Ratsmitglieder eine besonders große Bedeutung, da diese ihnen helfen, ihre entsprechenden Berichte zu konkretisieren. NGOs haben auf der UN-Ebene den Status von unofficial researchers, da solche Aufgaben mit den zur Verfügung stehenden Mitteln von den Vereinten Nationen kaum bewältigt werden können.[13] Informationen von NGOs sind häufig sogar die einzige nichtstaatliche Informationsquelle: Stünden diese NGO-Quellen nicht zur Verfügung, müssten UN-Mitarbeiter und -Mitarbeiterinnen ihren Berichten ausschließlich Verlautbarungen von Regierungsstellen zu Grunde legen.[14]

Oftmals leiten Experten und Expertinnen Fragen und Informationen auch an die Mitglieder des Ausschusses gegen Folter (Committee Against Torture, CAT) weiter, die ihren Weg in dessen Berichte und Schlussfolgerungen finden. Ein gutes Beispiel hierfür bietet die Arbeit von Amnesty International vor einer CAT-Untersuchung zu Russland. AI hatte Berichte über dort stattfindende Folter und Menschenrechtsverletzungen veröffentlicht; parallel dazu hatte sich das internationale Sekretariat von AI in London an russische NGOs gewandt und um zusätzliche Informationen gebeten. Vier russische NGOs reagierten darauf und leiteten ihre Berichte an CAT weiter; eine von ihnen schickte sogar ihren eigenen Vertreter zu der entsprechenden Sitzung. Bei der Befragung zu Russland bezog der Ausschuss sich dann



wiederholt auf die Informationen aus dem Bericht von Amnesty International; auch die Informationen der russischen NGOs, die durch Amnesty International zur Berichterstattung ermutigt worden waren, wurden zur Kenntnis genommen. Darüber hinaus wurde die Anhörung von einem russischen Rundfunkprogramm gesendet.[15]

Die NGO-Mitarbeit bei der UN hat jedoch auch Grenzen. Diese werden vor allem in Bezug auf die beiden höchsten UN-Organe, die Generalversammlung und den Sicherheitsrat, deutlich. Zu ihnen haben die NGOs keinen formalen Zugang. Vertreter und Vertreterinnen der Organisationen können während der Generalversammlung auf der Besuchertribüne Platz nehmen, sich jedoch nicht in die Beratungen einmischen. Ihre aktive Teilnahme ist nur bei bestimmten Sitzungen der Generalversammlung erlaubt, wie zum Beispiel bei der "Kopenhagen plus 5"-Sitzung,[16] auf denen NGOs auch mündliche Stellungnahmen abgeben durften. Allerdings erlauben offizielle Regelungen den NGOs Zugang zu zwei erst kürzlich eingerichteten Hilfsgruppen der Generalversammlung: zu dem bereits erwähnten Menschenrechtsrat sowie zu der Peacebuilding Commission.

Zugangsbedingungen für NGOs

Um innerhalb des UN-Systems agieren zu können, benötigen NGOs zunächst die formale Anerkennung ihrer beratenden Funktion durch die Weltorganisation. Innerhalb dieses Systems gibt es für sie drei institutionelle Möglichkeiten zur Einbindung: durch einen Konsultativstatus mit dem Wirtschafts- und Sozialrat (ECOSOC), einen assoziierten Status mit dem Department of Public Information (DPI, Hauptabteilung Presse und Information) oder Affiliation mit dem Non-Governmental Liaison Service (NGLS). Von diesen ist der ECOSOC-Status der formellste auf UN-Ebene und derjenige, der den NGOs die engste Zusammenarbeit mit den Vereinten Nationen ermöglicht.[17] Der Konsultativstatus erleichtert den NGOs den Zugang zu regionalen und Sonderkomitees und gibt ihnen Zugriff auf offizielle Dokumente. NGOs mit diesem Status können auch zu Konferenzen und Sitzungen oder zu einer Stellungnahme zu einem bestimmten Thema eingeladen werden.

Wie der Konsultativstatus und damit die Beziehung zwischen NGOs und der UN genau definiert ist und welche NGOs sich als Partner qualifizieren, ist in der Resolution 1996/31 geregelt. Die UN verleiht den NGOs demnach drei verschiedene Arten von Status: den allgemeinen Status, den besonderen beratenden Status sowie den Listenstatus (englisch: Roster) - mit abgestuften Rechten und Pflichten für akkreditierte NGOs. Menschenrechts-Organisationen kommen in der Regel nicht über den besonderen beratenden Status, also den zweithöchsten Status hinaus. Im Oktober 2007 pflegten 3051 NGOs offizielle Beziehungen mit den UN. Die Mehrheit dieser akkreditierten NGOs sieht nach eigenen Angaben ihr Tätigkeitsfeld vor allem auf den Gebieten Menschenrechte (28,5 Prozent), Bildung (13 Prozent) und soziale Belange (12 Prozent), wobei Mehrfachnennungen möglich waren.

Neben den formellen Rechten öffnet der Konsultativstatus NGOs im wörtlichen Sinne die Türen zu den Vereinten Nationen: Durch ihren offiziellen Status erhalten ihre Repräsentanten und Repräsentantinnen einen Pass, der es ihnen erlaubt, spezielle NGO-Eingänge zu benutzen. Sie müssen sich daher nicht in die langen Besucherschlangen einreihen und die strengen Sicherheitskontrollen durchlaufen. Auch haben sie - bis auf einige Ausnahmen - Zugang zu vielen Bereichen, in denen sich normalerweise nur Diplomaten und Diplomatinen, Regierungsvertreter und -vertreterinnen sowie die Mitarbeiter und Mitarbeiterinnen der UN aufhalten dürfen. Diese Möglichkeiten zu direktem face to face-Kontakt sind in der Tat bisweilen effektiver als jedes offizielles Vorgehen. Wie eine Vertreterin von Amnesty International berichtet: "At any UN meeting the discussions in the coffee lounges and corridors are as important as, if not more important than, the official speeches." [18]



NGOs müssen sich um den Status beim sogenannten NGO-Komitee bewerben, welches aus Ländervertretern und -vertreterinnen zusammengesetzt ist in der Regel wird der Status gewährt. Allerdings gibt es gerade bei NGOs, die dezidiert im Bereich der Menschen- oder Minderheitsrechte aktiv sind, sowie Organisationen, die sich für religiöse Fragen einsetzen, auch immer wieder Diskussionen und sogar Ablehnungen. So wurde beispielsweise Human Rights Watch (HRW) bei seiner ersten Bewerbung im Jahre 1991 der ECOSOC-Status verweigert. Obgleich HRW schon damals nach Amnesty International die zweitgrößte Menschenrechtsorganisation der Welt war, verhinderte die "gang of six" - wie damals die "New York Times" Kuba, Irak, Syrien, Libyen, Algerien und den Sudan nannte - ihre Akkreditierung als konsultierende NGO bei der UN. Diese Staaten waren zuvor wegen ihrer Menschenrechtsverletzungen Zielscheibe der HRW-Kritik gewesen und hatten daher ein Interesse daran, dass diese Kritik nicht in das Forum der Vereinten Nationen hineingetragen würde. So stoppten sie die Bewerbung von HRW mit der Begründung, die NGO verbreite falsche Informationen.[19] Da die Medienwirkung bei der ersten Ablehnung derart groß war - und letztlich kontraproduktiv für die entsprechenden Staaten, da die Menschenrechtsverletzungen in diesen Ländern dadurch erst recht thematisiert wurden, - gab es bei der erneuten Bewerbung von HWR im Jahre 1993 keine Akkreditierungsprobleme.[20]

Organisatorische Strukturen in den NGOs

Viele der großen genuin im Menschenrechtsbereich arbeitenden NGOs haben heute Dépendancen ihrer internationalen Büros in den Städten, in denen im Kontext der UN Menschenrechte behandelt werden - also vor allem in New York und Genf. Viele Organisationen haben ihre Repräsentation im Laufe der Jahre professionalisiert, um durch hauptamtliche Mitarbeiter und Mitarbeiterinnen die diversen Optionen im Rahmen des UN-Systems für die Fortentwicklung und Einhaltung der Menschenrechte besser nutzbar zu machen. Heute haben sie zwischen einem und drei Mitarbeitern und Mitarbeiterinnen, die vor Ort eine konstante, tagtägliche Repräsentation bei den Vereinten Nationen gewährleisten.

Das Beispiel Amnesty International zeigt diesen Prozess exemplarisch auf: Die Vertretung von AI in New York wurde in den frühen 1970er Jahren zuerst von einem einzigen lokalen Mitglied übernommen, welches die Organisation in seiner Freizeit vor den UN vertrat. Das erste "Büro" wurde in den Privaträumen dieses Mitglieds eingerichtet. Schnell wurde man sich bei AI aber darüber bewusst, dass die Zusammenarbeit mit den UN-Organen im Bereich der Menschenrechte mehr Arbeit benötigte als von ehrenamtlichen Mitarbeitern und Mitarbeiterinnen bewältigt werden konnte (oder von Personal, das für besondere Anlässe extra aus London eingeflogen wurde). Bereits 1977 wurde daher die New York-Vertretung mit professionellen Mitarbeitern und Mitarbeiterinnen ausgestattet, so dass Amnesty International heute allein in New York drei Vollzeitstellen hat. Auch in Genf betreibt AI eine Repräsentation, und in ihrem internationalen Hauptsitz in London hat die NGO mehrere Mitarbeiter und Mitarbeiterinnen, die sich fast ausschließlich mit den Beziehungen zu den UN befassen.

Diese Professionalisierung erlaubt es den NGOs, ihre Interaktion mit den Vereinten Nationen gezielter vornehmen zu können. Sie suchen ihre Repräsentanten und Repräsentantinnen professionell aus und beschränken sich auf hoch qualifizierte Leute. Diese haben häufig Jura studiert und sind zum Teil auf internationales Menschenrecht spezialisiert.[21] Aufgrund ihrer Kompetenzen bekamen NGOs "the prospect of becoming 'insiders' working through and with the UN to achieve what had not been possible or desirable for them in the past - the delivery of legal services".[22] Während den UN-Mitarbeitern und Mitarbeiterinnen aufgrund der häufigen Wechsel ihrer Ämter, Standorte und Aufgaben oft das nötige Wissen fehlt, werden NGO-Vertreter und -Vertreterinnen nicht regelmäßig ausgetauscht,[23]



was ihnen einen Kompetenzvorsprung verschafft, der sie für die Vereinten Nationen als externe Berater so wertvoll macht.

NGOs können vielfältig zum Menschenrechtssystem der UN beitragen. Sie sind in allen Phasen des Zyklus internationaler Menschenrechtspolitik vertreten. Um die diversen Interaktionsmöglichkeiten innerhalb des UN-Systems auszuschöpfen, benötigen die NGOs eine offizielle Anerkennung im Rahmen des Konsultativstatus. Viele NGOs haben heute innerhalb ihrer Organisationen Strukturen aufgebaut, um effektiv mit der UN zusammenarbeiten zu können.

Fußnoten

- 1 Der Begriff NGO ist das Akronym des englischen Ausdrucks non-governmental organization. Als deutsches Äquivalent wird häufig der Begriff Nichtregierungsorganisation mit der entsprechenden Abkürzung NRO gebraucht. Allerdings hat sich die englische Form, insbesondere in seiner Abkürzung, zunehmend auch im deutschsprachigen Raum etabliert. Der NGO-Begriff wurde von der UN geprägt, als sie 1945 im Rahmen ihrer Charta im Artikel 71 festlegte, dass NGOs für Beratungszwecke konsultiert werden können. Aufgrund der Negativformulierung (Erklärung von NGOs anhand dessen, was sie nicht sind, anstatt mit dem, was sie ausmacht) werden jedoch zunehmend andere Ausdrücke wie z.B. der häufig verwandte Begriff civil society associations/organizations bevorzugt. Zu Details und Definitionen des NGO-Begriffs siehe Kerstin Martens, *Mission impossible? Defining Nongovernmental Organizations*, in: *Voluntas*, 13 (2002) 3, S. 271 - 285.
- 2 NGOs waren bereits im Rahmen des Völkerbundes aktiv. Vgl. hierzu Julie Ziegler, *Die Beteiligung von Nichtregierungsorganisationen (NGOs) am Menschenrechtsschutzsystem der Vereinten Nationen*, München 1998.
- 3 Vgl. Rachel Brett, *The Role and Limits of Human Rights NGOs at the United Nations*, in: *Political Studies, Special Issue: Politics and Human Rights*, 43 (1995), S. 96 - 110.
- 4 Siehe hierzu auch das Bumerang-Model von Margaret Keck/Kathryn Sikkink (eds.), *Activists Beyond Borders*, Ithaca 1998.
- 5 Vgl. William Korey, *NGOs and the Universal Declaration of Human Rights*, New York 1998, S. 171; ähnlich: Helena Cook, *Amnesty International at the United Nations*, in: Peter Willetts (ed.), *The Conscience of the World. The Influence of Non-Governmental Organisations in the UN System*, London 1996, S. 189; siehe auch: Nigel Rodley, *Le rôle d'une O.N.G. comme Amnesty International au sein des organisations intergouvernementales*, in: Mario Bettati/Pierre-Marie Dupuy (éds.), *Les O.N.G. et le Droit International*, Paris 1986, S. 130 - 133; Ann Marie Clark, *Diplomacy of Conscience. Amnesty International and Changing Human Rights Norms*, Princeton 2001.
- 6 Vgl. Andrew Clapham, *Creating the High Commissioner for Human Rights. The Outside Story*, in: *European Journal of International Law*, 5 (1994) 4, S. 556 - 568.
- 7 Vgl. Hans Peter Schmitz, *Nichtregierungsorganisationen und internationale Menschenrechtspolitik*, in: *Comparativ*, 7 (1997) 4, S. 27 - 67, S. 53.
- 8 Vgl. Cynthia Price Cohen, *The role of non-governmental organizations in the drafting of the Convention of the Rights of the Child*, in: *Human Rights Quarterly*, (1990) 1, S. 137 - 147.
- 9 Obwohl die Arria-Treffen inzwischen als offizielles Kommunikationsmedium zwischen NGOs und dem Sicherheitsrat der UN anerkannt werden, bleibt ihr Status semi-formal (vgl. UN-Dokument A/58/817 §V 97). Auf der einen Seite sind diese Treffen üblicherweise hochrangig besetzt: In der Regel nehmen alle Mitglieder des Sicherheitsrates teil und Delegationen haben sogar ihre festen Vertreter oder Stellvertreter, die sie zu diesen Treffen schicken. Auf der anderen Seite gibt es keine Regeln, wie ein solches Treffen abzuhalten ist. Die "Formel" ist benannt nach dem ehemaligen



venezolanischen UN-Botschafter Diego Arria, der diese Treffen 1993 eingeführt hatte.

10 Ein ähnliches Beispiel ist die Mitarbeit von NGOs in der "Working Group on the Security Council", ebenfalls ein informelles Arrangement, durch welches Menschenrechts-NGOs mit Mitgliedern des Sicherheitsrates zusammenkommen.

11 Zum Menschenrechtsrat siehe auch den Beitrag von Sven-Bernhard Gareis in diesem Heft.

12 Über die Rolle von Amnesty International bei der UN zu einem bestimmten Land und ihre Erfolge siehe Anja Mihr, Amnesty International in der DDR. Menschenrechte im Visier der Stasi, Berlin 2002.

13 In einigen Fällen verlässt sich die UN in bemerkenswertem Ausmaß auf NGO-Informationen: 1995 wurden zum Beispiel 74 Prozent der in Arbeitsgruppen zu "Willkürlichen Verhaftungen" (arbitrary detentions) behandelten Fälle von internationalen NGOs vorgeschlagen. Vgl. Felice Gaer, Reality Check. Human Rights Nongovernmental Organisations confront Governments at the United Nations, in: Thomas G. Weiss/Leon Gordenker (eds.), NGOs, the UN, and Global Governance, Boulder 1996, S. 55f.

14 Vgl. Joanna Weschler, Non-Governmental Human Rights Organizations, in: Polish Quarterly of International Affairs, 7 (1998) 3, S. 137 - 154, S. 144.

15 Vgl. Andrew Clapham, UN Human Rights Reporting Procedures. An NGO Perspective, in: Philip Alston/James Crawford, (eds.), The Future of UN Human Rights Treaty Monitoring, Cambridge 2000, S. 182.

16 Die "Kopenhagen plus 5"-Sitzung bezeichnet die UN-Sondergeneralversammlung über soziale Entwicklung im Juni 2000 in Genf. Sie war die Nachfolgesitzung des Weltsozialgipfels 1995 in Kopenhagen.

17 Darüber hinaus verwenden UN-Sonderorganisationen eigenständige Verfahren zur Akkreditierung von NGOs; auch bei UN-Konferenzen kommen oftmals vorübergehende spezifische Akkreditierungsmodelle zur Anwendung. Zur Reformierung dieses Konsultativstatus siehe auch Helmut K. Anheier, The United Nations and Civil Society. A Symposium on the Cardoso Report, in: Journal of Civil Society, 4 (2008) 2, S. 149 - 151.

18 H. Cook (Anm. 5), S. 187.

19 Vgl. W. Korey (Anm. 5), S. 352.

20 Human Rights in China, einer anderen Menschenrechts-NGO, wurde der Status mehrfach verwehrt. Vgl. Kerstin Martens, Bypassing Obstacles to Access. How NGOs are taken Piggy-Back to the UN, in: Human Rights Review, 5 (2004) 3, S. 80 - 91. Weitere Beispiele von Menschenrechts-NGOs mit Statusproblemen auf UN-Ebene sind: Freedom House, Christian Solidarity International und Transnational Radical Party. Vgl. z.B. UN-Dokument E/2000/88 (Part II) § 70 - 124 und UN-Dokument E/2001/8 (2001); eine gute Analyse dieser Fälle bietet Jurij Aston, The United Nations Committee on Non-Governmental Organizations. Guarding the Entrance to a Politically Divided House, in: European Journal of International Law, 12 (2001) 5, S. 943 - 962.

21 Vgl. Kerstin Martens, NGOs and the United Nations. Institutionalization, Professionalization and Adaptation, Basingstoke (u.a.) 2005.

22 F. Gaer (Anm. 13), S. 60.

23 Vgl. A. M. Clark (Anm. 5), S. 35; A. Clapham (Anm. 15), S. 188.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Lange Jörg

Migration und die Allgemeine Erklärung der Menschenrechte von 1948

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Kurzbeschreibung:

Flucht und Vertreibung bildeten wichtige Erfahrungsgrundlagen bei der Entstehung der Menschenrechtserklärung. Die darin formulierten Rechte auf Asyl und Einwanderung stehen jedoch unter staatlichem Vorbehalt.

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Einleitung

Migration gilt heute mehr denn je auch als menschenrechtliche Herausforderung: Hungersnöte, Umweltkatastrophen und vor allem Bürgerkriege zwingen Millionen Menschen zur Flucht. Auf deren Suche nach Asyl zeigt sich wiederholt die abwehrende Haltung potentieller Aufnahmestaaten. Gegner einer restriktiven Migrationspolitik argumentieren dann in der Regel mit dem Verweis auf die Menschenrechte. Doch auch über diese konkreten Notlagen hinaus werden Menschenrechte zunehmend als Maßstab einer Gesellschaft eingefordert, die sich als Einwanderungsgesellschaft versteht.[1] Häufig unausgesprochen gilt dabei die Allgemeine Erklärung der Menschenrechte von 1948 (AEMR) als Schlüsselreferenz. Obwohl die AEMR selbst kein rechtlich bindendes Dokument ist, stellt sie doch den Ankerpunkt der heute völkerrechtlich geltenden Menschenrechtsverträge dar. Auch ist ihr Stellenwert in der Menschenrechtspädagogik bzw. in entsprechenden Bildungskonzepten für die Einwanderungsgesellschaft kaum zu überschätzen.[2]

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Es ist daher interessant zu fragen, in welcher Weise Migration vor 60 Jahren - in einem deutlich anderen historischen Kontext also - die Erfahrungsgrundlage dieses Menschenrechtsdokuments bildete; und damit verbunden, in welcher Form Migration schließlich zum Inhalt der Deklaration wurde.[3]

Dieser Beitrag basiert auf meinem Aufsatz "Die Allgemeine Erklärung der Menschenrechte von 1948: Eine Menschenrechtserklärung für die Einwanderungsgesellschaft?", der Ende des Jahres erscheinen wird in: Hasko Zimmer (Hrsg.), Menschenrechtsbildung in der Einwanderungsgesellschaft. Grundlagen und Impulse für die Schule, Münster 2008.

Migration als präsenste Erfahrung

An der Entstehung der AEMR beteiligten sich Personen, für die Migration eine präsenste Erfahrung war: Teils stammten sie aus klassischen Einwanderungsgesellschaften wie denen Latein- und Nordamerikas, teils aus Regionen, in denen es - wie etwa in Europa - zu starken Auswanderungsbewegungen gekommen war. Vor allem aber musste allen Beteiligten Zwangsmigration als ein Massenphänomen bewusst gewesen sein, welches das Jahrhundert bereits geprägt hatte: Schon der Erste Weltkrieg hatte millionenfach Flucht, Vertreibung sowie Zwangsumsiedlung verursacht und zugleich eine Epoche liberaler Wanderungspolitik im euroatlantischen Raum beendet. Die politische Nachkriegsordnung, die auf dem "Prinzip der Ethnizität des Nationalstaates"[4] beruhte, trug in starkem Maß zu einer weiteren Steigerung der Zwangsmigrationen in den 1920er Jahren bei, während zugleich potentielle Aufnahmestaaten wie die USA die Zuwanderungsmöglichkeiten massiv einschränkten. Die Folge war der existentiell ungesicherte Status von Millionen von Menschen - eine Migrationssituation, die sich vor allem aufgrund der stalinistischen Politik in der Sowjetunion, des Machtantritts der Nationalsozialisten in Deutschland und der imperialistischen Politik Japans in den 1930er Jahren weiter verschärfte. Der Zweite Weltkrieg sorgte schließlich für die "gewaltigsten Zwangs- und Fluchtwanderungen in der Geschichte"[5] und machte etwa 50 bis 60 Millionen Menschen zu unfreiwilligen Migranten.[6] Der Schock über diesen Krieg und die darin verübten Verbrechen bildete das Zentrum des damaligen Erfahrungshorizonts und ist als maßgebliche Ursache für die Schaffung der AEMR anzusehen.[7] Die Migrationsproblematik musste damit notwendigerweise auch zum Gegenstand der UN-Deklaration werden. Dies galt zumal vor dem Hintergrund des Scheiterns aller bisherigen zwischenstaatlichen Lösungsversuche seit dem Ende des Ersten Weltkrieges.

Der französische Jurist René Cassin, eine der Schlüsselfiguren bei der Ausarbeitung der AEMR, wusste ebenso aufgrund persönlicher Erfahrung um die Problematik von Migration: Als Jude hatte er mit dem letzten britischen Schiff aus dem besetzten Frankreich nach London fliehen können, wo er als Rechtsberater von Charles de Gaulle der französischen Exilregierung angehörte. Die mit Hitler kollaborierende Vichy-Regierung erkannte ihm die französische



Staatsangehörigkeit ab und verurteilte ihn in seiner Abwesenheit zum Tode. 29 seiner Angehörigen wurden von den Nationalsozialisten ermordet. Auch weitere Kollegen Cassins bei den UN teilten das Schicksal von Zwangsmigration infolge von NS- oder anderer Verfolgung. Nicht selbst von Zwangswanderung betroffen war Eleanor Roosevelt, die Witwe des im April 1945 verstorbenen US-Präsidenten Franklin D. Roosevelt und Vorsitzende der Menschenrechtskommission. Doch hatte sie als UN-Delegierte der USA bereits mit dem Problem der zahlreichen Kriegsflüchtlinge zu tun, die in Lagern für displaced persons lebten. Auch während ihrer Zeit als Kommissionsvorsitzende besuchte sie mehrfach solche Lager in Europa, um sich über die Situation der Flüchtlinge zu informieren. Wie Cassin setzte sie sich nach dem Krieg für einen Staat Israel als dauerhaftes Emigrationsziel der zuvor verfolgten europäischen Juden ein - und das vor allem als kritische Reaktion auf den Widerwillen vieler Länder, jüdische Kriegsflüchtlinge aufzunehmen.

Für Charles Malik, Delegierter des gerade in die Unabhängigkeit entlassenen Libanon, wurden die Positionen seiner Kommissionskollegen zur Gründung eines jüdischen Staates in Palästina zu einer besonderen Herausforderung. Zugleich als Sprecher der Arabischen Liga tätig, setzte sich Malik erfolglos für eine kooperative Lösung zwischen Juden und (nicht-jüdischen) Arabern ein. Mit der Gründung des Staates Israel und dem unmittelbar nachfolgenden ersten arabisch-israelischen Krieg wurde sein Land eines der Aufnahmeländer der insgesamt eine halbe Million arabischen Flüchtlinge - eine Situation, die in friedens- bzw. flüchtlingspolitischer Hinsicht bis heute als ungelöst erscheint. Es ließen sich aus verschiedenen Ländern noch weitere Personen und deren Migrationserfahrungen anführen. Zu denken wäre an Vertreter der lateinamerikanischen Staaten, die eine vielfach unterschätzte Rolle bei der Formulierung der Menschenrechte spielten,[8] aber ebenso an den Beitrag der Nichtregierungsorganisationen und die einschlägigen Erfahrungen ihrer Mitglieder, namentlich etwa das American Jewish Committee.[9] Festzuhalten bleibt, dass Migration im Entstehungsprozess der AEMR einen wichtigen Erfahrungshintergrund bildete, der gerade aufgrund des Zwangscharakters vieler Wanderungsbewegungen menschenrechtlich relevant erschien. Die Interpretation dieser Erfahrungen und deren spezifische Artikulation als Menschenrechte war indes ein umkämpfter Vorgang.

Das Recht auf Freizügigkeit

In der Menschenrechtserklärung war das in Artikel 13 formulierte Recht auf Freizügigkeit von besonderer Bedeutung für das Thema Migration. Der Artikel sah die "Freizügigkeit innerhalb eines Staates" vor und reagierte damit unter anderem auf die zahlreichen Zwangsumsiedlungen ganzer Bevölkerungsgruppen während des Zweiten Weltkrieges. Das ebenso in diesem Artikel formulierte Recht auf "Verlassen eines Staates" erhielt seine historische Relevanz aus der Erfahrung, dass Millionen von Menschen in fremden Ländern als Zwangsarbeiter festgehalten worden waren. Schließlich wurde das Recht, "in sein Land zurückzukehren", unter dem Eindruck der großen Anzahl palästinensischer Flüchtlinge vom Libanon erfolgreich eingebracht. Umfassender ist es aber als Reaktion auf das Dauerproblem von Flucht und Vertreibung zu sehen.

Dieses Problem wurde auch zum Gegenstand von Artikel 9, der auf Vorschlag des sowjetischen Vertreters Alexei Pavlov den Schutz vor willkürlicher Verbannung enthielt. Allerdings stellte Pavlov zugleich infrage, dass ein Individuum sein Herkunftsland unabhängig von dessen Gesetzen und Interessen verlassen und die Staatsangehörigkeit eines anderen Landes annehmen dürfe. Entsprechend geforderte Einschränkungen wurden jedoch von der Mehrheit der Menschenrechtskommission zurückgewiesen. Auf ebenso breite Ablehnung stieß aber auch die Forderung nach Freizügigkeit ohne jegliche Einschränkungen, für die allerdings ausgerechnet Indien, das zu dieser Zeit mit Pakistan den erzwungenen Bevölkerungsaustausch der jeweiligen religiösen Minderheit durchführte, ein Plädoyer hielt.[10] So sah



Artikel 13 letztlich zwar das Recht auf Einreise in "sein" Land vor, das heißt in das Land, dessen Staatsangehörigkeit man besaß; die Einreise in ein anderes Land wurde aber nicht als Recht formuliert und stand somit weiterhin unter staatlichem Vorbehalt. Diese Beschränkung hatte sowohl für die reguläre Einwanderung als auch für die Situation von Asylsuchenden entsprechende Konsequenzen.

Das Recht auf Asyl

Die Aufnahme eines eigenen Asylrechtsartikels in die AEMR ist auf der Ebene zwischenstaatlicher Vereinbarungen ein bemerkenswerter Akt, zu dem es davor und danach keine Entsprechungen gab bzw. gibt. Dass er überhaupt zustande kam, ist wohl am ehesten mit der Erfahrung einer international restriktiven Asylpolitik vor und während des vorangegangenen Krieges und ihrer katastrophalen Folgen für viele der Flüchtlinge zu erklären. So traten Vertreter des Jüdischen Weltkongresses für ein bedingungsloses Asylrecht ein: Für jüdische Flüchtlinge sei die Verweigerung dieses Rechts im Zweiten Weltkrieg gleichbedeutend mit der Verweigerung des Lebensrechts gewesen. Der Vertreter Uruguays, dessen Land im Zweiten Weltkrieg viele verfolgte Juden aufgenommen hatte, folgerte aus diesem historischen Vermächtnis, dass nun die Pflicht bestünde, in gleicher Weise den arabischen Flüchtlingen aus Palästina Asyl zu gewähren. Der Libanese Karim Azkoul, in dessen Land viele Palästinenser Zuflucht fanden, argumentierte in Übereinstimmung etwa mit Pakistan oder der International Refugee Organisation gleichermaßen für den Anspruch auf Asyl als angeborenes Recht des Menschen. Dagegen äußerte sich Saudi-Arabien, das die Hauptlast der palästinensischen Flüchtlinge zu tragen hatte, ablehnend zu einem unbegrenzten Asylrecht. Auch Großbritannien, unter dessen Verwaltung das UN-Mandatsgebiet Palästina bis Mitte Mai 1948 gestanden hatte, votierte gegen eine uneingeschränkte Garantie. Schließlich führten die Mehrheitsverhältnisse dazu, dass vom ursprünglichen Entwurf, in dem noch von einer Garantie die Rede gewesen war, das deutlich abgeschwächte Recht übrig blieb, "in anderen Ländern vor Verfolgung Asyl zu suchen und zu genießen", das in Artikel 14 festgeschrieben wurde.

Damit trat an die Stelle des vormals angedachten, umfassenden Rechtsanspruchs für Asylsuchende ein genereller staatlicher Vorbehalt: Der Flüchtling konnte das Asyl "suchen", den potentiellen Aufnahmestaat also darum bitten - Anspruch auf Gewährung hatte er aber nicht. Erst wenn der betreffende Staat die Bitte positiv beschied, folgte daraus das Recht, das Asyl "zu genießen". Eine gewisse Verpflichtung des Staates zur Asylgewährung ergab sich dann, wenn er den Asylsuchenden als Verfolgten, das heißt als Flüchtling, anerkannt hatte. Allerdings waren nach Artikel 14 unter anderem diejenigen Menschen vom Flüchtlingsstatus auszunehmen, die "auf Grund von Verbrechen nichtpolitischer Art" Asyl beantragten. Die Formulierung "nichtpolitischer Art" enthielt zugleich das positive Gegenbild des politischen Flüchtlings als den in der ersten Hälfte des 20. Jahrhunderts primär legitimierten Typus.

Eine solche Perspektivierung hatte sich jedoch unter anderem für jüdische Emigranten als hoch problematisch herausgestellt, da diese sich nicht aufgrund ihrer politischen Handlungen, sondern aufgrund ihrer bloßen Existenz prinzipieller Verfolgung ausgesetzt sahen. Zugleich eröffnete das Ausschlusskriterium "nichtpolitische Verbrechen" großen staatlichen Interpretationsspielraum und mitunter massive Beweisnot für den Antragsteller: Der Verfolgungsgrund musste als nicht durch die Gesetze des Herkunftslandes strafbar klassifiziert bzw. die dortigen gesetzlichen Regelungen als Unrecht bestimmt und/oder die vorgesehene Bestrafung als besonders grausam nachgewiesen werden. Die Relevanz dieses Problems lässt sich am Disput Eleanor Roosevelts mit dem Delegierten der Sowjetunion hinsichtlich des Status von aus dem sowjetischen Herrschaftsbereich stammenden displaced persons verdeutlichen: Während Roosevelt die Rechtmäßigkeit des Asylanspruchs der betroffenen Menschen verteidigte, wurde von sowjetischer Seite bestritten, dass diejenigen einen Anspruch auf Asyl hätten, die vorgeblich "Landesverrat", also



eine kriminelle Tat, begangen hätten.

Einwanderung als Problem

In ihrer Opposition gegen ein weit reichendes Asylrecht vertrat die britische Delegation die Position, Asyl bedeute in den meisten Fällen faktisch Einwanderung. Eine unbeschränkte Asylgarantie verstoße damit gegen die Einwanderungsbestimmungen so gut wie aller Länder. Uruguay hielt dem entgegen, die britische Delegation vermische in unzulässiger Weise Asyl und Einwanderung. Um einer solchen Gleichsetzung zu entgehen und die Aufnahmebereitschaft potentieller Asylländer nicht weiter zu gefährden, schlug René Cassin vor, Asylsuchenden für den Fall ihrer Aufnahme nicht zu viele Rechte einzuräumen. Doch letztlich überwogen die Befürchtungen, dass Flüchtlinge zu Einwanderern und damit zu einer dauerhaften Belastung werden könnten, was zu der bereits geschilderten Abschwächung des Asylrechtsartikels führte. In diesem Zusammenhang spielte sicherlich auch eine Rolle, dass Länder wie die USA Einwanderer traditionell als zukünftige Staatsangehörige ansahen, damit aber zugleich ein besonderes Interesse haben mussten, den Zugang zu ihrem Land - wie in Artikel 13 und 14 geschehen - unter staatlichem Vorbehalt zu belassen und entsprechend ein umfassendes Menschenrecht auf freie Einreise zu verhindern. Generell spiegelte sich in der vorgenannten Mehrheitshaltung die äußerst restriktive Einwanderungspolitik der meisten Länder des euroatlantischen Raums seit dem Ersten Weltkrieg wider. Vielen Staaten galt Einwanderung in dieser Zeit per se als problematische Herausforderung - und zwar nicht nur im Hinblick auf die soziale Belastung, sondern auch in kultureller und politischer Hinsicht.

Im Zuge des Entstehungsprozesses der AEMR ging es wiederholt um eine Assimilationspflicht von Einwanderern, die vor allem im Rahmen der Diskussionen über einen eigenständigen, schließlich doch nicht realisierten Minderheitenartikel thematisiert wurde. Während etwa der Chilene Hernán Santa Cruz unter Verweis auf die Entstehung der meisten Länder Amerikas durch Einwanderung für eine besondere Sensibilität im Umgang mit Minderheitenrechten plädierte, artikulierten Delegierte des "klassischen" Einwanderungslandes USA deutliche Bedenken gegen solche Rechte: Immigrantengruppen, so die amerikanische Position, könnten sich darauf in einer Form berufen, welche die Einheit der Länder gefährde und der angestrebten Einbindung in die Aufnahmegesellschaft entgegenstünde. Der brasilianische Delegierte Austregesilo de Athayde bemerkte, dass Immigranten beispielsweise aufgrund des Rechts, ihre Muttersprache in Schulen, bei Gericht oder in anderen Situationen zu benutzen, wenig Bereitschaft zeigen würden, Portugiesisch zu lernen und sich schnellstmöglich zu assimilieren. Ähnlich äußerten sich weitere Delegierte aus südamerikanischen Ländern und aus Kanada. Der belgische Vertreter Ferdinand Dehousse warf ein, man müsse zwischen Immigranten und historisch schon lange ansässigen Minderheiten unterscheiden. Cassin machte den Vorschlag, in einem Minderheitenartikel nicht einfach von einer besonderen Gruppe von "Personen" zu sprechen, sondern von "Staatsbürgern" des jeweiligen Landes, und akzentuierte damit Staatsangehörigkeit als zentrales Kriterium. Der sowjetische Delegierte Borisov schließlich sprach sich gegen das Wahlrecht für Nicht-Staatsangehörige aus, zugleich aber für einen besonderen Rechtsschutz für Minderheiten als Angehörige des jeweiligen Landes.

Der Schutz von Nicht-Staatsangehörigen

Die bisherigen Ausführungen haben verdeutlicht, dass gerade im Hinblick auf Migration die Frage der Staatsangehörigkeit von besonderer Bedeutung für die Gestaltung der Menschenrechtserklärung war. So stand der



Zugang von Nicht-Staatsangehörigen - ob als Asylsuchende oder "normale" Einwanderer - in ein Land unter staatlichem Vorbehalt des Ziellandes: Das Recht auf einen dauerhaften Aufenthalt dort erforderte die nicht ohne weiteres zu erlangende Anerkennung als Flüchtling oder den Erwerb der Staatsangehörigkeit dieses Landes. Diese Beschränkungen bedeuten freilich nicht, dass der jeweilige Staat nach eigenem Gutdünken gegenüber Nicht-Staatsangehörigen handeln konnte - im Gegenteil: Die Menschenrechtserklärung reklamierte ja den grundsätzlichen Vorrang eines jeden Individuums vor dem Staat; und Artikel 1 stellte prinzipiell fest, dass "alle Menschen (...) frei und gleich an Würde und Rechten geboren" seien. Entsprechend waren für die Dauer des Aufenthalts ihre Menschenrechte genauso zu respektieren wie diejenigen von Staatsangehörigen - sei es der Schutz vor Diskriminierung (Art. 2), das "Recht auf Leben, Freiheit und Sicherheit der Person" (Art. 3), umfassender Rechtsschutz (Art. 6-11) oder das Recht auf Religions- und Meinungsfreiheit (Art. 19 und 20).[11] Hingegen kam das Recht auf politische Beteiligung (Art. 21) allein Staatsangehörigen zu.

Eine solche Reglementierung sowie die geschilderten staatlichen Beschränkungen von Zugang in ein anderes Land und dem Aufenthalt dort mögen nun den Einwand hervorrufen, diese Regelungen stünden im Widerspruch zum Diskriminierungsverbot. Doch zumindest sachlogisch ließe sich darauf verweisen, dass in Artikel 2 "Rasse", "Religion" oder "Sprache" als auszuschließende Diskriminierungsmotive ausdrücklich angeführt werden, die Staatsangehörigkeit jedoch nicht. Zwar ist dort auch von einem Diskriminierungsverbot aufgrund "nationaler Herkunft" die Rede; aber mit Blick auf die damaligen Diskussionen ist der Schluss zu ziehen, dass mit "national" nicht die Zugehörigkeit zu einem Staat, sondern zu einer bestimmten "Ethnie" gemeint war. Dem Vorwurf der Diskriminierung ließe sich schließlich noch grundlegender entgegenhalten, dass jeder Mensch die gleichen Rechte besitze, diese aber eben nur gegenüber seinem "eigenen" Staat umfassend geltend machen könne.

Staatsangehörigkeit als Schutz vor Zwangsauswanderung

Die Restriktionen gegenüber Migranten bzw. Nicht-Staatsangehörigen zeigen, dass sich die Mehrheit der damaligen Delegierten nicht bereit fand, die praktischen Folgen der millionenfach erfahrbar gewordenen (Zwangs-)Migration auf eine menschenrechtliche Basis zu stellen, die einzelstaatlicher Kontrolle entzogen war. Vielmehr deuten Inhalt und Entstehungskontext der AEMR darauf hin, dass vorrangig die Staatsangehörigen eines Landes im Fokus des beabsichtigten Menschenrechtsschutzes standen und damit zugleich die Ursachen von Migration bekämpft werden sollten. Bereits die UN-Charta von 1945 hatte insofern in diese Richtung gezielt, als sie sich auf zwischenstaatlicher Ebene gegen den Angriffskrieg als Auslöser von Flucht, Vertreibung und Verschleppung (vor allem auch von Bürgern fremder Länder) gerichtet und in Reaktion darauf die Souveränität der einzelnen Staaten betont hatte.

Die Artikulation von Menschenrechten sollte nun dafür sorgen, dass aus staatlicher Souveränität nicht staatliche Allmacht wurde. Denn viele Staaten, dessen waren sich die Gestalter der AEMR bewusst, traten gerade auch gegenüber ihren "eigenen" Angehörigen als Menschenrechtsverletzer auf, indem sie ihnen ihre staatsbürgerlichen Rechte vorenthielten. Als wichtiger Schlüssel des zukünftigen Menschenrechtsschutzes musste deshalb das "Recht auf eine Staatsangehörigkeit" (Art. 15) gelten. Dieses war vor allem unter dem noch nachwirkenden Eindruck der "Nürnberger Gesetze" von 1935 verfasst worden, welche einen wesentlichen Schritt der staatsbürgerlichen Entrechtung jüdischer Bürger bedeuteten hatten. Doch auch der vielfach ungeklärte staatsbürgerliche Status der Millionen displaced persons wurde zu einer für die Gestaltung des Artikels wichtigen Erfahrungsgrundlage. Hannah Arendt etwa sah in der prekären Situation der vielen Staatenlosen das menschenrechtliche Problem schlechthin, da in einer staatlich organisierten Welt demjenigen der Ort entzogen sei, der sich keinem Staat zugehörig wisse.[12]



Mit dem prinzipiellen Recht auf Staatsangehörigkeit verband sich demgegenüber auch eine besondere Verpflichtung des jeweiligen Staates: Neben einem allen Personen zukommenden Menschenrechtsschutz sollte der Staat auch politische Partizipation und unbegrenzte Freizügigkeit innerhalb seines Herrschaftsbereichs gewährleisten. Demnach sollte freiwillige Migration von Staatsangehörigen in keiner Form behindert, erzwungene Auswanderung jedoch gerade verhindert werden.[13]

Die Menschenrechtserklärung: Ein unvollendetes Projekt

Gerade das Thema Migration veranschaulicht, dass es sich bei der Menschenrechtserklärung von 1948 um eine kontrovers diskutierte, ebenso von einschneidenden historischen Erfahrungen wie von staatlichen Interessen geprägte Deklaration handelt. Im Ergebnis stellt die Erklärung ohne Zweifel einen Meilenstein in der Geschichte der Menschenrechte dar. Zugleich aber ist deutlich geworden, dass die AEMR sowohl in einem emphatischen als auch in einem kritischen Sinn ein historisches Dokument ist.

Mit dem Fokus auf Staatsangehörigkeit wurde ein wichtiger Akzent gesetzt, um die Rechte des Individuums gegenüber dem Staat zu schützen. Doch gab es und gibt es auch gegenwärtig eine unüberschaubar große Zahl von nominell oder faktisch staatenlosen Flüchtlingen, denen nur ein grundsätzlicher - menschenrechtlich verankerter - Asylanspruch eine realistische Aussicht auf Existenzsicherung böte. Überdies stellt der vorrangig auf Staatsangehörige gerichtete Menschenrechtsschutz in einer Einwanderungsgesellschaft wie der unsrigen eine unbefriedigende Perspektive dar.

An solchen Punkten hat eine kritische Lesart der AEMR anzusetzen - nicht um diese per se infrage zu stellen, sondern um ihre vielfach historisch bedingten Schwächen sichtbar und verstehbar zu machen. Damit würde möglicherweise nicht nur ein Beitrag zur Verbesserung des Menschenrechtsschutzes geleistet, sondern die Deklaration auch als das behandelt, was sie eigentlich ist: Ausgangspunkt eines nicht nur praktisch, sondern auch inhaltlich unvollendeten Projekts.

Fußnoten

1 Vgl. Heiner Bielefeldt, Menschenrechte in der Einwanderungsgesellschaft. Plädoyer für einen aufgeklärten Pluralismus, Bielefeld 2007.

2 Vgl. Ulrike Hormel/Albert Scherr, Bildung für die Einwanderungsgesellschaft, Bonn 2005.

3 Dazu stütze ich mich im Folgenden grundlegend auf: Gudmundur Alfredsson/Asbjørn Eide (eds.), The Universal Declaration of Human Rights. A common standard of achievement, Den Haag-Boston-London 1999; Mary Ann Glendon, A world made new. Eleanor Roosevelt and the Universal Declaration of Human Rights, New York 2002; Glen M. Johnson, A Magna Charta for mankind. Writing the Universal Declaration of Human Rights, in: Glen M. Johnson/Janusz Symonides, The Universal Declaration of Human Rights. A history of its creation and implementation 1948-1998, Paris 1998, S. 19-75; Johannes Morsink, The Universal Declaration of Human Rights. Origins, drafting & intent, Philadelphia 1999.

4 Wolfgang Benz, Ausgrenzung, Vertreibung, Völkermord. Genozid im 20. Jahrhundert, München 2006, S. 108.



- 5 Klaus J. Bade, Europa in Bewegung. Migration vom späten 18. Jahrhundert bis zur Gegenwart, München 2000, S. 301.
- 6 Vgl. ebd., S. 232-306; Frank Caestecker, Tradition und Tendenzen europäischer Flüchtlingspolitik, in: Wolfgang Benz (Hrsg.), Umgang mit Flüchtlingen. Ein humanitäres Problem, München 2006, S. 73-92; Dirk Hoerder, Menschen, Kulturkontakte, Migrationssysteme. Das weltweite Wanderungsgeschehen im 19. und 20. Jahrhundert, in: Geschichte in Wissenschaft und Unterricht, 56 (2005) 10, S. 532-546.
- 7 Vgl. dazu G. Alfredsson/A. Eide, G. M. Johnson und J. Morsink (alle Anm. 3) sowie J. Morsink, World War II and the Universal Declaration of Human Rights, in: Human Rights Quarterly, 13 (1993) 1, S. 357-405; demgegenüber relativierend, aber in der grundlegenden Infragestellung wenig überzeugend: Susan Waltz, Reclaiming and rebuilding the history of the Universal Declaration of Human Rights, in: Third World Quarterly, 23 (2002) 3, S. 437-448.
- 8 Vgl. Susan Waltz, Universalizing Human Rights: The role of small states in the construction of the Universal Declaration of Human Rights, in: Human Rights Quarterly, 23 (2001) 1, S. 44-72; Rainer Huhle, Lateinamerika und die Entstehung des internationalen Systems des Menschenrechtsschutzes, Dezember 2007, in: www.menschenrechte.org (15. 4. 2008).
- 9 Vgl. William Corey, NGOs and the Universal Declaration of Human Rights. "A Curious Grapevine", New York 1998.
- 10 Indien und Pakistan waren 1947 als eigenständige Staaten aus der Teilung der Kronkolonie Britisch-Indien hervorgegangen. Die Aufteilung wurde offiziell über die Religion definiert, d.h. nach Hindus und Muslimen, was die Zwangsumsiedlung einer großen Anzahl von Menschen nach sich zog.
- 11 Die prinzipielle Vorrangstellung des Individuums vor dem Staat veranlasste die kommunistischen Staaten, sich bei der Abstimmung über die AEMR am 10. Dezember 1948 zu enthalten. Als weitere Länder enthielten sich Südafrika, dessen rassistische Apartheidpolitik im Widerspruch zum Diskriminierungsverbot stand, sowie Saudi-Arabien, das sich gegen eine umfassende Religionsfreiheit wandte.
- 12 Vgl. Hannah Arendt, Es gibt nur ein einziges Menschenrecht, in: Die Wandlung, 4 (1949), S. 754-770.
- 13 In diesem Zusammenhang ist wirtschaftliche Not als Ursache faktisch erzwungener Auswanderung unberücksichtigt geblieben. Dass dieser Aspekt, der gerade in der Migrationsgeschichte des 19. und 20. Jahrhunderts eine große Bedeutung hatte, auch den Gestaltern der AEMR bewusst gewesen sein musste, veranschaulichen die in Artikel 22-25 formulierten wirtschaftlichen und sozialen Rechte. Über deren Notwendigkeit herrschte im Übrigen prinzipiell Konsens, die Artikel waren also keinesfalls - wie später immer wieder behauptet - erst auf Druck der kommunistischen Staaten in die Menschenrechtserklärung aufgenommen worden.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Johnson Larry

Myres S. McDougal Lecture - Un-Based International Criminal Tribunals: How They Mix And Match in Denver Journal of international law and policy, Vol. 36, issue 3-4 , 275-282

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Stensrud Ellen Emilie



New Dilemmas in Transitional Justice: Lessons from the Mixed Courts in Sierra Leone and Cambodia

in *Journal of Peace Research*, Volume 46, Number 1, January , 5-15

This article argues that the mixed tribunals of Sierra Leone and Cambodia provide important lessons about the problems and dilemmas in achieving the legitimacy that is necessary for transitional justice mechanisms to have a positive local impact. High hopes have been held for the mixed model, but experiences show that this model is no easy fix to the legitimacy problems faced by the international tribunals for the former Yugoslavia and Rwanda. By locating a tribunal in the post-conflict setting, new dilemmas of legitimacy may arise. This article suggests that transitional justice mechanisms should strike a balance between backward-looking and forward-looking justice, and between international and national participation in the tribunals, but this is not done by simply locating a tribunal in the affected country.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Amrith Sunil, Sluga Glenda

New Histories of the United Nations

in *Journal of World History*, Volume 19, Number 3, September , 251-274

The United Nations has become the object of new and exciting historical research because of historians' renewed interest in themes that have preoccupied the UN from the outset, including questions of race and racism, the global implications of anticolonial nationalism, the problem of development in relations between North and South, and the gendered nature of the postwar international order. In this article we survey the state of histories of the UN and reflect on some of the ways in which the history of the UN has a place in international as well as world history as a site of cultural contestation, influence, continuity, and change.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Lambourne Wendy, Herro Annie

Peacebuilding theory and the United Nations Peacebuilding Commission: implications for non-UN interventions

in *Global Change, Peace & Security*, vol. 20, n. 3, october , 275-289

ABSTRACT: The extensive experience of the United Nations in peacekeeping and peacebuilding is beginning to reap rewards in terms of lessons learned and improved peacebuilding practice. Evolving peacebuilding theory and ideas about best practice to promote sustainable peacebuilding have been boosted by the creation of the UN Peacebuilding Commission (PBC). This paper reviews sustainable peacebuilding theory and the potential contribution of the PBC to addressing some of the challenges faced by non-UN interventions such as the Australian-led Regional Assistance Mission to the Solomon Islands (RAMSI), as well as the US-led interventions in Iraq and Afghanistan. We argue that the adoption by non-UN interventions of peacebuilding principles and best practice could increase their legitimacy, accountability, transparency, integration and effectiveness.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system



Bashford Alison

Population, Geopolitics, and International Organizations in the Mid Twentieth Century

in *Journal of World History*, Volume 19, Number 4, December , 327-348

In assessing population as an intergovernmental and world issue, historians have generally focused on the politics of sex, gender, and reproduction. To expect the history of population to be solely or even primarily about reproduction and individual health, however, is to miss entirely other lines of thought within which population, and in particular world population, came to be a problem for international organizations of the twentieth century. The problematization of population often raised questions about and plans for migration, colonial expansion of territory, and the properties of land and soil—in other words, geopolitics. This article shows how the population problem was precisely a geopolitical problem for the late League of Nations and the early United Nations. The article discusses two institutional occasions on which population as a spatial and security problem came onto the agenda of international organizations. The first case involved a series of meetings held by the International Institute of Intellectual Co-operation, resulting in the document *Peaceful Change* (1937). The second case arose in the early years of UNESCO when Julian Huxley and others attempted to raise population as a major world issue.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Mahon Claire

Progress at the Front: The Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

in *Human Rights Law Review*, Vol.8, n.4 , 617-646

The two-decade-long campaign for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) is nearing success. The drafting of the Optional Protocol has been completed, and the Human Rights Council approved the text on 18 June 2008. It is now hoped that the draft OP-ICESCR will finally be adopted by the General Assembly in late 2008, heralding the beginning of a new era in relation to access to international remedies for violations of economic, social and cultural rights (ESC rights). The draft OP-ICESCR establishes a new quasi-judicial function for the Committee on Economic, Social and Cultural Rights (the Committee), allowing it to receive communications from individuals and groups of individuals alleging violations of any of the ESC rights set forth in the ICESCR. It also establishes, inter alia, an inquiry procedure, provides for interim measures to be ordered and establishes a trust fund for the realisation of ESC rights. Some of the contents of its provisions and the procedures it establishes are unique in comparison with other treaty body complaints procedures, and others mirror closely existing provisions in similar protocols and conventions. This article overviews the draft OP-ICESCR, outlining its background and genesis, and detailing some of its most contentious provisions, including the scope of the OP-ICESCR, its locus standi and admissibility provisions, the criteria to be applied by the Committee in its review of the merits and particularly debated issues such as how to take into account the need for international cooperation and assistance. The article then proposes some preliminary assessments regarding the potential success and impact of this important new mechanism

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Cano Linares M^a Ángeles

Proyecto de resolución sobre moratoria universal en la aplicación de la pena de muerte en el 62º período de



sesiones de la Asamblea General de las Naciones Unidas: soberanía estatal versus derechos humanos
in *Revista Espanola de Derecho Internacional*, Vol.59, n.2 , 829-833

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Wong Laura Elizabeth

Relocating East and West: UNESCO's Major Project on the Mutual Appreciation of Eastern and Western Cultural Values

in *Journal of World History*, Volume 19, Number 4, December , 349, 374

From 1957 to 1966, UNESCO engaged in a decade-long project aimed at improving cultural relations, a project that generated transnational discourse over representations of East and West. The international climate of this period was characterized not only by decolonization and Cold War tensions but also by activism that amplified diverse and increasingly strong Asian and Arab voices in intergovernmental fora. Composing nearly half of UNESCO's membership by the mid 1950s, these states' demands for greater agency in the international sphere garnered considerable attention following the Bandung Conference (1955), which rekindled longstanding fears of imminent if not perpetual East-West conflict and also precipitated the call for UNESCO to facilitate interchange around Eastern and Western cultural values. By examining UNESCO textbook exchanges, this article illustrates the regionally distinct representations of Asia and Europe that emerged in the postcolonial context. It reflects regional sensitivities as well as cooperative and sometimes startlingly optimistic positions, which are viewed from a perspective that prioritizes cultural relations as a distinctive framework of transnational analysis informed yet not determined by Cold War paradigms. Through this exploration of intergovernmental efforts to engage states in dialogue on cultural identities in the midst of redefinition and rising ambiguity about the meaning of East and West, this work contributes to a growing body of research on international cultural relations in the 1950s and 1960s.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Patnaik D Sridhar

Special Tribunal for Lebanon: Some Preliminary Reflections

in *Indian Journal of International Law*, volume 48 , issue 2 , , 242-258

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Weiss Thomas, Carayannis Tatiana, Jolly Richard

The "Third" United Nations

in *Global Governance*, vol. 15, n. 1, january-march , 123-142

ABSTRACT: Analysts usually identify two United Nations, one composed of member states and a second composed of



the secretariats. A third UN should also be recognized, composed of actors that are closely associated with the world organization but not formally part of it. This “outside-insider” UN includes nongovernmental organizations, academics, consultants, experts, independent commissions, and other groups of individuals. These informal networks often help to effect shifts in ideas, policies, priorities, and practices that are initially seen as undesirable or problematic by governments and international secretariats.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Rothschild Emma

The Archives of Universal History

in **Journal of World History**, Volume 19, Number 4, December , 375-401

This article looks at early proposals for an international archive, at the different respects in which archives are international or transnational, and at the development since 1946 of the archives of international organizations. It suggests that the history of the UN's involvement with archives is itself a development of historical and even political interest.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Hossain Kamrul

The Challenge of Peace Management: The Role of the United Nations Secretary-General

in **Indian Journal of International Law**, volume 48 , issue 2 , , 232-241

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Bernstorff Jochen von

The Changing Fortunes of the Universal Declaration of Human Rights: Genesis and Symbolic Dimensions of the Turn to Rights in International Law

in **European Journal of International Law**, Vol.19, n.5 , 903-924

The article explores the genesis of the Universal Declaration of Human Rights and the turn to rights in international law. To this end, it focuses on how international lawyers have received the Declaration in their contemporary doctrinal and political contexts. The fact that the political and moral importance of the Declaration from the very beginning outweighed its concrete legal significance invited intriguing scholarly reflections on the symbolic dimension of the document. Despite early sceptical voices about its legal and moral value, international lawyers welcomed and reaffirmed its significance during the 1960s and 1970s. While attention turned to human rights treaty law in the 1980s, the Declaration embodied the hope for a new era of human rights protection after the end of the Cold War. Throughout the 1990s a new scholarly defence of the universal character of the Declaration could be observed, later being accompanied by new insecurity and soul-searching in the face of institutional limitations. In general, the Declaration became synonymous with the turn to



individual rights in international law, and whenever there was a sense of crisis because of institutional blockades or challenged foundations, the Declaration received new and increased attention. It symbolized unity in an increasingly fragmented and contentious institutional and political environment for international human rights protection. The story of its scholarly reception is therefore also a story of the failed and perhaps unattainable attempt fully to institutionalize international human rights in a cosmopolitan legal order.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Deitelhoff Nicole

The Discursive Process of Legalization: Charting Islands of Persuasion in the ICC Case in International Organization, vol. 63, issue 1, January, 33-65

ABSTRACT: For many political observers the successful creation of the International Criminal Court (ICC) came as a surprise, as major powers, in particular the United States, had opposed the plans for the ICC. Moreover, the institutional design of the ICC entails enormous sovereignty costs for states but only uncertain benefits. An analysis of the negotiations suggests that the court's successful creation can be attributed to persuasion and discourse within negotiations, that is, a shift in states' interests. The article develops a theoretical model of institutional change that defines the conditions under which persuasion and discourse can affect collective decision making. In particular, this study attempts to show that if (traditionally) weaker actors alter normative and institutional settings of negotiations they can further the chance of persuasion and discourse.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Keith K.J.

The International Court of Justice: Primus Inter Pares? in International Organizations Law Review, vol. 5, n.1, 7-22

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Hinojosa Martínez Luis Miguel

The Legislative Role Of The Security Council In Its Fight Against Terrorism: Legal, Political And Practical Limits in International & Comparative Law Quarterly, Volume 57 - Issue 02, 333-359

This article studies the normative activity developed by the Security Council (SC) in recent years, particularly in the fight against terrorism. This legislative activity has aroused a great deal of controversy both among scholars and the States. Is the SC acting ultra vires? Has it revealed a new form of creating of international norms, which overrides definitively States' consent as the only material source of international law? This contribution tries to answer these questions by investigating the scope of the SC powers in the Charter, their historical background and the reaction of UN Member States towards its Resolutions. After this analysis, it is submitted that the SC does have a legislative capacity, but with important legal, political and practical limits.



Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Hachez Nicholas

The Relations Between the United Nations and Civil Society: Past, Present, and Future
in *International Organizations Law Review*, vol. 5, n.1 , 49-84

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Liivoja Rain

The Scope Of The Supremacy Clause Of The United Nations Charter
in *International & Comparative Law Quarterly* , Volume 57 - Issue 03 , 583-612

Article 103 of the United Nations (UN) Charter stipulates that the obligations of UN Member States under the Charter prevail, in the event of a conflict, over their obligations under any other international agreement. While this important provision is often mentioned, its precise meaning remains something of a mystery. The present article tries to shed some light on the scope of this 'supremacy clause' by discussing, first, its operation with respect to treaties, and then by looking at its relevance to various other contractual arrangements and to customary international law.

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Feinäugle Clemens A.

The UN Security Council Al-Qaida and Taliban Sanctions Committee: Emerging Principles of International Institutional Law for the Protection of Individuals?
in *German Law Journal*, Vol.9, n.11 , 1513-1538

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

White Nigel D.

The United Nations as the 'Parliament of Man'
in *International History Review (The)*, vol. XXX, n. 3

No abstract available



Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Bellamy Alex J., Williams Paul D.

The West and Contemporary Peace Operations

in **Journal of Peace Research**, Volume 46, Number 1, January , 39-57

In recent years, senior UN officials have raised concerns about the decline of Western contributions to UN peace operations. Although this is a worrying trend for supporters of the UN, it does not mean that the West is playing a smaller role in peace operations per se. Instead, the West has increased its contribution to 'hybrid' peace operations and missions that take place outside of the UN system. This article examines the West's contribution to both UN and non-UN peace operations since the Brahimi Report and assesses whether its contribution has markedly changed and what impact any changes have had on international peace and security. It proceeds in three sections. The first provides a historical overview of the West's ambivalent relationship with UN peace operations since 1948. The second analyses the West's contribution to UN, hybrid and non-UN peace operations. The final section explores what Western policies mean for international peace and security by assessing their impact on the UN's authority, the extent to which they save lives and their contribution to building stable peace. The article concludes that while in the short term the West's willingness to participate in hybrid operations displays a commitment to finding pragmatic solutions to some difficult problems, over the longer term this approach may weaken the UN's ability to maintain international peace and security.

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Subsection 1. The United Nations and its system

Zwanenburg Marten

UN Peace Operations Between Independence and Accountability

in **International Organizations Law Review**, vol. 5, n.1 , 23-47

No abstract available

Section B) Global governance and international organizations

Subsection 1. The United Nations and its system

Glasius Marlies

'We ourselves, we are part of the functioning':1 The ICC, victims, and civil society in the Central African Republic

in **African Affairs**, Volume 108, Number 430, January , 49-67

As a new justice institution, the International Criminal Court needs to gain legitimacy not just with states, but also in civil society, both at the global level and in the societies in which it intervenes. This article, based on interviews, NGO documents, newspaper articles, and participatory observation, looks at civil society relations with the ICC in relation to its most recent and least publicized investigation, in the Central African Republic (CAR). It charts the role of civil society organizations, local and international, in the opening of the investigation, and it discusses the initial responses of civil society figures and victims in the CAR to the investigation. It finds that, unlike in any of the other situations, the ICC's involvement in the CAR has been largely instigated by local civil society figures, and that, as a result, it operates in a



quite receptive context. However, the slow pace of investigations and trials, the meagre outreach to date, and the Court's probable lack of capacity to provide victims with physical and material security are long-term challenges to its ability to meet local expectations of justice.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Bradly J. Condon

'Challenges to Multilateral Trade: The Impact of Bilateral, Preferential and Regional Agreements
in *Journal of World Trade*, Volume 42 Issue 5 , 967-974

No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Joseph M. Senona

'Negotiating Special and Differential Treatment from Doha to Post-Hong Kong: Can Poor People Still Benefit
in *Journal of World Trade*, Volume 42 Issue 6 , 1041-1064

This exploratory article traverses the WTO negotiations on Special and differential treatment (S since 2001 and highlights the difficulties encountered in the negotiations. The article then discusses and posits its views on the status quo thus attempting to evince that the differences underlying WTO Members' positions are rooted in the history of S&D treatment and have to do with how to reformulate and improve the S&D principle within the WTO to adequately respond to the modern day developmental challenges. To that end, the article focuses on some of the systemic issues such as how to define modern day "development" within the WTO, differentiation, eligibility and graduation. Finally, the article attempts to state the way forward which essentially calls for a two faced legally binding S&D treatment, that is, S&D treatment as a development and adjustment tool.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Winkler, S.

Can trade make a sovereign? Taiwan-China-EU relations in the WTO
in *Asia Europe Journal*, Volume 6, Number 2 / June , 467-485

In 2002 Taiwan became a member of the World Trade Organization. Although its accession process was guided by pragmatism, once it had entered the trade body sovereignty concerns came to the fore. This article analyses the relationship in the Taiwan-China-EU triangle during Taiwan's accession to and membership of the WTO. While Taiwan is now more ready to use the WTO as a platform in its quest for international status, the behaviour patterns of the EU and China have largely remained static. The EU is interested in the economic benefits of improved relations with Taiwan, but avoids getting involved in the sovereignty conflict. China, meanwhile, tries to prevent a status gain by Taiwan in the international community.



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Subsection 2. The economic and financial international organizations

Gabriella Giovanna Lucarelli de Salvio, Jeanine Gama Sá Cabral,

Considerations on the Mercosur Dispute Settlement Mechanism and the Impact of its Decisions in the WTO Dispute Resolution System

in *Journal of World Trade*, Volume 42 Issue 6 , 1013-1040

This article analyses the evolution of the dispute settlement mechanism (DSM) of the Common Market of the South (Mercosur) from its establishment to the current configuration, compares it with the mechanisms of the European Union (EU) and the World Trade Organization (WTO) and examines certain Mercosur decisions that are intertwined with WTO rulings, revealing the delicate relation between regional trade agreements (RTAs) and the multilateral trading system.

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Subsection 2. The economic and financial international organizations

Moschella Manuela

Cooperazione "centralizzata" e "decentralizzata": il regime finanziario internazionale nell'era della globalizzazione finanziaria

in *Rivista Italiana di Scienza Politica*, Vol. XXXVIII, Numero 3, Dicembre , 341-364

No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

López Escudero Manuel

Crisis y reforma del Fondo Monetario Internacional

in *Revista Española de Derecho Internacional*, Vol.59, n.2 , 527-562

No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Buzar Stefan

Energy, environment and international financial institutions: The EBRD's activities in the western Balkans

in *Geografiska Annaler, Series B: Human Geography*, Volume 90 Issue 4 , 409 - 431

This article examines the relationship between the EBRD's project portfolio in the Western Balkan energy sector, and the region's main energy and environment problems. It argues in favour of geographically centred appraisals of the environmental sustainability of multilateral energy investment. Empirical analyses have been placed within the context of this bank's broader policy mandate to support the reconstruction and development of, among other aspects, energy operations in the post-socialist states of Eastern Europe and Central Asia, while promoting environmental sustainability. The article categorizes the Western Balkans' energy and environment problems into two main groups: the failure to shift away from carbon-emitting sources of energy, and the inability to introduce efficient technologies in the generation,



transmission, distribution and consumption of energy. It investigates the level to which these issues have been represented in the Bank's energy investment activities in the region. The EBRD's ability to fund energy and environment projects has been affected by, among other factors, the decision-making process within the relevant governments and the Bank itself. These processes are related to the structural legacies of central planning and the organizational cultures embedded within the EBRD at its inception.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Mattoo Aaditya, Subramanian Arvind

From Doha to the Next Bretton Woods. A New Multilateral Trade Agenda

in Foreign Affairs, January/February 2009 Vol 88, Number 1

When the Doha Round of multilateral trade negotiations was launched, in 2001, the price of oil was \$25 a barrel, a ton of rice cost \$170, China's current account surplus was two percent of the country's GDP, U.S. financial institutions were at the vanguard of globalization, and the term "sovereign wealth fund" could have been mistakenly thought to refer to the retirement kitty of an aging monarch.

As of November 10, 2008, oil was going for \$65 a barrel, and rice for \$515 a ton. China and the oil-producing states have trillions of dollars at their disposal. The U.S. financial system, in the midst of the worst financial crisis since the Great Depression, is teetering between socialization and oblivion. As all these changes have unfolded, the governments involved in the Doha talks have, Nero-like, spent too much time dwelling on minor issues while ignoring the burning questions. After the failure of the recent round of negotiations this past July in Geneva, the international community will be tempted to resuscitate the Doha process. Indeed, as part of calls to reshape the international financial system -- under a proposed Bretton Woods II -- British Prime Minister Gordon Brown has pushed for the completion of the Doha Round.

But this effort to revive Doha seems inadequate because the existing Doha agenda does not respond to the challenges posed by increasing global integration. Fluctuating commodity prices, threats to the economic security of middle-class workers, financial instability, and environmental insecurity have significant global implications that demand a multilateral response. Going forward, a new round of Bretton Woods talks is needed to develop a more ambitious agenda than Doha has and to involve a broader set of institutions than just the World Trade Organization (WTO).

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Subsection 2. The economic and financial international organizations

Marchetti Barbara

Il sistema di risoluzione delle dispute del WTO : amministrazione, Corte o tertium genus?

in Rivista trimestrale di diritto pubblico, n.4 , 933-968

No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Bonzon Yves



Institutionalizing Public Participation in WTO Decision Making: Some Conceptual Hurdles and Avenues
in *Journal of International Economic Law*, Volume 11, Number 4 , 751-777

This article assesses the potential of institutionalizing more structured mechanisms of public participation in the World Trade Organization (WTO) decision making. It begins by developing a conceptual framework that distinguishes the four 'implementation parameters' of public participation: the goal, the object, the mechanisms, and the actors. Most proposals for more formalized public participation in the WTO view it as a way to mitigate an alleged legitimacy deficit in WTO decision making. This article questions the relevance of this goal. Turning to the object of participation, the article examines the institutional structure of the WTO and points to challenges in identifying those decisions, mostly pertaining to the elimination of nontariff barriers to trade, that should be opened to public participation. 'Sensitive' decisions are mostly reached by the dispute settlement bodies, sometimes by reference to rules adopted outside the institutional framework of the WTO. It is argued that the adoption processes of these external rules are a relevant object of public participation in the WTO context. Finally, administrative review of these adoption processes by the panels and Appellate Body as a mechanism to regulate public participation is considered.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Upchurch Martin, Weltman David

International Financial Institutions and Post-communist Labour Reform: A Case of Utopian Liberalism?
in *Debate: Journal of Contemporary Central and Eastern Europe*, vol. 16, n. 3, December , 309-330

Since 1999 the international financial institutions (IFI) such as the World Bank and IMF have reformed their approach to loan and grant conditionality. As part of the reforms recipient states are encouraged to consult widely with civil society organisations on the internal policy programmes promoted by the IFIs. Individual recipient countries are then assumed to take ownership of policy change without recourse to IFI sanctions. However, many of the policy changes encouraged by the IFIs remain locked in the neo-liberal prescriptive framework of labour market de-regulation, privatisation and public sector reform. As such the collective interests of labour remain threatened. The post Communist states of CEE and former Yugoslavia have been active in recent years in seeking funds from the IFIs. At the same time the legacy of strong labour codes is directly challenged by neo-liberal policy, thus creating a potential arena of contention. This paper examines the reality of the new IFI approach as it relates to labour reform in these states. Evidence is presented of continued avoidance of real or meaningful consultation between the IFIs and client states with labour unions. The authors utilise textual analysis of key IFI documents to present an argument which expresses the reforms of the IFIs as a utopian liberal effort to obscure their underlying continuing commitment to pro-business and anti-labour prescription.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Robert Z. Lawrence

International Organisations: The Challenge of Aligning Mission, Means and Legitimacy
in *World Economy*, Volume 31 Issue 11 , 1455 - 1470

To be effective an international organisation must (a) be given an appropriate mission; (b) be given the means to accomplish its mission; and (c) be viewed as legitimate when carrying out the mission. This paper explores the problems in achieving these prerequisites for success first in a general discussion and then in an application to the WTO. Ensuring



these conditions are met is not easy because there is an inherent tendency for many international institutions to experience 'mission creep', particularly when accountability for burden sharing is weak. This leads to the central dilemma facing many international organisations. If missions are expanded, and organisations given insufficient means, they are likely to fail (or fall short of optimal behaviour) and be criticised for ineffectiveness. However, the more extensive the means they are given, the more likely that their legitimacy will be questioned. The paper argues that the best way for the WTO to deal with these tensions would be to adopt an approach built on a more variable geometry in which countries would not all be required to participate in a single undertaking.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Van den Bossche Peter

NGO Involvement in the WTO: A Comparative Perspective

in *Journal of International Economic Law*, Volume 11, Number 4 , 717-749

This article examines the nature and the extent of the involvement of non-governmental organizations (NGOs) in the activities of the World Trade Organization (WTO). First, it looks at the arguments for and against NGO involvement in WTO activities. Next, the article discusses the legal basis for the involvement of NGOs in WTO activities and the various forms of involvement provided for. It compares the position of NGOs in the WTO with their position in other international organizations, in particular, the United Nations. Subsequently, the article explores the practice of WTO engagement with NGOs. Finally, it examines and compares the rules and procedures of the WTO and the United Nations for the selection of the NGOs with which to engage. This article concludes that a more open and engaged dialogue with civil society will make the WTO a more transparent and responsive organization, enjoying greater support among the general public in developed as well as developing country Members. Justified concerns about the legitimacy, accountability, and politics of NGOs could be eliminated, or at least mitigated, by introducing a system of accreditation in the WTO. While NGO involvement in the WTO definitely has its limits, the involvement of NGOs in other international organizations, in particular, the United Nations, suggests that these limits have not been reached as yet.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Kamal Saggi, Nese Sara

National treatment at the WTO: the role of product and country heterogeneity

in *International Economic Review*, Volume 49 Issue 4 , 1365 - 1394

This paper analyzes the World Trade Organization's (WTO's) national treatment (NT) clause in a two-country model where quality of goods and/or market size are heterogenous across countries. When market size is symmetric across countries, a reciprocal NT agreement (i) benefits the high-quality country, (ii) hurts the low-quality country, and (iii) delivers higher aggregate world welfare. However, such an agreement can arise in equilibrium if the high-quality country's market is relatively bigger and the quality gap between goods is small (i.e., goods are sufficiently alike). The qualitative nature of these results does not change when quality is endogenously determined.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations



Clift Ben, Tomlinson Jim

Negotiating Credibility: Britain and the International Monetary Fund, 1956–1976
in *Contemporary European History* , vol. 17, n. 4, November , 545-566

For twenty years before the famous crisis of 1976 Britain was a regular borrower from the International Monetary Fund (IMF). Through this lending role, the Fund in these years played a key part in determining the credibility of British policies. Borrowing from the Fund meant that British policy had to be seen as conforming to certain norms, but these norms were always negotiable, albeit within shifting limits. This article uses archival material from London and Washington to examine these processes of negotiation, showing how far British policy was shaped by the desires of the IMF, and how far it was able to maintain autonomy in national economic policy.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Mavroidis Petros C.

No Outsourcing of Law? WTO Law as Practiced by WTO Courts
in *American journal of international law*, Vol.102, n.3 , 421-474

The framers of the WTO defined the legal and policy space committed to the WTO, but the organization's adjudicating bodies decide on interpretation. Adjudicating bodies often refer to various extra-WTO elements as supplementary means of interpretation typically used only to support a conclusion already reached. A continuing neglect of non-WTO sources is likely to have an increasingly great impact as the character of trade disputes evolves and as WTO members assess whether WTO adjudication provides an effective forum for their disputes.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Jean-Jacques Hallaert

Proliferation of Preferential Trade Agreements: Quantifying its Welfare Impact and Preference Erosion
in *Journal of World Trade*, Volume 42 Issue 5 , 813-836

Literature has frequently evaluated the proliferation of preferential trade agreement (PTAs) by counting the number of PTAs or the share of international trade covered by these agreements. But these indicators have been recently criticized. This article, using a Computable General Equilibrium (CGE) model, attempts to quantify the economic impact (measured by its welfare effect) of the proliferation of PTAs. Results show that the welfare impact is limited and often vanishes quickly because preferences are eroded by the proliferation of PTAs. This contrasts with the gains from non-discriminatory liberalization. Therefore, proliferation of PTAs is unlikely to continue. This article also has methodological implications for CGE modelling: ignoring the proliferation of PTA significantly bias the results; and the bias is not only potentially large but also its direction is a priori uncertain.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations



Hwang Hae-du, Yin Xiangshuo

Recent developments on RTAs in North East Asia

in *Asia Europe Journal*, Volume 6, Number 2 / June , 455-466

This paper explores the recent developments for regional trade agreements in North East Asia since China's accession to the WTO in 2001. After having successfully achieved high growth rates since it became a WTO member, China's stance towards RTAs has become more positive. In particular, an RTA in North East Asia will be facilitated if China, Japan and Korea fully acknowledge the positive spillover effect from launching such an RTA. This paper further argues that all three nations have to endeavor to resolve the prolonged confrontation in their collective defense systems if they want to expedite any real progress towards a federal RTA in North East Asia.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Henry Gao, C. L. Lim

Saving the WTO from the Risk of Irrelevance: The WTO Dispute Settlement Mechanism as a 'Common Good' for RTA Disputes

in *Journal of International Economic Law*, Volume 11, Number 4 , 899-925

Over the past few decades, Regional Trade Agreements (RTAs) have proliferated globally. Such proliferation of RTAs created a renewed sense of urgency for the WTO to take action in order to avoid the fate of being eclipsed into irrelevance. There are several options for coping with the challenge. Theoretically speaking, the best approach would be to heighten the level of ambition in global trade talks to reduce all trade barriers to zero so that the discriminatory effect created by RTAs could be reduced or even eliminated. In reality, such an approach would be impossible for well-known reasons. The next best option would be for the WTO to draft 'best practices' or model RTAs to minimize the effect of further fragmentation created by different breeds of RTAs. The problems with this approach are first the resource constraints of the WTO, second the bounded rationality of human beings, and third, whether a 'one size fits all' approach would work. Yet another option offered is to strengthen the WTO's monitoring system of RTAs, with the 2006 rules on transparency being the most recent example. Unfortunately, as the Committee on RTAs (CRTAs), the main enforcer of the monitoring rules in the WTO, has been plagued with ineffectiveness because of the consensus rule, heightened monitoring rules would not be of much help either. In this article, we will discuss a fourth option, i.e. to use the WTO dispute settlement mechanism as a venue for resolving RTA disputes. The rationale underlying this initiative is that, by using the WTO dispute settlement system for RTA disputes, the Members will be able to develop a body of 'common law' on RTAs, which would then either form the basis of multilateral rules on RTAs or harmonize RTAs. This way, we can try to minimize the harmful effect of RTAs, and indeed turn RTAs from 'stumbling blocks' into 'building blocks' of the multilateral trading system.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Nanda Ved

Selected Aspects Of International Trade And The World Trade Organization's Doha Round: Overview And Introduction

in *Denver Journal of international law and policy*, Vol. 36, issue 3-4 , 255-274



No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Feichtner Isabel

The Administration of the Vocabulary of International Trade: The Adaptation of WTO Schedules to Changes in the Harmonized System

in *German Law Journal*, Vol.9, n.11 , 1481-1512

No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Peter Egger, Rainer Lanz

The Determinants of GATS Commitment Coverage

in *World Economy*, Volume 31 Issue 12 , 1666 - 1694

This paper investigates hypotheses about the determinants of trade and investment liberalisation with a particular focus on the market access and national treatment commitments under the General Agreement on Trade in Services (GATS). We set up a database of these GATS commitments and use the ratio of all commitments listed by a country to the possible number of commitments as a measure of liberalisation of market access/national treatment. Our empirical analysis suggests that larger and 'richer' countries commit to more liberal regimes of market access and national treatment. This is surprising since economic theory predicts the largest welfare gains for low-skilled abundant (skilled-labour/physical-capital-scarce) economies. Also, our findings suggest that liberalisation is stronger among geographically close countries with strong ties in goods trade.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Windsor Joseph

The WTO Committee on Trade in Financial Services: The Exercise of Public Authority within an Informational Forum

in *German Law Journal*, Vol.9, n.11 , 1805-1832

No abstract available

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Lombardi Domenico, Woods Ngaire

The politics of influence: An analysis of IMF surveillance

in *Review of International Political Economy*, Volume 15 Issue 5 2008 , pages 711 - 739



IMF surveillance is typically thought to have effect because it provides useful information to member countries, because it engages countries in cooperative behaviour or because it piggy-backs the bargaining power the IMF enjoys in some countries. This article explores IMF surveillance by bringing to bear theoretical explanations as to why and how these effects might work. The simplest explanation is a rationalist-realist one that the IMF has impact in countries over whom it has bargaining power: this is borne out by the evidence regarding IMF surveillance in aid-dependent countries. However, this is not the only condition under which surveillance might work. Rationalist-institutionalists point to the role information plays in shaping competition and cooperation among states, and this effect is borne out to a limited degree by the impact of IMF-supported international standards and surveillance activities on the other economies. Finally, constructivists would describe the possible impact of surveillance in terms of learning or socialization, focusing on the social organization and impact of the IMF's activities. The evidence, however, suggests that neither bilateral nor multilateral surveillance is structured or organized in a way that promotes learning or socialization. The implications are that for IMF surveillance to be more effective across all its members would require restructuring the way the organization engages with its members, as well as a greater delegation of authority by countries to the organization.

Section B) Global governance and international organizations

Subsection 2. The economic and financial international organizations

Harrison James, Goller Alessa

Trade and Human Rights: What Does 'Impact Assessment' Have to Offer?

in *Human Rights Law Review*, Vol.8, n.4 , 587-615

This article will examine key issues associated with conducting human rights impact assessments (HRIAs) of international trade agreements. It records the widespread calls for such HRIAs by relevant actors, but highlights the fact that limited attempts have so far been made to explore important issues concerning their design and intrinsic value. It therefore poses some key questions which need to be considered in the development of appropriate methodologies and explores the extent to which these methodological issues can best be appropriately resolved. In so doing, the article considers lessons from existing practice in the field including 'social' impact assessments of trade agreements and the limited number of HRIAs so far conducted, which are specifically focused on international trade law issues. As a result of this analysis some conclusions are drawn about the value and limitations of HRIAs of trade agreements, and the extent to which we can expect them to enhance the debate about human rights law and trade law inter-linkages in the future

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Cornejo Nieto W. Alejandro Sanchez

A Drop in the Ocean: Bulgaria's NATO Membership and Black Sea Geopolitics

in *European Security*, Volume 17, Number 4, December , 517-532

This article discusses Bulgaria's NATO membership; the discussion centers on how Black Sea geopolitics have been altered due to NATO's increasing presence in the area. Furthermore, I discuss in what ways Bulgaria contributes to the NATO alliance by being a member. Finally, the article discusses the effects of the summer 2008 events in Georgia vis-a-vis Black Sea geopolitics. The geographical position and the events occurring around this Southeastern European country have made Bulgaria a strategically important country for the security future of the region.



Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Winrow Gareth M.

Energy Security in the Broader Mediterranean

in European Security, Volume 17, Number 1, March , 161-183

This article examines the evolving relationship in the energy field between states north and south of the Mediterranean. The focus is on energy security, with North African energy producers eager to export their hydrocarbons to European consumers, and EU member states keen to diversify their energy suppliers, and, in particular, avoid over-dependence on Russia for natural gas imports. There are separate discussions on trade in crude oil, natural gas and liquefied natural gas. Concerns over terrorist attacks on energy infrastructure and the heightened interest of NATO on issues of energy security in the Mediterranean are also examined.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Stuermer Michael

Europe first, but at a price

in Aspenia, n. 43 - *America* n. 1 - La crisi senza declino

Change and hope and Yes we can were slogans for electioneering. In real life, the heavy lifting is ahead not only for the US, but also, if they want to count in shaping the world, for the Europeans. Whatever the Europeans will say, Obama will not take NO for an answer.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Charbonneau Bruno, Cox Wayne S.

Global Order, US Hegemony and Military Integration: The Canadian-American Defense Relationship

in International Political Sociology , Volume 2, Issue 4, December 2008 , 305-321

This article argues that the contemporary IR literature on global order and American hegemony has limitations. First, the critical discourse on hegemony fails to adequately examine the deeply embedded nature of regularized practices that are often a key component of the acceptance of certain state and social behaviours as natural. Second, much of the (neo)Gramscian literature has given primacy to the economic aspects of hegemonic order at the expense of examining global military/security relations. Lastly, much of the literature on global order and hegemony has failed to fully immerse itself within a detailed research program. This article presents an historical sociology of Canada-US defense relations so as to argue that the integrated nature of this relationship is key to understanding Canada's role in American hegemony, and how authoritative narratives and practices of "military integration" become instrumental and persuasive in establishing a "commonsensical" worldview. The effects of such integration are especially clear in times of perceived international crisis. Our historical analysis covers Canada's role during the Cuban missile crisis, Operation Apollo after 9/11, and the current war in Afghanistan.



Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Folli Stefano

Il pragmatico Obama e gli alleati europei

in *Aspenia*, n. 43 - America n. 1 - La crisi senza declino

Barak Obama non ha niente di ideologico ed è, al contrario, un pragmatico di prim'ordine. Con il pragmatismo e una punta di spregiudicatezza è diventato presidente degli Stati Uniti, sfruttando a dovere le proprie qualità carismatiche. Non c'è ragione di credere che non continui a esercitare il pragmatismo quando, fra poco più di due mesi, sarà alla Casa Bianca. Questo aspetto non fa di lui, in modo automatico, un eccellente presidente. Come ha scritto un politologo americano, esistono grandi candidati che non diventano mai grandi presidenti. E Obama è stato senza dubbio uno straordinario candidato. Ora gli serve dimostrare di saper essere anche un ottimo presidente. Ottimo e non semplicemente "buono", tanto grandi sono le attese che lo circondano.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Li Li

India's Security Concept and Its China Policy in the Post-Cold War Era

in *Chinese Journal of International Politics (The)*, Volume 2, Number 2, Winter , 229-261

The progressive strengthening of India's post-Cold War policy of détente towards China led the two nations to commit in 1996 to a constructive cooperation. After the Atal Bihari Vajpayee government took office in 1998, however, it referred to China as India's greatest threat, citing it as justification for conducting nuclear tests. This implied a turn for the worse in India's China policy, and that the two nations had entered a new era of antagonism and hostility. But the situation changed again when the Vajpayee government began making overtures towards China, and the two nations reached consensus on comprehensive bilateral cooperation in 2003 during Prime Minister Vajpayee's visit to China. Manmohan Singh's government took office the next year, and later established a strategic partnership with China geared towards peace and prosperity, but at the same time promoted nuclear agreement and joint military exercises with the United States and strengthened strategic cooperation .

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Smith Julianne

Les relations Russie-OTAN : moment de vérité ou déjà-vu?

in *Politique Etrangère*, n. 4, hiver

La relation OTAN/Russie repose sur un malentendu persistant depuis la chute de l'URSS. Tant Eltsine que le premier Poutine se sont efforcés de nouer avec l'Alliance des liens de partenariat étroits et de coopération concrète. Les Russes considèrent que l'OTAN n'a jamais sérieusement pris en compte ces demandes de partenariat. La relation OTAN/Russie doit ainsi être rebâtie dans ses fondements : c'est nécessaire et sans doute possible à partir des défis



actuels.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Perissich Riccardo

L'era della maturità transatlantica

in *Aspenia*, n. 43 - America n. 1 - La crisi senza declino

Per le relazioni transatlantiche esiste, forse, un'opportunità del tutto nuova. Non si tratta solo della fine ingloriosa della politica dell'amministrazione Bush. Il rapporto presenta delle crepe più profonde e antiche. La guerra fredda aveva reso l'alleanza una necessità senza alternative e questo permetteva di mettere in secondo piano i motivi di dissenso. Oggi c'è invece la possibilità di trasformarla in un'intesa matura e consapevole. Cosa è cambiato?

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

George Julie A. , Teigen Jeremy M.

NATO Enlargement and Institution Building: Military Personnel Policy Challenges in the Post-Soviet Context

in *European Security*, Volume 17, Numbers 2-3, June , 339-366

States' conscription policies reveal much about their security climate, economic constraints, political debates, and social norms. While conscription has waned among democratic countries, several states maintain it as a way to socialize and educate their citizens. As post-communist states embrace Western influence and NATO, many have ended compulsory military service. In post-Soviet Georgia, however, conscription policy is a microcosm illustrating the difficulties of bridging security vulnerabilities, political upheaval, and resource realities. Although previous scholarship predicts that security and economic needs should supersede other considerations, we find that the domestic political context looms larger for decision makers of transitioning states.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Brown Bernard E.

NATO'S 60th Birthday Party

in *American Foreign Policy Interests*, Vol. 30, Issue 5 , 288-291

The site selected for marking NATO's 60th birthday party next year suggests the direction in which the organization has developed since the anniversary of its first half-century was celebrated in the U.S. capital 10 years ago. The developments that characterized the decade between both celebrations was marked by the attacks of 9/11; the menace of Islamic fundamentalism; the decision to use force in Iraq, which precipitated the split between Europe and the United States; and the rise of the BRIC nations (Brazil, Russia, India, and China)—all expressions of a change in the balance of power. To determine how to deal with that change and define the relationship between the European Security and Defense Policy (ESDP) and NATO, Europeans and Americans are planning a series of meetings. This analysis concludes by recommending that they, like the next president of the United States, give priority to discussing the efficacy



of establishing a mechanism to facilitate those meetings, which are crucial to strengthening the U.S.-European relationship.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Dugin Alexander

Pax Russica: For a Eurasian Alliance Against America

in *New Perspectives Quarterly*, Vol. 25, Issue 4, Fall , 56-60

No abstract available

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Ellner Andrea

Regional Security in a Global Context: A Critical Appraisal of European Approaches to Security

in *European Security*, Volume 17, Number 1, March , 9-31

The EU has developed a normative approach to security over the past 15 years, which is strongly rooted in the concept of human security. This paper examines where human security is situated in the contemporary discourse on security and critically assesses both the concept itself and its application in European security policy. It argues that the approach has weaknesses in concept and practice which potentially undermine the normative aspirations of European security, particularly with regard to political agency, the universalisation of liberal values, legitimacy, sovereignty, the notion of security as a collective good and the external as well as internal dimensions of the EU as a security community.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Timmermann Heinz

Russia, the EU and their common neighbours Ukraine, Belarus and Moldavia

in *Federalist Debate (The)*, Year XXI, n. 3, November , 21-25

No abstract available

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Valasek Tomas

The Euro-American link: still the least-bad alliance

in *Aspenia*, n. 43 - America n. 1 - La crisi senza declino

On October 8, 1997, the then-US Secretary of State Madeleine Albright stood before the US Senate Foreign Relations Committee and declared: "The United States is a European power." Her argument (made to convince the sceptical Senate to support the enlargement of NATO) sounds almost quaint today. Eleven years on, the strategic interests of the



United States have moved eastward. The United States under President Barack Obama will be far more preoccupied with the greater Middle East – an area stretching broadly from Russia through Iraq, Iran and Afghanistan, all the way to Pakistan and China's borders. That is where most of the threats to the US come from. Europe is no longer a source of challenges for the US, nor is it much of a help to the US in meeting its global responsibilities.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

De Grossouvre Henri

The NATO Summit in Bucharest: origins and consequences for Europe of a historic US defeat
in *World Affairs*, Vol. 12, n. 3, Autumn

For the first time since NATO's creation, the USA was defeated at an alliance summit with regard to a priority goal it had set—the inclusion of Ukraine and Georgia in NATO. That is the most notable fact about the Bucharest Summit that history will record. The summit also revealed increased tensions between the US and Russia accompanied by new intra-European disagreements, which narrowed the EU's scope for action. HENRI DE GROSSOUVRE concludes that the EU is indeed paralysed by a new East–West crisis whose most visible manifestation is Moscow's recognition of the independence of South Ossetia and Abkhazia.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Davidson Jason W.

The New American Consensus on Alliances
in *Aspenia*, n. 43 - America n. 1 - La crisi senza declino

A striking new American consensus on alliances emerged during the '08 presidential campaign: America now values allies and is willing to make real sacrifices for them. President Obama should be willing to compromise to keep allies on board in facing important security challenges.

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Witney Nick

The death of NATO
in *Europe's World*, Issue 10, Autumn

Now in its 60th year, NATO no longer provides a healthy basis for the transatlantic security relationship, says Nick Witney. As it enters its twilight years, Europeans must now start to earn the balanced strategic partnership with the US they say they want. America could help, by upgrading the US-EU strategic dialogue.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21272/Default.aspx>



Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

D'Aboville Benoît

The thinking behind France's NATO rapprochement

in *Europe's World*, Issue 10, Autumn

There's a good deal more to France's decision to rejoin NATO's military structure than meets the eye, explains Benoît d'Aboville. As a former French ambassador to NATO, he sets the move in the context of his country's new defence white paper.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21274/Default.aspx>

Section B) Global governance and international organizations

Subsection 3. Security communities and organizations

Barbeacute Esther, Johansson-Nogueacutes Elisabeth

Victims of 'Friendly Fire'? The NRF, the EU BG and Contested Identity Constructions within the Transatlantic Community

in *European Security*, Volume 17, Numbers 2-3, June , 295-314

The NRF and the EU BG were launched to enable NATO and the EU respectively to shed some of their Cold War roles and begin to incorporate new organisational functions as means to meet their members' needs in a changing global security environment. However, since their launch the two rapid reaction forces have both failed to fully consolidate. Our argument is that an examination of intra-NATO/EU contested identities at three levels (supra-state, state and sub-state) provides us with additional insights for the lack of success in consolidating the two sets of rapid reaction forces.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Peters B. Guy

"Governance" e democrazia: un dibattito

in *Rivista Italiana di Scienza Politica*, Vol. XXXVIII, Numero 3, Dicembre , 443-462

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Moslener Ulf, Sturm Bodo

A European Perspective on recent trends in US climate policy

in *European Environment/Environmental Policy and Governance*, Volume 18, Issue 5, September-October , 257-275

Without the participation of the United States, for many years the world's largest emitter of greenhouse gases, mitigation of global climate change seems hardly conceivable. Despite the US rejection of the Kyoto Protocol and the reluctance of the Bush administration to engage in post-Kyoto negotiations, recent developments suggest that the US position



towards climate policy might change in the medium run. This study provides an overview on current trends in US climate policy. We outline the main elements of national climate policy proposals and state-level initiatives. Based on this overview, recent trends in US climate policy are related to the European approach to combat climate change. Furthermore, we elaborate on the aspects that may be important for Europe to design its own domestic and international climate policy in order to achieve the long-term global goal of stabilizing greenhouse gas concentrations. While it seems likely that the US will take a leading role in international climate policy, it can also be expected to challenge the European position in many respects rather than to simply support any Kyoto-type process.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Cohen Jean L.

A Global State of Emergency or the Further Constitutionalization of International Law: A Pluralist Approach in Constellations, Vol. 15, Issue 4, December , 456 - 484

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Steffek Jens, Ferretti Maria Paola

Accountability or “Good Decisions”? The Competing Goals of Civil Society Participation in International Governance

in Global Society, Volume 23, Issue 1, January , 37-57

Civil society participation in international and European governance is often promoted as a remedy to its much-lamented democratic deficit. We argue in this paper that this claim needs refinement because civil society participation may serve two quite different purposes: it may either enhance the democratic accountability of intergovernmental organisations and regimes, or the epistemic quality of rules and decisions made within them. In comparing the European Union and World Trade Organization (WTO) in the field of biotechnology regulation we find that many participatory procedures officially are geared towards the epistemic quality of regulatory decisions. In practice, however, these procedures provide little space for epistemic deliberation. Nevertheless, they often lead to enhanced transparency and hence improve the accountability of governance. We also find evidence confirming findings from the literature that the different roles assigned to civil society organisations as “watchdogs” and “deliberators” are at times difficult to reconcile. Our conclusion is that we need to acknowledge potential trade-offs between the two democratising functions of civil society participation and should be careful not to exaggerate our demands on civil society organisations.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Mosley Layna

An End to Global Standards and Codes?

in Global Governance, vol. 15, n. 1, january-march , 9-14

No abstract available



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Walker Neil

**Beyond boundary disputes and basic grids: Mapping the global disorder of normative orders
in *International Journal of Constitutional Law*, Vol.6, n.3-4 , 373-396**

The recent proliferation of transnational forms of legal regulation and recognition has transformed the way we understand the global legal configuration, both in quantitative and in qualitative terms. Quantitatively, so dense are the connections and so significant the overlaps between legal orders that they can no longer easily be compartmentalized—still less marginalized—as mere boundary disputes. Qualitatively, the underlying basic grid, or "order of orders," through which we make sense of such connections and overlaps, is no longer well understood in traditional Westphalian terms—as the accommodation of mutually exclusive state sovereignties within a largely facilitative framework of international law. Rather, there is an emerging "disorder of orders," with traditional state sovereigntist, unipolar, global-hierarchy, regional, legal-field discursive (including global versions of both "constitutional" and "administrative" law), coherentist, and pluralist grids of understanding of the relationship between normative orders vying with one another, but with none gaining ascendancy. The future of the global legal configuration is likely to involve more of the same. It is likely we will not witness the reestablishment of a new dominant order of orders but, instead, will depend on the terms of accommodation reached among these competing models and among the actors— popular, judicial, and symbolic—who are influential in developing them.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Pattberg Philipp, Stripple Johannes

**Beyond the public and private divide: remapping transnational climate governance in the 21st century
in *International Environmental Agreements: Politics, Law and Economics*, Volume 8, Number 4, December , 367-388**

This article provides a first step towards a better theoretical and empirical knowledge of the emerging arena of transnational climate governance. The need for such a re-conceptualization emerges from the increasing relevance of non-state and transnational approaches towards climate change mitigation at a time when the intergovernmental negotiation process has to overcome substantial stalemate and the international arena becomes increasingly fragmented. Based on a brief discussion of the increasing trend towards transnationalization and functional segmentation of the global climate governance arena, we argue that a remapping of climate governance is necessary and needs to take into account different spheres of authority beyond the public and international. Hence, we provide a brief analysis of how the public/private divide has been conceptualized in Political Science and International Relations. Subsequently, we analyse the emerging transnational climate governance arena. Analytically, we distinguish between different manifestations of transnational climate governance on a continuum ranging from delegated and shared public-private authority to fully non-state and private responses to the climate problem. We suggest that our remapping exercise presented in this article can be a useful starting point for future research on the role and relevance of transnational approaches to the global climate crisis.

Full text available on-line: <http://www.springerlink.com/content/du4347q42r01un21/fulltext.pdf>



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Pittela Karen, Rübhelke Dirk T.G.

Climate policy and ancillary benefits: A survey and integration into the modelling of international negotiations on climate change

in **Ecological Economics**, Volume 68, Issues 1-2, 1 December , 210-220

Currently informal and formal international negotiations on climate change take place in an intensive way since the Kyoto Protocol expires already in 2012. A post-Kyoto regulation to combat global warming is not yet stipulated. Due to rapidly increasing greenhouse-gas emission levels, industrialized countries urge major polluters from the developing world like China and India to participate in a future agreement. Whether these developing countries will do so, depends on the prevailing incentives to participate in international climate protection efforts. This paper identifies ancillary benefits of climate policy to provide important incentives to attend a new international protocol and to positively affect the likelihood of accomplishing a post-Kyoto agreement which includes commitments of developing countries.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Lavranos Nikolaos, Vielliard Nicolas

Competing Jurisdictions Between MERCOSUR and WTO

in **Law and Practice of International Courts and Tribunals (The)**, vol. 7, n. 2 , 205-234

ABSTRACT: The wider issues raised by the Brazilian Tyres case are discussed in this contribution. Regarding the institutional aspects, this case examines the difficulties between regional dispute settlement systems and the global WTO dispute settlement system. In particular, the WTO Appellate Body showed no deference towards the prior report of the MERCOSUR Arbitral Tribunal. Indeed, the WTO Appellate Body is espousing a supremacy of WTO law - not only vis-à-vis regional dispute settlement bodies, but also regarding WTO panels. It is argued that this attitude is not sustainable in the light of the increasing proliferation of international courts and tribunals, which inevitably results into disputes being adjudicated by different courts and tribunals at different levels. Regarding the substantive aspects, this case is a prime example of the difficulties of balancing non-trade interests and trade interests. At the end, trade interests superseded the nontrade interests. It is argued that the way Article XX GATT has been interpreted and applied by the WTO Appellate Body leaves states insufficient room to address urgent environmental and health problems by restricting trade. It is argued that in this case Brazil's non-trade interests should have been given preference over the trade interests of the EC and Uruguay.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Alcock Frank

Conflicts and Coalitions Within and Across the ENGO Community

in **Global Environmental Politics**, Volume 8, Issue 4, November , 66-91

This article examines the diversity of opinions that exists within the ENGO community regarding their diagnoses of environmental problems and their preferred solutions to them. It provides a conceptual framework that consists of two components: values and governance approaches. Different values include ecological sustainability, distributive equity



and economic efficiency. Governance approaches target states, international regimes, communities and markets as alternative loci for institutional solutions to environmental problems. The framework is used to illuminate salient patterns of conflict and coalitional behavior and to project future trends in global environmental politics.

Full text available on-line (free): <http://www.mitpressjournals.org/doi/pdf/10.1162/glep.2008.8.4.66>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Picciotto Sol

Constitutionalizing multilevel governance?

in *International Journal of Constitutional Law*, Vol.6, n.3-4 , 457-479

Multilevel governance entails transformations of statehood, leading to significant changes both in the public sphere of politics and the private sphere of economic activity and in their modes of interaction, the law included. The fragmentation of the public sphere and the decentering of the state have led to new types of regulation and the emergence of global regulatory networks, thereby intermingling the public and the private. The transition from government to governance blurs a clear hierarchy of norms and the distinctions between hard/soft and public/private law; it encourages a fragmentation of public functions. Renewed international legalization has been seen by some in formalist terms, as a way of providing some certainty and predictability; this view has been used to buttress the legitimacy of global governance. Although there have been attempts to improve coordination between international regimes, they seem generally to spawn further regulatory networks; any formal constitutionalization of international regimes seems unlikely.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Shapiro Ian

Contención y cosmopolitismo democrático

in *Foro Internacional*, VOLUMEN XLVIII - NÚMERO 3

The cosmopolitan democrats' national security policy of choice is containment. Some believe that cosmopolitan democrats should support world government, a view that seems incompatible with endorsing any national security strategy such as containment. The arguments commonly given to support this view are fallacious. Containment shows more elective affinities with the democratic ideal of non-domination than with any existing alternatives. In an era of rogue regimes, weak states and itinerant terrorist threats, effective containment requires legitimization through international institutions and cooperation with other states through regional alliances.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Garlicki Lech

Cooperation of courts: The role of supranational jurisdictions in Europe

in *International Journal of Constitutional Law*, Vol.6, n.3-4 , 509-530

No abstract available



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Phillips Timothy, Smith Philip

Cosmopolitan beliefs and cosmopolitan practices. An empirical investigation

in *Journal of Sociology*, Volume 44, No. 4, December 2008 , 391-399

The field of cosmopolitanism research, for several years the topic of a mostly theoretical elaboration, is presently on the cusp of an empirical moment where research questions are specified and answered. The dimension of this shift that is of interest to us here concerns the impact of cosmopolitanism on the individual. While qualitative research is starting to gather momentum, a systematic quantitative research agenda remains less developed. We propose the association between cosmopolitan outlook and cosmopolitan practice as a useful starting point for such work. Here we report and reflect upon some initial findings on the nature and direction of this relationship as it exists among the general population in Australia.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Fabre Cecile

Cosmopolitanism, just war theory and legitimate authority

in *International Affairs* , vol. 84, issue 5, september , 963-976

ABSTRACT: The requirement of legitimate authority, though central to medieval and modern interpretations of the just war tradition, has received less attention in the contemporary literature than the other requirements of jus ad bellum. The usual interpretation holds that the kind of entities that have legitimate authority are states, coalitions of states, supranational institutions or national liberation movements and that these political entities are endowed with the authority to wage war. At the same time, contemporary literature on the ethics of international relations is characterized by a revival of the cosmopolitan tradition. This subjects states and quasi-states to stringent legitimacy conditions: according to cosmopolitans, states are internally legitimate—have the right to coerce their own members—if, and only if, they respect the latter's fundamental human rights. The principle of legitimate authority has been criticized in some recent writings on war for not taking account of the implications of (independently defended) cosmopolitan descriptions of state legitimacy. If states are subject to stringent legitimacy conditions such as those outlined above, the criticism goes, they do not possess the right to wage war simply by virtue of their being a state. Rather, the authority to resort to war should be vested in supra-national institutions as well as, or indeed, rather than, states. In this sense war becomes a mechanism for enforcing cosmopolitan moral norms, as opposed to a mechanism for resolving interstate disputes. This cosmopolitan account of legitimate authority needs to be developed to include supra-national institutions. While the author does not deny that such institutions have the moral and legal right to wage war, the aim of this article is to cast doubt on the cogency of the requirement of legitimate authority itself—on cosmopolitan grounds. From a cosmopolitan point of view, the article argues there are very good reasons for dropping the requirement altogether. After sketching out a plausible cosmopolitan account of justice in section two, section three shows that a war need not be waged by a legitimate authority in order to qualify as a just war.



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Kendall Gavin, Skrbis Zlatko, Woodward Ian

Cosmopolitanism, the nation-state and imaginative realism

in *Journal of Sociology*, Volume 44, No. 4, December 2008 , 401-417

Contemporary writing on cosmopolitanism has asserted the need for a new sociological toolkit to deal with an emergent post-national social order. At the heart of this agenda is a misunderstanding about the role of the nation-state, which has led to some rather unhelpful theorizations. The state is assumed to be a dead hand in the development of post-national sentiments or an increasingly irrelevant social structure. We argue that the superseding of the nation-state is not necessary for the development of cosmopolitan sentiments of solidarity. In addition to classical sociology, it is work surrounding the concepts of cosmopolitan democracy and constitutional patriotism and the public sphere that can assist us in theorizing cosmopolitanism. What distinguishes this tradition is the utilization of social science concepts such as democracy, state, public sphere and law in an attempt to ground the idea of cosmopolitanism within the context of existing social structures.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Scholtz Werner

Custodial Sovereignty: Reconciling Sovereignty and Global Environmental Challenges amongst the vestiges of Colonialism

in *Netherlands International Law Review*, Volume 55, Issue 3 , 323-341

The rapid deterioration of the environment has become a threat to the survival of mankind and concerted action of all states is required in order to overcome the current problems. The perplexing question that arises is whether and how the notion of sovereignty can face up to the global environmental challenge? It is therefore important to reconcile the concept of sovereignty with the need for a global approach to problems of an environmental nature. This approach furthermore needs to take account of the dynamics of the North-South relationship. In this article the author introduces the notion of 'custodial sovereignty' as a solution to the problem.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Wittig Peter

Das Leiden der Anderen

in *Internationale Politik* , 63. Jahrgang, n. 10, Oktober

ABSTRACT: Völkermord, Kriegsverbrechen, ethnische Säuberung: Staatliche Souveränität endet dort, wo der Staat seine Bürger nicht mehr schützt. Dies besagt die im UN-Rahmen definierte Schutzverantwortung „Responsibility to Protect“. Sie ermächtigt die Staatengemeinschaft, notfalls auch mit militärischen Mitteln einzugreifen – eine



Verantwortung, die viele Fragen aufwirft.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Keohane Robert, Macedo Stephen, Moravcsik Andrew

Democracy-Enhancing Multilateralism

in International Organization, vol. 63, issue 1, january , 1-31

ABSTRACT: International organizations are widely believed to undermine domestic democracy. Our analysis challenges this conventional wisdom, arguing that multilateral institutions can enhance the quality of national democratic processes, even in well-functioning democracies, in a number of important ways: by restricting the power of special interest factions, protecting individual rights, and improving the quality of democratic deliberation, while also increasing capacities to achieve important public purposes. The article discusses conflicts and complementarities between multilateralism and democracy, outlines a working conception of constitutional democracy, elaborates theoretically the ways in which multilateral institutions can enhance constitutional democracy, and discusses the empirical conditions under which multilateralism is most likely to have net democratic benefits, using contemporary examples to illustrate the analysis. The overall aim is to articulate a set of critical democratic standards appropriate for evaluating and helping to guide the reform of international institutions.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Bogdandy Armin von, Dann Philipp, Goldmann Matthias

Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities

in German Law Journal, Vol.9, n.11 , 1375-1400

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Krieger Heike

Die Herrschaft der Fremden - Zur demokratietheoretischen Kritik des Völkerrechts

in Archiv des öffentlichen Rechts , Band 133 (2008), Heft 3, Juli 2008 , 315-345

“Do you want to be governed by the views of foreigners?”, the US Supreme Court Judge Antonin Scalia asks his audience during public discussions in order to suggest that the US Supreme Court should not apply international law when interpreting the US constitution. The question highlights a fundamental democratic criticism of international law: Does international law lead to a “submission to non-national acts of sovereignty” because international law increasingly affects the national legal system? Depending on their point of view authors offer different answers to this question. Some advocate the introduction of democratic structures into the international order. Others try to reconstruct a more traditional understanding of sovereignty. While both approaches address the problems of legitimation which are inherent in present international law they also tend to endanger its normative force. Whereas calls for more democracy on the



international plane introduce requirements into the international order which this order might not be able to meet, arguments of national sovereignty might weaken States' willingness to comply with international law. The article addresses these forms of democratic criticism by looking at the idea that international law leads to a submission to views and acts of foreigners and by analysing possible deficits of legitimation from the perspective of German constitutional law. The exercise of governmental authority by international organisations and the relationship between international law and direct democracy will serve as folio for evaluating efforts to enforce democracy in respect of international law.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Saxer Marc

Die Schutzverantwortung und die Weltordnung des 21. Jahrhunderts
in *Zeitschrift für Politik*, Jahrgang 55, Heft 4, 2008

The debate over the »Responsibility to Protect« (R2P) is a key element of the discussion over the shape of the emerging world order. The international system needs to find answers to the disintegration of its building blocks: sovereign states. Thus, a key challenge will be to end violent internal conflicts and prevent the occurrence of mass atrocities. In these situations, the international community proved too often to be paralyzed. The discussions over »humanitarian interventions«, »human security« and the »responsibility to protect« aimed amongst other things at restoring the ability of the international community to react to these phenomena. At the same time, the illegal interventions of Kosovo, Iraq and the Caucasus pointed to the dangers of establishing a »humanitarian« justification for the use of armed force without a UN mandate. Beyond the question if binding criteria could prevent the misuse of R2P, there seems to be no majority for a qualified codification of the concept. Therefore, the decision of the World Summit 2005 to leave the UN Security Council at the center of decision making over the use of force points to the right direction. However, this leaves the problem of the inability of the international community to react to mass atrocities unaddressed. As a consequence, progress can only be made by a »grand deal« between great powers. However, in the ongoing global power shift, proponents of a traditional reading of sovereignty are gaining more influence. On the other hand, established and emerging powers alike have an interest in functioning multilateral institutions and a stable international system. Thus, a »grand deal« could involve emerging powers deeper in the responsibility to guarantee the stability of the international order, but also assume a role in the world order more adequate to their growing influence. A more flexible Chinese approach notwithstanding, such a deal seems unlikely in the near future. Combined with a certain »intervention fatigue« in the West and growing concerns over the risks of »humanitarian justifications « for the unilateral use of force, this suggests a bumpy road ahead for R2P.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Erdi Lelandais Gülçin

Du printemps ouvrier à l'altermondialisme... Le champ militant et le champ politique en Turquie
in *Cultures & Conflits*, numero 70, été , 57-83

From a working class spring to alter-globalisation. The militant field and the political field in Turkey
The emergence of the "alter-globalization" movement, as a result of a new struggle, gives the beginnings of the transformation of the contestation field in connection with the political and economic developments, both in Turkey and internationally, in particular by accentuating of globalisation. This article proposes a reflection, in this climate of



reconfiguration of the political field in Turkey, on mobilisation conditions of alter-globalisation, looking on the one hand the political conditions, and on the other side configurations of Turkish militant field likely to affect the mobilization as both opportunity and obstacle. To do this, I consider the military coup carried out in September 1980 as a turning point in the re-configuration of the Turkish political field as well as in the transformation of the interaction between the militant field and the political field. The article rightly emphasizes on difficult autonomisation of social struggles vis-à-vis political ideologies. In this context, the alter-globalisation appear to be a new struggle, or even a new political movement that can permit both a relative empowerment of social movements vis-à-vis political parties and a policy remanence for former leftist political movements wiped out by intervention of Turkish army in 1980.

Full text available on-line: <http://www.conflicts.org/index12483.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Novak Manfred

Ein Weltgerichtshof für Menschenrechte - Eine utopische Forderung?

in *Vereinte Nationen*, vol. 56, issue 5 , 205-211

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Arroyo Lara Eladio , Pérez Gil Luis V., Garay Vera Cristián

El estatus del terrorismo y la violencia política transnacional en el sistema internacional de la posguerra fría.

in *Foro Internacional*, VOLUMEN XLVIII - NÚMERO 3

In this essay, the authors analyze the position terrorism has attained among the threats to security in the post-Cold War period. Hegemony in an interdependent world has made the concept of all violent conflicts obsolete, either between states with equally high levels of development or developing states, but it has also enabled barely significant groups to threaten the security of everyone. These groups make use of violent actions to cause damage indiscriminately in order to get the attention of the media, thereby increasing the repercussions and scope of their actions. Consequently, international terrorism is now considered a violent political phenomenon characteristic of this new stage.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Wilke Marie

Emerging Informal Network Structures in Global Governance Inside the Anti-Money Laundering Regime

in *Nordic Journal of International Law*, vol. 77, issue 4 , 509-532

During the last decades a global governance system consisting of various decision-making arenas, shifting regulatory decisions from the domestic to the global level, has emerged. It includes informal but institutionalised transgovernmental networks, private actors such as financial institutions, hybrid private-public networks and enforcement cooperations. This essay argues that the system exhibits a democratic deficit. By analysing this claim based on the 'Anti Money Laundering Regime' (AML regime), in section two it will become clear that the deficit does not just derive from loose procedural



problems such as insufficient transparency but in general from the apolitical and rather technical nature of the system itself. Section three will then proceed to analyse proposed reactions, mainly the idea of a global administrative law. However, it will not only consider the immanent critiques, but also address the problem of a functionalised world and raise and discuss the question whether the approach of 'instrumentalising' international law is the right reaction and first and foremost the future role of international law.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Lancos Petra Lea

Flexibility and Legitimacy - The Emissions Trading System Under the Kyoto Protocol

in *German Law Journal*, Vol.9, n.11 , 1625-1650

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Lindros Anja, Mehling Michael

From Autonomy to Integration? International Law, Free Trade and the Environment

in *Nordic Journal of International Law*, vol. 77, issue 3 , 253-274

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Graz Jean-Christophe

Gare aux hybrides: mythes et réalités de la gouvernance de la mondialisation

in *Etudes Internationales*, 3, Septembre 2008 , 361-385

Hybrid is used as a default attribute reflecting the lack of a clear explanation for the influence of new patterns and actors in structural change beyond states, firms and institutions involved in regulatory practices across nations. The notion of hybrid can be used to identify the shortcomings of global governance literature. Ancient mythology shows that ontological ambiguity and emotional ambivalence represent core features of hybrid creatures. Critical scholarship in global political economy helps to conceptualize three generic levels of transfers of authority where the hybrid dimension of governance in contemporary capitalism lays. The concept of hybrid shows the ambiguity between formal and informal transfers of authority, which provides an insight into the contested nature of the procedures used to reinforce these governance practices.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Bogdandy Armin von

General Principles of International Public Authority: Sketching a Research Field



in *German Law Journal*, Vol.9, n.11 , 1909-1938

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Price David

Global Democracy Promotion: Seven Lessons for the New Administration
in *Washington Quarterly (The)*, Volume 32, issue 1, winter

A professed commitment to worldwide democracy promotion has been a hallmark of U.S. foreign policy for many years and was given a distinctive emphasis by the outgoing administration. President George W. Bush calls it “the urgent requirement of our nation’s security, and the calling of our time.” Promoting democracy, however, is not merely a matter of advocacy via an international megaphone. Policies of the Bush administration have led many to question the methods used to promote democracy or even the goal itself. Despite such criticism, much of it warranted, democracy promotion remains a central plank of U.S. foreign policy, an expression of U.S. values, and a tool that can be used to pursue the strategic interests of the United States. It is critically important, therefore, to learn from the mistakes of the past seven years and to rethink and refine the theory and practice of democracy promotion.

For the last three years, Rep. David Price (D-NC) and Rep. David Dreier (R-CA) have led the House Democracy Assistance Commission (HDAC), the institutional descendant of the Frost-Solomon Task Force. The bipartisan commission of twenty House members has sought to strengthen the institutional capacities of partner legislatures in Afghanistan, Colombia, Georgia, Haiti, Indonesia, Kenya, Lebanon, Liberia, Macedonia, Mongolia, Timor-Leste, and Ukraine. HDAC has worked with parliamentary colleagues and their staffs in all these countries on nearly every aspect of legislative governance, from budgetary analysis and committee oversight to personnel management and constituent relations. Implementation of the programs has occurred through close collaboration with U.S. embassies around the world, as well as democracy programs administered by the U.S. Agency for International Development (USAID) and executed by experienced organizations such as the National Democratic Institute (NDI), the International Republican Institute (IRI), the Research Triangle Institute (RTI), and the Asia Foundation. As a result, HDAC has been in a unique position to witness both the successes and failures of U.S. efforts to promote democracy worldwide.

Too often, U.S. democracy promotion efforts have failed to penetrate beyond the rhetorical or superficial, and the Bush administration’s track record in this regard is decidedly mixed. The most consequential mistake has been to assume that democracy could spring fully formed from the barrel of a gun, most notably in the case of Iraq. Bush’s failure to avoid the errors of his predecessors, despite acknowledging and disavowing them, has also been damaging. Like many executives before him, the current president has allowed a myopic, short term view of foreign affairs to obscure our national security vision. In places like Kenya and Pakistan, the United States has allowed its friendships with pro-Western, anti-terrorist leaders to cloud its judgment in the wake of ascendant popular opposition to such leaders. In other places, such as Ethiopia and Saudi Arabia, short-term calculations of self-interest have muted U.S. advocacy for democratic reforms. With the democracy agenda and strategic interests of the United States increasingly overlapping, what policy course the new president and his administration pursue is an urgent and critical question.

http://www.twq.com/09winter/docs/09jan_Price.pdf



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Long David, Woolley Frances

Global Public Goods: Woolley Frances

in **Global Governance**, vol. 15, n. 1, january-march , 107-122

ABSTRACT: The concept of global public goods has been advanced as a way of understanding certain transborder and global problems and the need for coordinated international response. It has been used to describe everything from global environment, international financial stability, and market efficiency, to health, knowledge, peace and security, and humanitarian rights. Using an internal critique, this article finds that the concept, which is poorly defined, avoids analytical problems by resorting to abstraction and masks the incoherence of its two central characteristics. The conclusion is that even if the concept of global public goods is effective rhetorically, precise definition and conceptual disaggregation are required to advance analysis of global issues.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Wet Erika de

Governance through Promotion and Persuasion: The 1998 ILO Declaration on Fundamental Principles and Rights at Work

in **German Law Journal**, Vol.9, n.11 , 1429-1452

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Wet de Erika

Holding International Institutions Accountable: The Complementary Role of Non-Judicial Oversight Mechanisms and Judicial Review

in **German Law Journal**, Vol.9, n.11 , 1987-2012

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Goodhart Michael

Human Rights and Global Democracy

in **Ethics and International Affairs**, vol. 22, n. 4, winter

ABSTRACT: Human rights and global democracy are widely assumed to be compatible, but the conceptual and practical connection between them has received little attention. As a result, the relationship is under-theorized, and



important potential conflicts between them have been neglected or overlooked. This essay attempts to fill this gap by addressing directly the conceptual relationship between human rights and global democracy. It argues that human rights are a necessary condition for global democracy. Human rights constrain power, enable meaningful political agency, and support and promote democratic regimes within states, all of which are fundamental elements in any scheme for global democracy. The essay explores the normative and conceptual bases of these functions and works out some of their institutional implications.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Macklem Patrick

**Humanitarian Intervention and the Distribution of Sovereignty in International Law
in *Ethics and International Affairs*, vol. 22, n. 4, winter**

ABSTRACT: Legal debates about humanitarian intervention—military intervention by one or more states to curb gross human rights violations occurring in another state—tend to assume that its legitimacy is irrelevant to its legality. Debates among philosophers and political theorists often assume the inverse, that the legality of humanitarian intervention is irrelevant to its legitimacy. This paper defends an alternative account, one that sees the legality and legitimacy of humanitarian intervention as intertwined. This account emerges from a conception of international law as a legal domain that structures global politics by treating sovereignty as a legal entitlement that it distributes among the multitude of legal actors that it recognizes as states. Drawing on a long standing debate among domestic legal theorists about the rule of law, it first identifies formal constraints on the UN Security Council's discretion to authorize the use of force to end human rights violations. Developing a distributive conception of international human rights, it then identifies substantive considerations that shed further light on the legality of intervention. It suggests that members of the Security Council must give reasons when exercising their discretion to authorize the use of force and that some reasons might divest a member's vote of legal validity.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Volgy Thomas J., Fausett Elizabeth, Grant Keith A., Rodgers Stuart

Identifying Formal Intergovernmental Organizations

in *Journal of Peace Research*, Volume 45, Number 6, November , 837-850

Scholarship on intergovernmental organizations (IGOs) has mushroomed, especially studies involving quantitative analyses of state involvement in IGOs and the effects of IGOs on the behavior of state members. Yet, little of that literature enumerates IGOs using conceptually based definitions of what are formal intergovernmental organizations. Here, the authors develop a new database on IGOs, based on a definition focusing on three dimensions: formal organizations that demonstrate ongoing decisionmaking and oversight by states; evidence bureaucratic organization; and demonstrate organizational autonomy. The authors conceptualize these organizations as FIGOs. Using these dimensions, they identify the population of FIGOs at three points in time: 1975, 1989, and 2004. In addition, they generate data on state membership in FIGOs, offering not only a simple frequency of number of organizations in which a state participates, but also another measure of state involvement through the creation of a denominator of 'opportunity', allowing for an analysis of the number of organizations joined versus the number of organizations a state is capable of joining. Finally, the authors compare the results from their efforts with the IGO COW database and suggest some



advantages to using their data for a number of theoretical questions.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Freeman Samuel

Il diritto dei popoli, la cooperazione sociale, i diritti umani e la giustizia distributiva

in *Filosofia e Questioni Pubbliche*, Volume XII (2007), n. 3 , 113-156

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Goldmann Matthias

Inside Relative Normativity: From Sources to Standard Instruments for the Exercise of International Public Authority

in *German Law Journal*, Vol.9, n.11 , 1865-1908

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Bohmer Charles, Nordstrom Timothy

Intergovernmental Organization Memberships: Examining Political Community and the Attributes of International Organizations

in *International Interactions*, vol. 32, n. 3, july , 282-302

ABSTRACT: Why are states jointly members in certain intergovernmental organizations (IGOs) but not others? Despite the proliferation of IGOs and renewed interest in this topic, we lack systematic research to answer this question. Our theory of political community explains why dyads of states are likely to be common members in particular types of IGOs. We analyze and compare functionalist and Deutschian communitarian perspectives about IGO memberships. We test our theory using newly available data on IGO mandates and institutional structure, which allows us to make specific predictions about the types of IGO to which dyads become members. We show that dyads that are economically dependent, and/or democratic and enjoying enduring peace, are more likely to join those IGOs that possess high levels of institutional structure. Militarized interstate conflicts reduce the likelihood of states sharing membership in common IGO, but not substantially, whereas development and alliances also increase IGO memberships between states. Trade ties, however, are the most important determinant of joint membership between states in the most institutionalized IGOs, which is congruent with security communities.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Venzke Ingo



International Bureaucracies from a Political Science Perspective – Agency, Authority and International Institutional Law

in *German Law Journal*, Vol.9, n.11 , 1401-1428

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Bogdandy Armin von, Dann Philipp

International Composite Administration: Conceptualizing Multi-Level and Network Aspects in the Exercise of International Public Authority

in *German Law Journal*, Vol.9, n.11 , 2013-2038

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Auby Jean-Bernard

Is legal globalization regulated? Memling and the business of baking camels

in *Utrecht Law Review*, Vol.4, issue 3 , 210-217

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Yakemtchouk Romain

L'Europe face au réchauffement climatique

in *Revue de l'Union européenne/Revue du Marché Commun et de l'Union européenne*, n. 522, octobre-novembre , 587-596

In June of 2007 the EU published a Green Paper on its adaptation to climate change and the cost of these measures. As for the European Parliament, on the 29th November it asked for an international agreement to be concluded which would follow in 2012 the Kyoto Protocol, as well as for an international organisation to be created, which would take care of controlling the respect of intergovernmental commitments in terms of combating climate change. Yet these proposals have only been given a lukewarm reception by the United States, China, India and most developing countries, which maintain that the fight against world climate change should not just simply mean reducing greenhouse gases, but managing emissions of the latter in a better way. It has been agreed that these issues shall be discussed in December 2008 at the Poznan conference (Poland), and in December 2009 at the Copenhagen conference in Denmark. According to Ban Ki-moon, the United Nations General Secretary, it will not be easy to reach a global climate agreement.

Section B) Global governance and international organizations



Subsection 4. Global governance, supranational federalism and democracy

Sarkozy Nicolas

L'Union européenne et la Russie dans la gouvernance mondiale

in *Politique Etrangère*, n. 4, hiver

Discours de Nicolas Sarkozy à la World Policy Conference, le 8 octobre 2008

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Sánchez Ramírez Pablo Telman

La Federación Rusa, los Estados Unidos y la Unión Europea, 2006-2008. ¿Un retorno a la guerra fría?

in *Foro Internacional*, VOLUMEN XLVIII - NÚMERO 3

During recent years, relations between the Russian Federation, the European countries and the United States have become strained to the point that they have even involved NATO. Opposing positions of Russia and the United States, in the European sphere, are causing confrontation in the region. Russia has gained strength, as oil and gas prices have remained high during recent years and it is trying to recover its position as an independent, global power, not perhaps within a bi-polar, but rather in a multi-polar order of nations.

Divergent interests and goals of the Russian and United States' governments, concerning a European and global security policy, make the conflict-prevention and peace-keeping environment on the continent even more difficult.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Vitale Ermanno

La società civile tra impotenza e strapotere. Qualche riflessione su Governance e democrazia

in *Teoria Politica*, Vol. 24, Fascicolo 2

Civil Society between Deficit and Excess of Power. Reflections on Governance and Democracy - What many contemporary ways of understanding governance (briefly summarized in this essay) have in common is that they consider governance to be a new, more effective and more democratic form of multilevel interaction and integration between, on one hand, the numerous organizations of civil society (local, national, supranational) and on the other, the political institutions of consolidated constitutional democracy. However, by confronting the procedures of governance with Norberto Bobbio's minimal conception of democracy, it clearly appears that governance and democracy are not only incompatible from a theoretical standpoint. It also seems that the idea according to which governance is an implementation of deliberative democracy, i.e. a concrete sign of the increased capability of civil society (in Habermas' sense) to influence the political agenda in this beginning of the new century, suffers from a strong ideological twist.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Beck Ulrich, Van Loon Joost



La speranza dello Stato cosmopolita

in *Reset*, Numero 110, Novembre / Dicembre

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Siebenhüner Bernd

Learning in International Organizations in Global Environmental Governance

in *Global Environmental Politics*, Volume 8, Issue 4, November , 92-116

In global environmental governance, numerous new international organizations have emerged from dozens of multilateral treaties signed over the last 30 years. This paper focuses on intergovernmental organizations in an organizational theory perspective with a particular focus on organizational learning processes. It explores where and when international organizations exhibit organizational learning with significant effects on the organizations' internal structure and behavior. Key hypotheses from principal-agent theory and organizational learning theory are tested in eight case studies of international organizations involved in global environmental governance. The analysis shows that organizations engage in three forms of learning: reflexive learning, adaptive learning, and no learning. Explanations of the observed variation depend on specific learning mechanisms, change agents in leadership functions and external triggers such as pressures from governments or nongovernmental actors.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Wolfrum Rüdiger

Legitimacy of International Law and the Exercise of Administrative Functions: The Example of the International Seabed Authority, the International Maritime Organization (IMO) and International Fisheries Organizations

in *German Law Journal*, Vol.9, n.11 , 2039-2060

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Luiz Coradini Odaci

Les participants et les organisateurs du Forum social mondial : la diversité du militantisme

in *Cultures & Conflits*, numero 70, été , 153-175

The text presents results of a study of participants and promoters of World Social Forum 2005. One of the main analytical axes consist in relations between different modalities of enrollment and social and ideological militancy, either of complementarity or detachment, and its bases. It's about, particularly, the associations or oppositions between student, partisan, syndical, associative, moral militancy, the militancy associated with different types of philanthropism, amongst others. A second analytical axis consists in the comparison of social and ideological conditions of this militancy with other contexts, particularly, with the already available results of the studies on European Social



Forum. In accordance with the general hypothesis pursued, in conditions like that of World Social Forum of Porto Alegre, not only these relations between militantism and other spheres of activities are specific, but also contribute for the change of meanings of categories or basic reference points. This is the case, for example, of relations and meanings of determined religions and churches, philanthropism, also of third-worldism or alterworldism, amongst others.

Full text available on-line: <http://www.conflits.org/index12673.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Della Porta Donatella

L'altermondialisme et la recherche sur les mouvements sociaux. Quelques réflexions

in Cultures & Conflits, numero 70, été , 13-31

This article has two main aims: to present, on the basis of empirical research, some of the characteristics of the so called alterglobalist movement, and to develop reflect upon the Southern dimension of this movement. Although many transnational campaigns had developed in the 1990s, the explosion of protest in the recent years had not been anticipated by social movement studies, that tended to focus on more institutional forms of protest and on the national level. After having looked at how the different dimensions of globalization provided challenges but also opportunities for transnational mobilization, the authors singles out some open questions referring to the presence of a global social movement, discussing the cleavages existing inside the movement as well as its multilevel nature. Addressing the movement in the global South, relevant research issues are discussed-such as its different social bases, the multiple political opportunities, the complex structure of political cleavages.

Full text available on-line: <http://www.conflits.org/index12293.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Peace Timothy

L'impact de la « participation musulmane » sur le mouvement altermondialiste en Grande-Bretagne et en France

in Cultures & Conflits, numero 70, été , 109-128

While two other articles in this special issue look at events and movements in Muslim majority countries, this contribution examines the participation of European Muslims in France and Britain. It focuses specifically on the European Social Forums (ESF) that took place in those respective countries in 2003 and 2004 and presents an overview of the mobilisation of Muslims and their interaction with the existing movements and seeks to elaborate on the impact of this participation. It is argued that what is most significant is the effect it has had on the movements themselves and how it has challenged their own self-interpretation as open and tolerant. The most obvious result has been the series of debates, disagreements, fallouts and splits this caused within the existing groups and associations of the 'global justice movement' in both countries. The participation was also divisive for existing organisations representing Muslims and, even in the UK, coalitions between Muslim and non-Muslim activists have been hard to maintain. The differing reactions to this phenomenon in the two countries can be explained by the 'discursive opportunity structures' found in each context. In France in particular, the notions of laïcité and communautarisme force social movement actors to adopt ambivalent attitudes towards Muslim associations even though these groups agree upon the importance of the former and danger of the latter.



Full text available on-line: <http://www.conflicts.org/index13213.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Canet Raphaël

L'intelligence en essaim. Stratégie d'internationalisation des forums sociaux et régionalisation de la contestation mondiale

in **Cultures & Conflicts**, numero 70, été , 33-56

The globalisation of financial capital has found its response in the globalisation of popular resistance. Whether defined in terms of anti-power, of the globalisation of anti-hegemony, of the anti-system movement, or even as the cradle of a hypothetical Fifth International, the alter-globalisation movement has placed itself firmly in the field of representation through breaking the dogma of unity of thought, of development models, and of instrumental rationality. Behind the slogan "Another world is possible", a new utopia is in the process of being drawn up.

Full text available on-line: <http://www.conflicts.org/index12423.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Canet Raphaël

L'éclosion d'une culture politique participative : l'expérience du Forum social québécois

in **Nouvelles pratiques sociales**, Volume 21, numéro 1, automne 2008 , 84-103

With the first World Social Forum in Brazil (2001), utopia of another world is growing against neoliberal ideology of the World Economic Forum. Since then, social forums are organised in all action scales, from global to local. After a brief reminder of the altermondialistic utopia axiological basis, we will examine Québec Social Forum case as an experimental laboratory of a new participative political culture. We will present the historical process and the logical running of this inclusive and participative space. Finally, we will insist on the challenges that will be facing the altermondialistic movement in Québec.

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Woolfson Charles, Likic-Brboric Branka

Migrants and the Unequal Burdening of "Toxic" Risk: Towards a New Global Governance Regime

in **Debate: Journal of Contemporary Central and Eastern Europe**, vol. 16, n. 3, December , 291-308

The article addresses the changing discourse that frames the neo-liberal regulatory agenda, in the context of the current financial crisis and related, system-threatening "toxic" risk. In this, the authors claim that a flexible mix of regulation/de-regulation and self-regulation is reflected in an asymmetric architecture of multi-level governance that is based on an unequal burden sharing of risk, involving the commodification of risk and an imposition of this burden on the socially weakest groups. Migrant workers are identified as being most vulnerable to the condition of precariousness



due to “double asymmetry of hyperprecarity”. The article identifies class-biased practices of regulatory failure and the counter-movements that they have generated around the demand for “decent work”. It is claimed that the present systemic failure has created only a “window of opportunity” for the working class and civil society actors to promote de-commodification of labour and equalisation of risk-burdening in the inception of a new regulatory contest on both national and trans-national level.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Pellegrino Gianfranco

Nagel, Rawls e i limiti della giustizia

in *Filosofia e Questioni Pubbliche*, Volume XII (2007), n. 3 , 157-182

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Miller David

National responsibility and global justice

in *Critical Review of International Social and Political Philosophy*, Vol. 11, n. 4, December , 383 - 399

This chapter outlines the main ideas of my book National responsibility and global justice. It begins with two widely held but conflicting intuitions about what global justice might mean on the one hand, and what it means to be a member of a national community on the other. The first intuition tells us that global inequalities of the magnitude that currently exist are radically unjust, while the second intuition tells us that inequalities are both unavoidable and fair once national responsibility is allowed to operate. This conflict might be resolved either by adopting a cosmopolitan theory of justice (which leaves no room for national responsibility) or by adopting a 'political' theory of justice (which denies that questions of distributive justice can arise beyond the walls of the sovereign state). Since neither resolution is satisfactory, the chapter defends the idea of national responsibility and proposes a new theory of global justice, whose main elements are the protection of basic human rights worldwide, and fair terms of interaction between independent political communities.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Haar Berylter

Open Method of Coordination: A New Stepping Stone in the Legal Order of International and European Relations

in *Nordic Journal of International Law*, vol. 77, issue 3 , 235-252

The open method of coordination is characterised by the combined use of modes of governance and soft law instruments, a combination that is uncommon since they usually are sequentially related to each other: governance leads to soft law. The focus of this paper is therefore on the significance of this combined use for the position of the OMC in the legal order of international and European relations. To determine the OMC's position, the paper first



substantiates the soft law aspects of the ideal-type OMC, based on the international relations concept of legalisation, an ideal-type European Community law and the terminology of the gap-thesis. Furthermore, the paper examines the internal and external functioning of the OMC, the latter having focus on, in particular, its relations with Community hard law. The paper concludes by showing that the OMC adds in two ways a new stepping stone into the legal order of international and European relations.

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Subsection 4. Global governance, supranational federalism and democracy

Frey Bruno

Outside and inside competition for international organizations—from analysis to innovations

in Review of International Organizations (The) , vol. 3, n. 4, december , 335-350

ABSTRACT: The analysis of the competitive environment of international organizations has been neglected in scholarly research. Both the external and the internal type of competition in international organizations are rather weak and their performance is far from ideal. To strengthen both types of competition, several tentative proposals are advanced. They range from the introduction of an international competition agency, competition rules, a monitoring institute, voucher systems, matching contributions, popular participation rights by citizens to the use of prediction markets and institutionalized devil's advocates. These proposals are put forward to stimulate discussion and to advance new ideas about the design of international organizations

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Bogdandy Armin von

Pluralism, direct effect, and the ultimate say: On the relationship between international and domestic constitutional law

in International Journal of Constitutional Law, Vol.6, n.3-4 , 397-413

The article addresses the question of whether the metaphor of the "legal pyramid" as the structural representation of the relationships between international and domestic law should be deconstructed on account of the internationalization of constitutional law. On a theoretical level, it argues that the pyramid is a concept, linked to Kelsenian monism, which has outlived its usefulness. But dualism should also be overtaken by a theory of legal pluralism. On a doctrinal level, the linkage of the orders by the doctrine of self-executing international norms should be reconstructed and understood as the balancing of constitutional principles. A third thesis refers to the value judgments implicit in the question, holding that it should be answered within the domestic constitutional process, according to the experience, expectations, and convictions of the various constitutional constituencies. Given the state of international law, it would be preferable to have the capacity legally to limit the effect within the domestic legal order of a norm or an act under international law if that norm or act conflicts sharply with constitutional principles.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Bernstorff Jochen von



Procedures of Decision-Making and the Role of Law in International Organizations

in *German Law Journal*, Vol.9, n.11 , 1939-1964

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

O'Neill Shane, Walsh Caroline

Recognition and Redistribution in Theories of Justice Beyond the State

in *European Journal of Political Theory*, Vol. 8, n. 1, January , 123-135

We consider here how cultural and socioeconomic dimensions of justice beyond the state are related. First we examine cosmopolitan theories that have drawn on John Rawls's egalitarian liberal framework to argue that a just global order requires substantive, transnational redistribution of material resources. We then assess the view, ironically put forward by Rawls himself, that this perspective is ethnocentric and insufficiently tolerant of non-liberal cultures. We argue that Rawls is right to be concerned about the danger of ethnocentrism, but wrong to assume that this requires us to reject the case for substantive redistribution across state boundaries. A more compelling account of justice beyond the state will integrate effectively socioeconomic and cultural aspects of justice. We suggest that this approach is best grounded in a critical theory of recognition that responds to the damage caused to human relations by legacies of historical injustice

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Laurenti Jeffrey

Relevance and Realities: Washington's Flirtation with a League of Democracies

in *Internationale Politik und Gesellschaft*, Heft 4, 2008 , 41-53

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Helleiner Erich

Reregulation and Fragmentation in International Financial Governance

in *Global Governance*, vol. 15, n. 1, january-march , 15-20

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Rosenfeld Michel

Rethinking constitutional ordering in an era of legal and ideological pluralism

in *International Journal of Constitutional Law*, Vol.6, n.3-4 , 415-455



We live in an increasingly pluralistic legal and ideological universe. Nation-state legal regimes are currently supplemented by numerous transnational and global orders that defy any workable hierarchy or cogent unity. As a consequence, the various applicable legal regimes are often inconsistent with one another and even, at times, mutually contradictory. This problem is compounded by the proliferation of competing ideologies and by the increasing rifts among them. This makes it seemingly impossible to reconcile all the legal norms to which one is subject or to harmonize the prevailing plurality of legal regimes within the confines of a commonly shared ideology. Based on an analysis of contemporary legal and philosophical pluralism and of the convergences among the two, the article argues that it is possible to reconcile legal and ideological pluralism by abandoning hierarchy and countenancing inconsistencies falling short of incompatibilities in a highly layered and segmented legal universe.

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Subsection 4. Global governance, supranational federalism and democracy

Auvachez Elise

Supranational Citizenship Building and the United Nations: Is the UN Engaged in a “Citizenization” Process?
in *Global Governance*, vol. 15, n. 1, january-march , 43-66

ABSTRACT: The citizenship concept is not absent from UN discourse. However, the use of the term is limited to a conception of citizenship systematically associated to the state; terms such as supranational citizenship or UN citizenship are not part of the usual UN vocabulary. Does that mean that the UN is not “making citizenship” at all? The answer seems obviously positive. Considering the history of the European Union and work on European citizenship, this article demonstrates that such a response may be too hasty. Through the analysis of two institution-building processes—the creation of supranational criminal courts and the opening of UN policymaking processes— it is argued here that just as the European Union was making citizenship well before the Maastricht Treaty explicitly mentioned “European citizenship,” the United Nations is beginning to engage a process of citizenization.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Richards Sidney W.

Survey article: the legitimacy of Supreme Courts in the context of globalisation
in *Utrecht Law Review*, Vol.4, issue 3 , 104-127

The objective of this article is to present an overview of the state of the art concerning the legitimacy of Supreme Courts in the context of globalisation. In recent years, there has been much discussion about the observed increase in both the references to foreign decisions in matters of domestic adjudication, as well as the alleged and precipitate rise of ‘transjudicial dialogue’, or formal and informal communication between the domestic courts of various national jurisdictions. A central concern is whether Supreme Courts possess the necessary authority, and thus the legitimacy, to adopt a more ‘internationalist’ disposition.

This article will demonstrate how there are various coexisting discourses of legitimacy, each with their own particular features. These various discourses are not always compatible or easily commensurable. It will argue, moreover, that the basic dilemma regarding judicial legitimacy in a globalised world is a species of a more general problem of globalisation studies, namely how to reconcile a conceptual vernacular which is permeated by domestic, state-centric notions with a political reality which is increasingly non-national in its outlook.



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Ganapati Sukumar, Liu Liguang

Sustainable development in the Clean Development Mechanism: the role of Designated National Authority in China and India

in **Journal of Environmental Planning and Management**, Volume 52, Issue 1, January , 43-60

The Clean Development Mechanism (CDM) emerged under the Kyoto Protocol to facilitate collaboration between developed and developing countries in order to mitigate greenhouse gases. The CDM allows developed countries to receive credits towards meeting their obligatory targets by investing in emission reduction projects in developing countries. The countries are required to set up a Designated National Authority (DNA) to approve the CDM projects. This paper examines the role of the DNA in ensuring sustainable development, using the empirical case of China and India. Three aspects of the DNA's role are examined: the institutional structure, the policy context and the CDM project market. All three aspects highlight the important role of the DNA in meeting the countries' sustainable development priorities.

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Nagashima Miyuki, Dellink Rob

Technology spillovers and stability of international climate coalitions

in **International Environmental Agreements: Politics, Law and Economics**, Volume 8, Number 4, December , 343-365

Cooperation in international environmental agreements appears difficult to attain because of strong free-rider incentives. This paper explores how different technology spillover mechanisms among regions can influence the incentives to join and stabilise an international agreement. We use an applied modelling framework (STACO) that enables us to investigate the stability of partial climate coalitions. Several theories on the impact of technology spillovers are evaluated by simulating a range of alternative specifications. We find that spillovers are a good instrument to increase the abatement efforts of coalitions and reduce the associated costs. In our setting, however, they cannot overcome the strong free-rider incentives that are present in larger coalitions, i.e. technology spillovers do not substantially increase the success of international environmental agreements. This conclusion is robust with respect to the specification of technology spillovers.

Full text available on-line: <http://www.springerlink.com/content/7v8760030g631v2l/fulltext.pdf>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Schöndorf-Haubold Bettina

The Administration of Information in International Administrative Law - The Example of Interpol

in **German Law Journal**, Vol.9, n.11 , 1719-1752

No abstract available



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Habermas Jürgen

The Constitutionalization of International Law and the Legitimation Problems of a Constitution for World Society

in *Constellations*, Vol. 15, Issue 4, December , 444-455

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Röben Volker

The Enforcement Authority of International Institutions

in *German Law Journal*, Vol.9, n.11 , 1965-1986

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Beeson Mark, Bell Stephen

The G-20 and International Economic Governance: Hegemony, Collectivism, or Both?

in *Global Governance*, vol. 15, n. 1, january-march , 67-86

ABSTRACT: Following the East Asian crisis of 1997–1998, much attention was paid to financial sector reform. While little of substance has changed in the intervening years, a number of potentially important new forums were established to facilitate international cooperation. By drawing on and modifying theories of hegemony, this article provides a theoretical context within which to explore one of these institutions: the Group of 20 (G-20). The key question examined is whether institutions like the G-20 are likely to provide genuine mechanisms for cooperation and inclusion or simply become instruments of “hegemonic incorporation.” The argument here is that despite the continuing “structural” dominance of the international system by the United States and the Group of 7 (G7) nations, the G-20 provides some scope for other nations to influence outcomes.

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Vormedal Irja

The Influence of Business and Industry NGOs in the Negotiation of the Kyoto Mechanisms: the Case of Carbon Capture and Storage in the CDM

in *Global Environmental Politics*, Volume 8, Issue 4, November , 36-65

This article examines the role of business and industry NGOs (BINGOs) within the international climate negotiations. It



develops a typology of BINGOs operating in the regime, and a framework for assessing the influence of these organizations. The framework is applied to a case study of the negotiation of carbon capture and storage technologies as a Kyoto Protocol mitigation option. In contrast to previous research, the article illustrates the existence of formal and informal networks among BINGOs, a variety of national delegations and international institutions, and demonstrates how these networks are tactically invoked in the effort to influence specific negotiation processes and outcomes. It is argued that BINGO activities influenced negotiations on regulatory design, and that a plausible explanation of business influence in this context lies in the notion of corporate technological power.

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Subsection 4. Global governance, supranational federalism and democracy

Schmidt-Aßmann Eberhard

The Internationalization of Administrative Relations as a Challenge for Administrative Law Scholarship
in *German Law Journal*, Vol.9, n.11 , 2061-2080

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Thallinger Gerhard

The Rule of Exhaustion of Local Remedies in the Context of the Responsibility of International Organisations
in *Nordic Journal of International Law*, vol. 77, issue 4 , 401-428

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Barnett Jon

The Worst of Friends: OPEC and G-77 in the Climate Regime
in *Global Environmental Politics*, Volume 8, Issue 4, November , 1-8

In the climate change negotiations the thirteen countries that are members of OPEC obstruct progress towards reducing emissions of greenhouse gases. Although these actions undermine sustainable development in developing countries, the larger Group of 77 (G-77) coalition nevertheless tacitly supports its OPEC members in the climate regime. This article explains the connection between OPEC's interests in oil exports and its inaction on climate change, and the divergence of these interests with those of the G-77. It argues that OPEC's influence within the G-77, and therefore the climate regime, stems from the desire to maintain unity within the G-77. This unity has and is likely to continue to cost the majority of developing countries in the form delayed assistance for adaptation, the possibility of inadequate reduction in emissions under the second commitment period under the Kyoto Protocol, and continued dependence on increasingly expensive oil imports.

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Subsection 4. Global governance, supranational federalism and democracy

Chou Porchiung Benjamin, Sylla Cheickna

The formation of an international environmental agreement as a two-stage exclusive cartel formation game with transferable utilities

in *International Environmental Agreements: Politics, Law and Economics*, Volume 8, Number 4, December , 317-341

We construct a two-stage exclusive cartel formation game with utility transfers to model the formation process of an international environmental agreement. Our results show that in the first stage of low degree of consensus, engaging in utility transfers by asymmetric countries will accomplish little. In contrast, in the second stage of higher degree of consensus, it is more likely for asymmetric countries to engage in monetary transfers to form the grand coalition, particularly if a small stable coalition has already been formed in the first stage. This article therefore provides a theoretical perspective to explain why it is more likely for some developed countries to initiate an IEA formation process by forming a small stable coalition first before engaging in monetary transfers to form the grand coalition with all the other countries. Such a perspective is consistent with the historical development of the Montreal Protocol and may also explain the difficulty for asymmetric countries to form the grand coalition at the beginning of the IEA formation process of the Kyoto Protocol.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Dreher Axel, Michaelowa Katharina

The political economy of international organizations

in *Review of International Organizations (The)* , vol. 3, n. 4, december , 331-334

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Ish-Shalom Piki

Theorization, Harm, and the Democratic Imperative: Lessons from the Politicization of the Democratic-Peace Thesis

in *International Studies Review*, vol. 10, issue 4, december , 680-692

ABSTRACT: The migration of democratic-peace theory from academia to the American political arena resulted in misrepresenting the theory politically. Both the form and content of the political misrepresentation are different from those of the theory. It is argued here that rather, than the theory itself, it is its political misrepresentation that influenced public deliberation and the recent American efforts to democratize the Middle East. Thus, the inputs of theorizing the democratic peace are shown to cause political harms and policy mishaps. Identifying the harms, the mishaps and the theoreticians' indirect responsibilities for them, I conclude that theoreticians are ascribed with political responsibility ensuing in a democratic imperative to show greater concern and involvement in the political destinies of their theories and to participate more actively in the public deliberations that shape policies.

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Subsection 4. Global governance, supranational federalism and democracy

Dunworth Treasa

Towards a Culture of Legality in International Organizations: The Case of the OPCW
in *International Organizations Law Review*, vol. 5, n.1 , 119-139

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Cheyne Eric

Trajectoires du Maroc à Porto Alegre. Conditions et logiques de la participation marocaine au Forum social mondial

in *Cultures & Conflits*, numero 70, été , 85-107

This article draws the profile of Moroccan participants in the Porto Alegre World Social Forums. Replacing them within their respective organizations and more widely within the space they operate, it questions the particular and distinctive relationship to extraversion of these agents who fall outside Morocco. On the basis of their trajectories, it analyzes what base their desire for the international on as well as the conditions and the selectivity of the participation in the World Social Forum. It underlines the heterogeneousness of the accesses to international by reporting them to differentiated international socialization.

Full text available on-line: <http://www.conflits.org/index13193.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Zeitoun Mark, Mirumachi Naho

Transboundary water interaction I: reconsidering conflict and cooperation

in *International Environmental Agreements: Politics, Law and Economics*, Volume 8, Number 4, December , 297-316

Whether the inter-state and sub-national tensions over transboundary waters will lead to greater conflict or increased cooperation remains a hotly debated issue. Most work on the subject situates transboundary water conflict and transboundary water cooperation at opposing ends of a continuum. The examination of either conflict or cooperation, we argue, refutes the reality of the vast majority of contexts where cooperation and conflict actually co-exist, and perpetuates the paradigm that any conflict is 'bad', and that all forms of cooperation are 'good'. The efforts of the international water academic and practitioner communities may be better served through a combined reading of conflict and cooperation as transboundary water interaction. Mirumachi's Transboundary Waters Interaction NexuS is offered as a robust method demonstrating that simultaneous consideration of conflict and cooperation is both insightful and possible. Transboundary water interaction is shown to be an inherently political process determined by the broader political context. We examine evidence suggesting that uncritical acceptance of traditional forms of 'cooperative' arrangements may in fact sustain the conflict it was intended to transform. Several other less well-known faces of 'cooperation' are discussed in detail, with examples of narrow, token and coercive cooperation derived from inter-state relations on the Jordan, Nile and Ganges rivers. With a view to paving the way for improved transboundary water sharing and governance, subjectively negative, neutral and positive forms of interaction are defined, and linked with a first approximation of their potential driving forces.



Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Hamann Andrea - Ruiz Fabri Hélène

Transnational networks and constitutionalism

in *International Journal of Constitutional Law*, Vol.6, n.3-4 , 481-508

The phenomenon of internationalization, combined with the internal process of state fragmentation, has challenged the Westphalian model of sovereignty, replacing it with a "disaggregated sovereignty" in which transnational networks have become the primary vectors of international cooperation as well as the primary actors in international policy making. This evolution poses a multifaceted challenge to state-centered constitutionalism since the networks are capable of emancipating themselves from the latter's requirements by creating parallel sets of norms. With their growing autonomy, the networks can gradually replace state action, which raises issues of accountability and legitimacy. Effectively addressing these challenges implies a paradigm shift—from the state-centered approach to constitutionalism toward a broader vision of a constitutionalism beyond the state. At the same time this shift articulates the reflections around notions such as pluralism and polycentricity. This state of affairs requires further examination of the legitimacy of the two faces of these networks—the new model of expert governance, with efficiency maximization, as well as the new paths of solidarity and cooperation that they imply.

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Pommerolle Marie-Emmanuelle, Siméant Johanna

Voix africaines au Forum social mondial de Nairobi. Les chemins transnationaux des militantismes africains

in *Cultures & Conflits*, numero 70, été , 129-149

The World Social Forum taking place in Nairobi in 2007 gave an opportunity to analyze, through a collective survey, what was at stake with the localization, both geographic and symbolic, of a social forum in Africa. Our study shows how African activists managed to participate in the WSF in Nairobi and what are the conflicts around the right to talk about, for, and from, Africa. These questions are linked. Indeed, in an alterglobal space which seeks to obscure them, it is important to think about the hierarchies, the conflicts, or even quite simply the division of labour within transnational activism. A first part is dedicated to the material conditions of attendance at the WSF and how they were translated into debates about the representativeness of this Forum. A second part underlines the international division of activist work in Africa, creating tensions which are masked or translated into ideological oppositions. A third part focuses on the ways identities and legitimate claims to speak in the name of Africa were built in this space of tensions.

Full text available on-line: <http://www.conflits.org/index13423.html>

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Kaiser Karen

WIPO's International Registration of Trademarks: An International Administrative Act Subject to Examination by the Designated Contracting Parties

in *German Law Journal*, Vol.9, n.11 , 1597-1624



No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Pereira Ravi Afonso

Why Would International Administrative Activity Be Any Less Legitimate? – A Study of the Codex Alimentarius Commission

in *German Law Journal*, Vol.9, n.11 , 1693-1718

No abstract available

Section B) Global governance and international organizations

Subsection 4. Global governance, supranational federalism and democracy

Kiersey Nicholas,

World state or global governmentality? Constitutive power and resistance in a post-imperial world

in *Global Change, Peace & Security*, vol. 20, n. 3, october , 357-374

ABSTRACT: This article addresses recent theoretical discussion about the state under conditions of globalisation, focusing in particular on recently popular 'world state' theory, as articulated by Martin Shaw and Alexander Wendt. It suggests that while world state theory is useful to the extent that it historicises the function of the state, it can be challenged for its uncritical approach to the question of how state power is actually constituted. To make this argument, the article refers first to an emerging Marxist critique that focuses on liberal hypocrisy and the role of imperial violence in the formation of the world state. However, while this approach reveals the elision of many forms of violence in world state theory, it shares world state theory's tendency to avoid exploring the role of more constitutive forms of power. Challenging this view, the article turns to Foucault's theory of governmentality and some recent applications of it to Imperialism, Empire, and the War on Terror. These works speak not only to the importance of governmental reason in determining modes of sovereignty but encourage us to adopt an open-minded attitude towards the sorts of resistances it might provoke.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Wallerstein Immanuel

2008: la fine della globalizzazione neoliberista

in *ItalianiEuropei*, n. 5

Section B) Global governance and international organizations

Subsection 5. The Globalization process



Niemi William, Plante David

Antecedents of Resistance: Populism and the Possibilities for Democratic Globalizations
in *New Political Science*, vol. 30, n. 4, december , 427-447

ABSTRACT: This essay theorizes globalization as not new, but rather a new iteration of the ongoing liberal dialectic between capitalism and democracy now writ large on the entire world. Using theoretical insights from Polanyi's analysis of the rise and fall of laissez-faire in the 19th century from his classic, *The Great Transformation*, we argue that the "double movement" of the late-19th century is parallel to the expansion and of resistance to neoliberalism today. The argument of this essay is that globalization is the current outcome of liberal institutional development. Too often it has been viewed as a structural inevitability not amenable to democratic action. Just as in previous historical moments, capitalism and democracy enable and constrain one another in developing liberal societies. The American Populists farmers' response to their time is an instructive frame through which to interpret the development of the resistance to the current incarnation of economic liberalization.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

European Economy News

Consolidating the euro's position on the world stage

in *European Economy News*, October 2008 – Issue 11

Over the past decade, the euro has firmly established itself as a world currency, acting as a pole of stability for the global economy and an inspiration for other regional groupings. Alongside the benefits, Europe must rise to the stewardship responsibilities of the single currency's international status.

Prior to the launch of the third stage of Economic and Monetary Union (EMU) in 1999, speculation abounded about how much of an international role the single currency would play. The general consensus was that the euro would be welcomed internationally but opinion was divided between those who argued that the euro would be unable to challenge the mighty dollar and, at best, would become a strong regional currency, and those who maintained that it would eventually evolve into a major global currency.

So the rapid rise of the euro as an international currency surpassed the expectations of even the optimists. "The international role of the euro is one of the single currency's successes," emphasises Antonio de Lecea, Director of the International Affairs Directorate at DG ECFIN, responsible for the external aspects of EMU. "In some international currency functions, the euro has made substantial gains since its introduction. In particular, the euro has become a leading financial currency where, on some measures, it has even surpassed the dollar."

For instance, the euro's share of international debt securities, such as government and corporate bonds, is greater than that of the US dollar, with the single currency accounting for nearly half of the world's stock (see chart).

In addition, the euro has become the second most used reserve currency, accounting for about 26% of world official reserves, and the second most actively traded currency in foreign exchange markets worldwide, accounting for 37% of all transactions in recent years.

It has also become a major medium of international trade, particularly for euro-area and other European countries. The single currency is also used as a parallel currency in neighbouring regions, such as the Western Balkans, as well as several other transition and developing countries.

"The size of the euro area and its financial system, which is comparable to the US economy, as well as its stability-oriented macroeconomic framework, support the international role of the euro," explains de Lecea. "The recent volatility of the dollar may have also contributed."



EMU as a source of inspiration

Other regional groupings around the world, from Asia to Latin America, Africa and the Middle East, are watching the EMU project with interest, hoping to draw lessons and inspiration for their own efforts to forge closer economic and financial integration and, possibly, monetary union.

“There is no EU policy aimed at ‘exporting’ the euro model to other regional blocs. Each region has its own unique conditions and the EU’s experience is not necessarily applicable elsewhere,” notes de Lecea. “But other regions can draw lessons from our experience and we are co-operating on financial and monetary integration issues with our ASEM partners in Asia, the MERCOSUR countries in Latin America and the Gulf Co-operation Council (GCC) in the Middle East.”

As a reflection of this, at this year’s Brussels Economic Forum, Haruhiko Kuroda, head of the Asian Development Bank, spoke of how “Asia has been particularly interested to see how the euro has helped promote prosperity and financial security in Europe.

“The euro has played an essential role in fostering harmony among diverse economies which had conflicting monetary and fiscal policies, tariffs and other restrictions on trade and investment,” he added. “This experience is extremely useful for Asia... In its move towards greater co-operation and integration, Asia is looking to Europe for practical experience.” Partly inspired by the success of the euro, the six-member GCC launched its own common market in 2008 and plans to launch its own single currency, provisionally called the Khaleeji.

The fruits of leadership

The international status of the single currency has conferred certain benefits on euro-area members. Perhaps the most important advantage is that, by attracting more investors, both within the EU and globally, it contributes to the deepening and development of the euro area’s financial markets and of its financial system more generally. The single currency also reduces the costs of doing trade internationally by making trading partners more willing to pay and accept payments in euro.

Another relatively modest advantage is that of international seigniorage. In simple terms, seigniorage refers to the fact that non-residents and other countries strive to hold reserves denominated in that currency, enabling the issuing country to print a certain amount of extra money at little real cost. A related benefit is that euro-denominated government bonds become more liquid which helps euro-area governments to borrow at somewhat lower interest rates.

Then, there is the so-called ‘exorbitant privilege’, which enables the issuer of an international currency to cash in on the fact that its foreign assets are denominated in other currencies while its foreign liabilities are denominated in its own currency, thereby transferring the exchange rate risk to its trading partners. This, as well as the liquidity premium on its government bonds just mentioned, contributes to producing an excess return on its foreign assets over its foreign liabilities, which makes it easier for the issuer of an international currency to finance large current account deficits, while limiting the deterioration in its net foreign debt position. There is evidence that the US has benefited from this. However, the flip side of this benefit is that, as the US has learnt, it can fuel runaway deficits and potentially weaken the currency. The euro has also benefited the wider world. Available evidence suggests that, at a time of dollar volatility, the euro has provided a much needed anchor for the global economy. “The euro has fostered stability in the euro area. This has had global spillovers and the single currency has become a pole of stability in the world economy. The diversification advantage of the euro has brought with it a large measure of global stability,” explains de Lecea.

Responsible stewardship

The global status of the euro also carries with it some risks and responsibilities. Left unmanaged, it could make the euro area vulnerable to economic shocks in other parts of the world, reducing the euro’s global stabilising influence. The major challenge here is the fractured nature of the fiscal and financial policies of euro-area countries, and the fact that they act nationally in international fora.

“The euro has an important international role but our presence in international fora is still very fragmented,” observes de Lecea. “We have responsibilities towards ourselves and the rest of the world, so we need to rise to the challenge.”



Antonio de Lecea suggests that the euro-area countries should become more actively involved in global economic and financial governance. Ideally, this would involve consolidating the euro area's representations in international fora, such as the IMF and G7. This would not only give the euro area more international clout, but would also free up seats for emerging economic powers.

Naturally, this is an ambitious goal and will have to be approached gradually, but the foundations for this unified approach, including a stronger coordination of European positions within such fora as the Eurogroup and ECOFIN councils and their committees, are already in place and the EU has already achieved such a common position on external trade issues.

The euro's international role is likely to continue to grow gradually, but how far it will challenge the pre-eminence of the dollar depends on numerous factors, including progress in creating more integrated and liquid financial markets in the euro area, the capacity of the euro area to speak in a cohesive manner on global economic matters, and the US's own policies. While incumbency advantages and inertial forces will continue to favour the dollar for some time, the international monetary system is likely to evolve over time towards a more symmetric system, with both the euro and the dollar acting as the main international currencies.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Scholtz Werner

Custodial Sovereignty: Reconciling Sovereignty and Global Environmental Challenges Amongst the Vestiges of Colonialism

in *Netherlands International Law Review*, Vol. 55, issue 3 , 323-341

The rapid deterioration of the environment has become a threat to the survival of mankind and concerted action of all states is required in order to overcome the current problems. The perplexing question that arises is whether and how the notion of sovereignty can face up to the global environmental challenge? It is therefore important to reconcile the concept of sovereignty with the need for a global approach to problems of an environmental nature. This approach furthermore needs to take account of the dynamics of the North-South relationship. In this article the author introduces the notion of 'custodial sovereignty' as a solution to the problem.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Scholte Jan Aart

Defining Globalisation

in *World Economy*, Volume 31 Issue 11 , 1471 - 1502

A clear and precise definition of globalisation is crucial to advance contemporary knowledge and policy. When taken to mean internationalisation, liberalisation, universalisation or westernisation, ideas of globalisation reveal little new. Important novel insight is opened when globalisation is understood as the spread of transplanetary – and in recent times also increasingly supraterritorial – connections between people. That said, this conception needs to be carefully qualified in order to avoid globalist excesses.



Section B) Global governance and international organizations

Subsection 5. The Globalization process

Eichengreen Barry, Leblang David

Democracy and Globalization

in **Economics and Politics**, Volume 20 Issue 3 , 289 - 334

The relationship between democracy and globalization has been a subject of both scholarly and policy debate. Some argue that the two go hand in hand – that unrestricted international transactions encourage political accountability and transparency and that politically free societies are least likely to restrict the mobility of goods and services. But others argue that democracies, in which special interests that suffer from foreign competition have voice, are more likely to have closed markets, and vice versa. Our analysis differs from its predecessors in three ways. We seek to uncover general patterns by considering as long a period as possible and all countries with the relevant data. We consider multiple dimensions of globalization, analyzing both trade liberalization and capital account liberalization. And we estimate these relationships using an instrumental variables strategy that allows us to confront the issue of simultaneity. Our findings support the existence of positive relationships between democracy and globalization.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Salvador Martínez María

Derecho Constitucional comparado en el contexto de la integración supranacional y la globalización

in **Teoría y realidad constitucional**, n.21 , 375-395

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Fink Carsten, Molinuevo Martin

East Asian preferential trade agreements in services: liberalization content and WTO rules

in **World Trade Review**, Volume 7, Issue 04, October 2008

The past seven years have seen a rapid proliferation of preferential trade agreements (PTAs) in the East Asian region. Many of the recently concluded PTAs are comprehensive in their coverage, seeking not only the dismantling of barriers to trade in goods but also the liberalization of trade in services. This paper offers an assessment of this recent wave of services agreements in East Asia, focusing on their liberalization content and their compliance with WTO rules on regional integration. It draws on a database in which the authors recorded the value added of PTA liberalization undertakings relative to pre-existing multilateral services commitments. Among other things, this database is used to empirically assess the effect of the scheduling approach on the depth and breadth of liberalization undertakings.

Section B) Global governance and international organizations

Subsection 5. The Globalization process



Ruffolo Giorgio

Età dei torbidi? Il capitalismo finanziario nell'età della globalizzazione
in *ItalianiEuropei*, n. 5

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Knelangen Wilhelm

Europäisierung und Globalisierung der Polizei
in *Aus Politik und Zeitgeschichte*, Band 48, 2008

Wie kaum eine andere Institution wird die Polizei gemeinhin mit der Idee des souveränen Nationalstaates verbunden, repräsentiert sie doch das Gewaltmonopol und damit das klassische Signum der Staatlichkeit. Dieser Grundsatz, der seit Max Weber die staatstheoretische Diskussion prägt, ist in den vergangenen Jahren immer stärker unter Druck geraten. Im Gegensatz zu Räumen schwacher oder zerfallender Staatlichkeit steht ein Verlust des Gewaltmonopols in der OECD-Welt zwar nicht zur Debatte.[1] Aber auch dort kann ein signifikanter Wandel der Grundlagen des Politikfeldes innere Sicherheit diagnostiziert werden, der auf Prozesse von Europäisierung und Globalisierung zurückzuführen ist.[2] Die traditionelle Vorstellung einer auf den institutionellen, rechtlichen und legitimatorischen Bezugsrahmen des Nationalstaates orientierten Polizei verliert angesichts der ökonomischen, sozialen und politischen Verflechtungen zwischen den Gesellschaften sukzessive an Überzeugungskraft.

<http://www.bpb.de/publikationen/2UU9O9.html>

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Gros Daniel

Financial Crisis: High Cost of "non Europe"
in *Intereconomics*, Volume 43, Number 5 / September, 2008 , 254-5

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Denemark Robert A.

Fundamentalisms as Global Social Movements
in *Globalizations* , Volume 5, Issue 4, December 2008 , 571-582

In a recent comment in *Globalizations*, Grahame Thompson (2006) poses a definition of fundamentalism and its attendant processes, including the suggestion that fundamentalisms are individual level phenomena, not social movements. This turn leads to the suggestion that maintenance of liberal domestic and global orders might call for a strategy of re-territorialization. In this essay I suggest a more social definition of fundamentalisms to serve as the



foundation for analysis, and the strategy of re-territorialization is not well supported from this perspective.

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Subsection 5. The Globalization process

Beck Ulrich, Beck-Gernsheim Elisabeth

Global Generations and the Trap of Methodological Nationalism For a Cosmopolitan Turn in the Sociology of Youth and Generation

in **European Sociological Review**, Volume 25, Number 1, February 2009 , 25-36

Is there such a thing as 'global generations'? What does 'global generation' mean? Can we, as we did so far, still understand the concept of generation in a national frame of reference? Or do we need a cosmopolitan outlook to understand the generational dynamics that exacerbate inter-generational tensions within nations and intra-generational affinities and conflicts between nations? For example, globalized 'Consumer Generations' comprise very different fractions; not only those who buy and live with consumer brands and images, but also those who are unable to buy and live with these symbols, but risk their lives to become migrants to the consumer paradises of the Western World or Dubai. Our thesis is: A cosmopolitan sociology is required in order to understand the situations, impacts, divisions, contradictions, and desires of the global generations. A cosmopolitan sociology means a sociology that gets rid off 'methodological nationalism' and takes globality and (human) social life on planet Earth seriously. A cosmopolitan sociology differs from a universalistic one by starting, not from anything supposedly general, but from global variability, global interconnectedness, and global intercommunication. It means treating the global generations not as a single, universal generation with common symbols and a unique consciousness. Rather, it conceptualizes and analyses a multiplicity of global generations that appear as a set of intertwined transnational generational constellations.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Cid Aguayo Beatriz Eugenia

Global Villages and Rural Cosmopolitanism: Exploring Global Ruralities

in **Globalizations** , Volume 5, Issue 4, December 2008 , 541-554

This paper explores the meaning of globalization in rural places, as well as the emergence of rural globalities, and even of rural cosmopolitanisms. While the discussion about globalization has been mainly localized in urban places, and mostly in some core cities, rural places are also intertwined with globality, and can become important nodes in the production and circulation of capital, culture, and ideology. To account for this, I explore a new meaning for the concept of 'global villages', not used in McLuhan's sense, but rather in terms of rural places that become truly global. As case studies, the paper addresses three 'global villages' in Latin America: the Central Valley in Chile, a node in the global food system; Otavalo in Ecuador, a core of cultural representations; and La Realidad, in Chiapas, Mexico, a center of ideological production.

Section B) Global governance and international organizations

Subsection 5. The Globalization process



Whalley John

Globalisation and Values

in *World Economy*, Volume 31 Issue 12 , 1503 - 1524

This paper discusses a central element in globalisation debate little addressed by economists, namely the interactions at global, national and community levels between globalisation and societally based values. Social values refer to wider notions of collective identity; religious values, attitudes towards materialism, moral beliefs, and a sense of collective awareness and are a broader and more encompassing concept than social capital discussed in recent economics and sociology literature. Social capital relates to trust, honesty and the social fabric of accepted norms central to the successful implementation of individual optimising decisions and denotes a communal asset reflecting strength of joint collective commitment whose amount can be increased or improved upon through investment of time and resources. Social values are much discussed in sociological literature going back to Comte, Durkheim, Parsons, and others. The issues taken up here are how different social values might interact and change as societies and their economies integrate (globalise). Processes of value competition, displacement and joint assimilation occur naturally to economists, but seem little studied by sociologists who seemingly place less stress on analytical comparative statics. Scenarios for how values can interact under globalisation are discussed in the text.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Wang Guiguo

Globalising the Rule of Law / Wang, Guiguo

in *Indian Journal of International Law*, volume 48 , issue 1 , 21-44

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Olavarría José

Globalización, género y masculinidades. Las corporaciones transnacionales y la producción de productores

in *Nueva Sociedad*, n.218 , 72-86

La extensión y profundización de la globalización afectan no solo la economía y la política, sino también la vida cotidiana de las personas. Las corporaciones transnacionales son actores fundamentales del mundo globalizado, que organizan y definen territorios y poblaciones y que también estructuran las subjetividades y los cuerpos de quienes trabajan en ellas: producen a los productores. Partiendo del estudio del caso de Chile, el artículo analiza la lógica de reclutamiento de personal para la gerencia de las grandes empresas y cómo estas definen nuevas masculinidades, estilos propios de vinculaciones de pareja y nuevas relaciones de género.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Mills Melinda

Globalization and Inequality



in *European Sociological Review*, Volume 25, Number 1, February 2009 , 1-8

Globalization is increasingly linked to inequality, but with often divergent and polarized findings. Some researchers show that globalization accentuates inequality both within and between countries. Others maintain that these claims are patently incorrect, arguing that globalization has disintegrated national borders and prompted economic integration, lifting millions out of poverty, and closing the inequality gap. This article presents a review of current research that links globalization to inequality. Core problems behind contradictory findings appear to rest in the operationalization of inequality and globalization, availability and quality of data, population-weighted versus unweighted estimates; and, the method of income calibration to a common currency in the study of income inequality. A theoretical model charts the mechanisms linking globalization to inequality, illustrating how it generates increased inequality within industrialized nations and decreased inequality within developing economies. The article concludes with a description of the papers in this special issue and situates them within the broader literature.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Massey Douglas S.

Globalization and Inequality: Explaining American Exceptionalism

in *European Sociological Review*, Volume 25, Number 1, February 2009 , 9-23

Globalization creates pressure for greater inequality throughout the world, but these pressures are expressed more fully in the United States than in other developed nations. Although the distribution of US income before taxes is no more unequal than other nations, after taxes it is considerably less egalitarian. This occurs because of specific institutional arrangements that fail to redistribute income effectively and allow the pressures of globalization to be fully realized. These arrangements represent a shift from the past and were deliberately enacted over the past two decades with divergent consequences for those at the top and bottom of the socioeconomic hierarchy. The realignment of the US political economy can ultimately be traced to America's legacy of racism. Once leaders in the Democratic party sought to include African Americans in the benefits of Roosevelt's New Deal, support for economic populism evaporated in the middle and working classes. The advantage of the wealthy is further enhanced by a political system in which those with money are better able to have their interests served legislatively than the poor or working classes.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Umezurike Chuku

Globalization and Labour in Africa: Ethnic Identity in Nigeria and Cross Border Migration in the Republic of South Africa



in **Globalizations** , Volume 5, Issue 4, December 2008 , 599-619

This study pursues the relationship between globalization and the mobility of labour in Africa. It argues that globalization has been limiting the mobility, and by implication, the development of labour in Africa. The forces of globalization in this study have been historically defined. First is mercantilist capital, which began compradorial development in Africa. The second is European national capital of the nineteenth and early twentieth centuries, which through multinational corporations and nation-states in Europe advanced compradorialism with the assistance of colonial domination. The third and final globalization force here has been transnationalism and multilateralism whose operations have been largely through foreign direct investment and management of global finances respectively. This study notes that these roles of globalization forces are observable at two fronts in the African society. The first was the engendering of ethnic identity, which has been undermining labour mobility within national boundaries in Africa. The other has been the pressures of cross border migration in Africa, underscoring the persisting disparity in global wealth distribution. In this manner, the study further notes that Africa has highlighted a contradiction in the globalization logic especially on labour mobility. This is strictly speaking in the sense that homogenization, which has been clearly suggestive of the globalization logic, has been hampered in Africa. This study has purposely selected Nigeria and the Republic of South Africa for empirical proofs.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Calhoun Stephen A.

Globalization's Erosion of the Attorney-Client Privilege and What U.S. Courts Can Do to Prevent It
in **Texas Law Review**, Vol.87, issue 1 , 235-266

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Barnier Michel

How Europe should tackle the global food crisis
in **Europe's World**, Issue 10, Autumn

Against a backdrop of soaring food prices and famine threats in some of the world's poorest nations, Michel Barnier argues that the time has come for Europe to take the lead by introducing collective international action and regulation.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21209/Default.aspx>

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Spilerman Seymour

How Globalization Has Impacted Labour: A Review Essay
in **European Sociological Review**, Volume 25, Number 1, February 2009 , 73-86



This essay outlines the features of globalization in the current era and indicates how conceptualizations of this process differ from the related formulations of the Annales School and of World Systems Analysis. The main theme of the article is then developed, namely an assessment of the ways that globalization has impacted the organization of work and the structure of employment careers. This assessment is based on results from a variety of recent research studies, especially on findings from the Globalife project.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Eijffinger Sylvester C. W.

How much inevitable US-Euro Area interdependence is there in monetary policy?

in *Intereconomics*, Volume 43, Number 6 / November, 2008 , 341-348

Against the backdrop of the present international financial and economic crisis this article looks into the issue of the interdependence of US monetary policy and monetary policy in the euro area. Is there a significant interdependence? If so, what is the nature and intensity of this interdependence? Has the ECB been influenced by the Fed or vice versa and to what degree? Has the relationship changed in recent years, and if so, in what direction?

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Fetzer Thomas

International Challenges and National Allegiances: British and West German Trade Union Politics at Ford, 1967-1973

in *Contemporary European History* , vol. 18, n. 1, February , 99-122

This article contributes to the recent transnational turn in labour history with a case study of West German and British trade union politics at Ford between 1967 and 1973. It demonstrates that international economic interdependence became a major concern for organised labour in both countries because of the emergence in 1967 of the Ford of Europe holding company. Paradoxically, however, this was accompanied by the accentuation of national allegiances and action frameworks, in particular with regard to the framing of labour market interests and industrial relations policies. These processes played out differently in the two countries, not only because national contexts were different but also because the new international challenges interacted with national contexts in specific ways.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Fukuyama Francis

Is America Ready for a Post-American World?

in *New Perspectives Quarterly*, Vol. 25, Issue 4, Fall , 42-46

Globalization may not be coming apart at the seams—yet—but the seams are ever more apparent. Rising fuel prices challenge a model of global transportation based on cheap energy, reinforcing the possibility of decoupling through great



regionalization of trade. Already, 50 percent of trade among ASEAN plus China and Japan is among each other.

The Wall Street meltdown has spread a lack of confidence in the American financial system and the model of deregulation which stimulated rapid globalization of capital flows.

Along with other developments, all this raises the question of whether the United States is prepared to operate successfully in a world it no longer dominates.

An anti-globalization leader, a former US labor secretary, a top American intellectual and a Nobel laureate address these issues.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Lavazza Andrea

L'idea di giustizia globale al vaglio del naturalismo neuroscientifico

in *Filosofia e Questioni Pubbliche*, Volume XII (2007), n. 3 , 211-225

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Pazé Valentina

La società civile globale. Luci e ombre

in *Teoria Politica*, Vol. 24, Fascicolo 2

Global Civil Society. Shadows and Light - This essay comes in two sections. First, the various definitions of « global civil society » found in the contemporary debate are examined, as well as some theories thereby inspired. In its most widespread meaning, the expression « global civil society » designates a heterogeneous set of movements and associations, transnationally organized, that are held to represent the dawning of a « global public sphere ». The second section of the essay discusses some empirical cases regarding the actors of global civil society: the coloured revolutions in eastern Europe, the no-global demonstrations in Seattle and Genoa, the social and humanitarian interventions of international NGOs. Extremely diversified results can be registered: spontaneous groups and organisations with clear-cut management styles, associations grounded on voluntary or professional work, protest movements and NGOs advising the WTO or the EU. Governance-focused theories look with increasing interest at these actors, since they seem able to reduce the legitimacy deficit that affect international institutions. The author expresses some critical considerations on this issue, stressing the risk that subaltern cooptation at the service of politics might prevail in the associations of civil society.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Buchholz Sandra, Hofäcker Dirk, Mills Melinda, Blossfeld Hans-Peter, Kurz Karin, Hofmeister Heather

Life Courses in the Globalization Process: The Development of Social Inequalities in Modern Societies



in **European Sociological Review**, Volume 25, Number 1, February 2009 , 53-71

This article examines the impact of the globalization process on individual life courses and employment careers in modern societies from an international comparative perspective. Empirical results are summarized from the GLOBALIFE research project (Life Courses in the Globalization Process), which studied the effects of globalization on life courses for the first time. As the results demonstrate, the globalization process has had diverse effects on different phases of the life course. Qualified men in their mid-careers are broadly protected from the effects of globalization, while young adults are the losers of the globalization process. We also find that educational and class characteristics determine the extent to which an individual faces increasing labour market risks. Under globalization, these effects have intensified. The results of the GLOBALIFE project thus indicate that globalization triggers a strengthening of existing social inequality structures. Another central finding is that globalization has not led to the same outcome across various modern societies. Globalization appears to be distinctly filtered by deeply embedded national institutions. These 'institutional packages' entail diverse strategies of labour market flexibilization which themselves differentially shape patterns of social inequality in modern societies.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Simons Paul E.

Los desafíos de la seguridad energética mundial

in **Estudios internacionales : revista del Instituto de Estudios Internacionales de la Universidad de Chile**, Vol. 41 / 2008 / Nr 160 , 151

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Supiot Alain

L'inscription territoriale des lois

in **Esprit**, n. 349, novembre 2008 , 151-171

The territorial mooring of laws.

The process of economic globalisation goes hand in hand with one where laws lose their territorial moorings. However, such loss of differentiation through location does not seem to be any more viable than the old, strictly inter-State system. Yet if we are to maintain a practicable pattern, we need to find a fresh sense of measure and of boundaries.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Kupchan Charles A.



Minor League, Major Problems. The Case Against a League of Democracies

in *Foreign Affairs*, November/December 2008 Vol 87, Number 6

The call to establish a "league of democracies" was one of the hottest policy proposals this past election season. Advocates contended that creating a club open exclusively to the world's liberal democracies would enhance the ability of like-minded states to address the challenges of the twenty-first century. Not since the 1940s, when the United States orchestrated the founding of the United Nations and the Bretton Woods monetary system, have voices on both sides of the aisle called for such an ambitious overhaul of international institutions. Influential advisers to both Senator Barack Obama (D-III.) and Senator John McCain (R-Ariz.) enthusiastically backed the proposal, and McCain explicitly endorsed the idea. "Rarely," as the journalist Jonathan Rauch has observed, "have liberal idealism and neoconservative realism converged so completely."

The proposal to launch a league of democracies has its merits. The size and diversity of the UN's membership hinder the organization's ability to coordinate timely and effective action. And whether the task at hand is containing Iran's nuclear program or stopping genocide in Darfur, China and Russia regularly block action by the UN Security Council. In contrast, liberal democracies are generally prepared to work together to pursue common interests. When it comes to political will, economic resources, and military strength, the world's democracies constitute a uniquely fraternal grouping of states.

Nonetheless, the next occupant of the White House should shelve the idea of establishing a league of democracies. Such a club is not needed to secure cooperation among liberal democracies -- they are already regular partners -- and it would draw new lines between democracies and nondemocracies, thus compromising their relations just when adapting the international system to the rise of illiberal powers is becoming a paramount challenge. Contrary to the expectations of its advocates, moreover, a league would expose the limits of the West's power and appeal, revealing the constraints on solidarity among democracies, eroding the legitimacy of the West, and arresting the global spread of democracy. With its marginal upsides and dramatic downsides, establishing a league of democracies would not be a wise investment for the next president, whose time and political capital will be severely taxed by an economic downturn at home and abroad and by conflict in the Middle East.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Sassen Saskia

Né globale, né nazionale: la terza dimensione dello spazio nel mondo contemporaneo

in *Mulino (il)*, n. 6, novembre-dicembre, 2008 , 969-980

ABSTRACT: Nell'ormai ricco lessico sulla globalizzazione e i suoi fenomeni, si assiste a un bisogno di nuove definizioni teoriche, che sappiano descrivere i nuovi rapporti tra democrazia sociale e cittadinanza. Da qui l'utilizzo della parola «de-nazionalizzazione», per indicare quel processo che, sovvertendo l'ordine precostituito di governi e sistemi giuridici, stravolge i concetti di territorio, autorità e diritti.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Woodward David

Of 'Misguided Notions' and Misguiding Nations: The Growth Report, Poverty and Climate Change



in **Political Quarterly** , Volume 79, Issue 4, October-December 2008 , 618-627

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Caputo John D.

Oltre la sovranità: molte nazioni, sotto un Dio debole

in **Iride**, numero 2, agosto 2008 , 323-336

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Koopmann Georg, Vogel Lars

Regionalisation of Trade and Regionalism in Trade Policy – Patterns, Strategies and Impact

in **Intereconomics**, Volume 43, Number 5 / September, 2008 , 298-312

No abstract available

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Kuisma Mikko

Rights or privileges? The challenge of globalization to the values of citizenship

in **Citizenship Studies**, vol. 12, n. 6, december , 613-627

ABSTRACT: Citizenship is a broad concept that varies in both theory and practice across different traditions and schools of thought. However, the dominant Western conceptions of democratic citizenship, the liberal and civic republican approaches, share some core values. Citizenship is a membership concept and founded upon the principle of equality between citizens. Equality has different articulations and usages but it forms the core of citizenship theory and practice for liberals and civic republicans. The other core value discussed here is the right to participate. In fact, I argue that participation also has in many cases presupposed the right to participate. It is my argument here that these values of citizenship are now challenged by globalization. It challenges the ability of the state to implement the values of citizenship. More importantly, the neoliberal principles of the global economy are inherently linked to a political logic of globalization that also creates and intensifies global inequalities and undermines the values of equality and right to participate in the global community. However, globalization, while creating a challenge to the values of citizenship, also can provide some solutions to those challenges. Namely, participation and civic activism, such as Social Movement Unionism, can be the key for citizens claiming rights in the global community and restoring some of the values of citizenship in the age of neoliberal globalization.

Section B) Global governance and international organizations



Subsection 5. The Globalization process

Larmer Miles, Dwyer Peter, Zeilig Leo

Southern African social movements at the 2007 Nairobi World Social Forum

in **Global Networks**, vol. 9, n. 1, January, 41-62

ABSTRACT: How relevant is the anti-globalization movement to the ideas and activities of social movements seeking to achieve economic justice and greater democratic accountability in southern Africa? Case study research in four southern African countries (Zimbabwe, Zambia, Malawi and Swaziland) indicates that, while aspects of the anti-globalization approach resonate with civil society and social movement actors (for example, an emphasis on mass participation and the internationalization of campaigning), the global social justice movement frequently displays the characteristics of globalization. These include: unaccountable decision-making; profound (yet largely unacknowledged) inequality of access to resources; and an imposed and uniform organizational form that fails to consider local conditions. The World Social Forum (WSF) held in Nairobi in January 2007 provided many southern African social movement actors with their first opportunity to participate in the global manifestation of the anti-globalization movement. The authors interviewed social movement activists across southern Africa before and during the Nairobi WSF about their experiences of the anti-globalization movement and the Social Forum. An assessment of the effectiveness of this participation leads to the conclusion that the WSF is severely limited in its capacity to provide an effective forum for these actors to express their grievances and aspirations. However, hosting national social forums, their precise form adapted to reflect widely varied conditions in southern African states that are affected by globalization in diverse ways, appears to provide an important new form of mobilization that draws on particular elements of anti-globalization praxis.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Stiglitz Joseph

The Fall of Wall Street

in **New Perspectives Quarterly**, Vol. 25, Issue 4, Fall, 46-49

Globalization may not be coming apart at the seams—yet—but the seams are ever more apparent. Rising fuel prices challenge a model of global transportation based on cheap energy, reinforcing the possibility of decoupling through great regionalization of trade. Already, 50 percent of trade among ASEAN plus China and Japan is among each other.

The Wall Street meltdown has spread a lack of confidence in the American financial system and the model of deregulation which stimulated rapid globalization of capital flows.

Along with other developments, all this raises the question of whether the United States is prepared to operate successfully in a world it no longer dominates.

An anti-globalization leader, a former US labor secretary, a top American intellectual and a Nobel laureate address these issues.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Deudney Daniel, Ikenberry G. John



The Myth of the Autocratic Revival . Why Liberal Democracy Will Prevail

in *Foreign Affairs*, January/February 2009 Vol 88, Number 1

After two decades of post-Cold War liberal triumph, U.S. foreign policy is being challenged by the return of an old antiliberal vision. According to this vision, the world is not marching toward universal liberal democracy and "the end of history." Rather, it is polarizing into different camps and entering an era of rivalry between Western liberal states and dangerous autocracies, most notably China and Russia. Unlike the autocracies that failed so spectacularly in the twentieth century, today's autocracies are said to be not only compatible with capitalist success but also representative of a rival form of capitalism. And their presence in the international system supposedly foreshadows growing competition and conflict and is dangerously undermining the prospect of global cooperation.

Several recent developments seem to support this emerging view. Democratic transitions have stalled and reversed. In China, the Communist Party dictatorship has weathered domestic challenges while presiding over decades of rapid economic growth and capitalist modernization. Rising oil prices have empowered autocratic regimes. In Russia, Vladimir Putin's government rolled back democratic gains and became increasingly autocratic. At the same time, relations between Russia and the West have deteriorated from the near amity of the early post-Cold War era, and China and the West remain divided over Taiwan, human rights, and oil access. Meanwhile, much less powerful autocratic states, such as Venezuela and Iran, are destabilizing their regions. There even appear to be signs that these autocratic states are making common cause against the liberal Western states, with nascent alliances such as the Shanghai Cooperation Organization. The United Nations, and particularly the Security Council, has returned to the paralysis of the Cold War. In this view, the liberal West faces a bleak future.

The new prophets of autocratic revival draw important foreign policy implications from their thesis. One of the most forceful exponents of this new view, Robert Kagan, insists that it is time for the United States and the other liberal democracies to abandon their expectations of global convergence and cooperation. Instead, they should strengthen ties among themselves, perhaps even through a formal "league of democracies," and gird themselves for increasing rivalry and conflict with the resurgent autocracies. Containment rather than engagement, military rivalry rather than arms control, balance of power rather than concert of power -- these should be, according to such theorists, the guideposts for U.S. foreign policy.

Fortunately, this new conventional wisdom about autocratic revival is as much an exaggeration of a few years of headlines as was the proclamation of the end of history at the end of the Cold War. The proposition that autocracies have achieved a new lease on life and are emerging today as a viable alternative within the global capitalist system is wrong. Just as important, the policies promoted by the autocratic revivalists are unlikely to be successful and, if anything, would be counterproductive -- driving autocracies away from the liberal system and thereby creating a self-fulfilling prophecy. Although today's autocracies may be more competent and more adept at accommodating capitalism than their predecessors were, they are nonetheless fundamentally constrained by deep-seated incapacities that promise to limit their viability over the long run. Ultimately, autocracies will move toward liberalism. The success of regimes such as those in China and Russia is not a refutation of the liberal vision; the recent success of autocratic states has depended on their access to the international liberal order, and they remain dependent on its success. Furthermore, the relentless imperatives of rising global interdependence create powerful and growing incentives for states to engage in international cooperation regardless of regime type.

The resilience of autocracies calls not for abandoning or retreating from liberal internationalism but rather for refining and strengthening it. If liberal democratic states react to revived autocracies solely with policies of containment, arms competition, and exclusive bloc building, as neoconservatives advise, the result is likely to be a strengthening and encouragement of illiberal tendencies in these countries. In contrast, cooperatively tackling common global problems -- such as climate change, energy security, and disease -- will increase the stakes that autocratic regimes have in the liberal order. Western states must also find ways to accommodate rising states -- whether autocratic or democratic --



and integrate them into the governance of international institutions. Given the powerful logic that connects modernization and liberalization, autocratic regimes face strong incentives to liberalize. The more accommodating and appealing the liberal path is, the more quickly and easily the world's current illiberal powers will choose the path of political reform.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Gills Barry K.

The Swinging of the Pendulum: The Global Crisis and Beyond

in Globalizations , Volume 5, Issue 4, December 2008 , 513-522

Free access: <http://www.informaworld.com/smpp/content~content=a905087804~db=jour~order=page>

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Funke Peter

The World Social Forum: Social Forums as Resistance Relays

in New Political Science, vol. 30, n. 4, december , 449-474

ABSTRACT: This article examines the World Social Forum and the global social forum process it has spurred by encouraging the creation of autonomous social forums on various levels, from the local to the global. The article argues that social forums, these "open spaces" for groups, movements, and networks opposed to neoliberalism, start to function as "resistance relays." On the basis of their common opposition to capitalism, social forums provide a catalytic context for generating exchanges, linkages, convergences and mobilizations. As such, they are strategic instruments of alter-globalization movements. While social forums seek to forge novel practices and visions over social change that point to a novel logic of social movement based resistance, they are riddled with tensions and challenges.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Beck Roland, Fidora Michael

The impact of sovereign wealth funds on global financial markets

in Intereconomics, Volume 43, Number 6 / November, 2008 , 349-358

If sovereign wealth funds act similarly to private investors and thus allocate foreign assets according to market capitalisation rather than liquidity considerations, official portfolios reduce their "bias" towards the major reserve currencies — the US dollar and the euro. As a result, more capital flows "downhill" from rich to less wealthy economies. In this scenario, the euro area and the United States would be subject to net capital outflows while Japan and the emerging markets would attract net capital inflows. The potential implications of a rebalancing of international capital flows for stock prices, interest rates and exchange rates remain uncertain, however.

Section B) Global governance and international organizations



Subsection 5. The Globalization process

Helms Ludger

The liberal-democratic foundations of the European nation-state and the challenges of internationalization in *International Politics*, Volume 46, Issue 1, January, 48-64

This paper inquires as to how the internationalization of politics, society and the economy has affected the liberal-democratic foundations of European nation-states. 'Europeanization', the rise of global firms as powerful political actors, international migration within and towards Europe, international terrorism and organized crime as well as the state's responses to these challenges, and the surge of right-wing radicalism and populism are identified as the major forces that tend to put both the democratic and the liberal components of liberal democracies under pressure. Future research should devote more attention to studying the factors determining the extent to which different European countries are affected by the dynamics of internationalization and the relationship between different internationalization-related challenges. Moreover, politics as an academic discipline should be more ambitious about providing some normative guidance to coping with internationalization.

Full text available on-line: <http://www.palgrave-journals.com/ip/journal/v46/n1/pdf/ip200833a.pdf>

Section B) Global governance and international organizations

Subsection 5. The Globalization process

DeCanio Stephen J.

The political economy of global carbon emissions reductions in *Ecological Economics*, Volume 68, Issue 3, 15 January, 915-924

The discussion about what reductions in greenhouse gas emissions are required and how the emissions rights might be distributed globally has fostered the belief that there is a fundamental conflict between the rich nations of the "North" and the poor but populous nations of the "South." The argument is that grandfathering the rights will only reinforce existing global inequalities, while per capita distribution of the rights would lead to such huge transfers of wealth to the South as to be unacceptable to the North. However, a very simple general equilibrium model highlighting key elements of the global economy shows that this perception is incorrect under a plausible interpretation of the goal of the United Nations Framework Convention on Climate Change to "avoid dangerous anthropogenic interference with the climate system." Instead of using an economic damage function to determine the optimal level of emissions reductions, the model's utility functions are calibrated to reflect scientific understanding of what would be required to stabilize the atmosphere at safe concentrations of greenhouse gases. Among policy options that would accomplish this, the United States has a preference for grandfathering the allocation of emissions rights over a per capita allocation, but this preference is not strong and could be offset by other geopolitical considerations.

Section B) Global governance and international organizations

Subsection 5. The Globalization process

Martin Pamela, Wilmer Franke

Transnational Normative Struggles and Globalization: The Case of Indigenous Peoples in Bolivia and Ecuador in *Globalizations*, Volume 5, Issue 4, December 2008, 583-598

Since the 1990s, the indigenous rights movement has catapulted from resource-poor, local activists to global activists. The rise of transnational indigenous rights movements has paralleled and interfaced with significant structural



developments at the international and state-systemic level, raising questions about the interplay between global and local politics as arenas of social change. To trace these transnational networks to the articulation of norms supportive of indigenous claims, we examine two cases of transnational indigenous activism and domestic responses in the Andean region of South America. We find that the additional dimension of domestic and transnational mobilization that first contests existing international norms, such as neoliberalism and individual rights, and then seeks to diffuse normative changes at both the domestic and international levels provides new insight about norm formation, transformation, and diffusion in international politics in favor of anti-globalization and community equality norms on local, national, and global levels.

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Rachel GUILLAIN, Julie LE GALLO

Coordination budgétaire à géométrie variable et stabilisation conjoncturelle dans une Union monétaire hétérogène

in *Economie Appliquée*, N. 3 , Oros Cornel

No abstract available

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Konstantinidis Nikitas

Gradualism and uncertainty in international union formation: The European Community's first enlargement in Review of International Organizations (The) , vol. 3, n. 4, december , 399-433

ABSTRACT: This paper introduces a new theoretical framework of international unions qua coalitions of countries adopting a common policy and common supranational institutions. I make use of a three-country spatial bargaining game of coalition formation, in order to examine the endogenous strategic considerations in the creation and enlargement of international unions. Why would we observe a gradualist approach in the formation of the grand coalition even if the latter is assumed to be weakly efficient? I propose asymmetric information about the benefits of integration as a mechanism that can generate gradual union formation in equilibrium. As it turns out, it may well be in the 'core' countries' interest to delay the accession of a third, 'peripheral' country in order to (1) stack the institutional make-up of the initial union in their favor and (2) signal their high resolve to wait out the expansion of their bilateral subunion. A related case from the European experience provides an interesting illustration.

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Ansgar Belke, Daniel Gros

On the benefits of fiscal policy coordination in a currency union: a note

in *Empirica: Journal of Applied Economics and Economic Policy*, Volume 36, Number 1 , 45-49

It is quite often claimed by politicians that a common currency makes it beneficial to be also endowed with a common fiscal policy. However, if fiscal policy can reasonably be considered to be a source of shocks, national fiscal policies



which are steered independently from each other are generally preferable because they allow the possibility to diversify macroeconomic risks. Abstracting from automatic stabilizers, this view is valid independent on whether the ECB targets money growth or interest rates.

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Jong-Wha Lee, Innwon Park, Kwanho Shin

Proliferating Regional Trade Arrangements: Why and Whither?

in *World Economy*, Volume 31 Issue 12 , 1525 - 1557

This paper investigates why regional trade arrangements (RTAs) are proliferating extensively and how the effects of multiple RTAs, by interacting with each other, evolve over time. Our empirical analysis, based on an extended gravity model utilising a large panel dataset of 175 countries from 1948 to 1999, shows that RTAs on average increase global trade by raising intra-bloc trade without damaging extra-bloc trade. The net trade effects, however, heavily depend on the types of RTA strategic evolution over time, which we categorise as 'expansionary' RTAs, 'duplicate' RTAs or 'overlapping' RTAs. We find that countries excluded from an RTA can benefit more from duplicating a separate RTA than from joining an existing RTA. This result explains why the number of bilateral trade blocs, rather than the membership size of existing RTAs, is currently exploding. We also find that the net trade-creating effects of RTAs are substantially lower for countries participating in overlapping RTAs. This result suggests that it is less likely that the currently proliferating RTAs will completely merge and lead the world economy to global free trade. Our empirical results are robust to controlling for the characteristics of countries that may influence the impact of RTAs.

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Haacke Jurgen, Williams Paul

Regional Arrangements, Securitization, and Transnational Security Challenges: The African Union and the Association of Southeast Asian Nations Compared

in *Security Studies*, vol. 17, n. 4, october , 775-789

ABSTRACT: This article seeks to contribute to debates about how regional arrangements construct and respond to threat agendas. It does so by using the literature on the concept of securitization to explore the processes through which the African Union (AU) and the Association of Southeast Asian Nations (ASEAN) have dealt with contemporary transnational challenges. After providing an overview of the Copenhagen School's (CS) understanding of securitization, we examine the main problems and limitations that emerge when attempting to apply the concept of securitization to regional arrangements in the developing world. The article explores in particular the extent to which the AU and ASEAN have securitized the transnational challenges on their agendas. We conclude that in both cases the impact of security culture as well as unresolved conceptual and methodological issues raise significant questions when seeking to apply securitization theory outside of Europe.

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Vivian Wai-Yan Tsang ,Kin-Fan Au



Regionalization of Textile Trade: Evidence from the EU, NAFTA, AFTA, and SAPTA

in *International Trade Journal*, Volume 22 Issue 4 , 457 - 483

This study examines the integration effects of four regional trading agreements (RTAs) respectively the EU, NAFTA, AFTA, and SAPTA on textile fabric trade from 1990-2005. A modified gravity model for analyzing textile trade was first generated by the fixed-effects method. Regional dummy variables were then used to identify trade creation and trade diversion effects arising from the RTAs. The results indicated that neither trade creation nor trade diversion effects existed in the EU textile trade. Trade creation in terms of imports was identified in NAFTA and SAPTA. There is no indication of shifting textiles trade from the rest of the world to the member countries with the implementation of these two free trade areas (FTAs). On the contrary, trade diversion was recognised some years after AFTA's enactment. It represents a movement towards free trade and is beneficial for the welfare of the world. This article provides empirical evidence on how textiles trade influenced by the formation of RTAs and elimination of quotas on textiles products.

Section C) Regional integration processes

Subsection 1. Theory of regional integration processes

Hentz James J.

South Africa and the 'Three Level Game': Globalisation, Regionalism and Domestic Politics

in *Commonwealth and Comparative Politics*, Vol.46, issue 4 , 490 - 515

What is the relationship between globalisation and regionalism? There are two broad answers to this question; that regional trading arrangements are stumbling blocks that arrest the progress of the multilateral free trading system or that they are stepping stones or building blocks promoting global free trade. The problem with both sets of explanations is that they describe moving from regional free trade to global free trade (or not) as a linear process where either pro- or anti-free trade coalitions are strengthened or weakened. But regionalism can do both, because it is best explained within a 'three level game' where the state makes political tradeoffs between domestic actors that are able to promote their interests at the international or regional level of the game. States manipulate regional relations to navigate globalisation. This article uses the case of South Africa's trade negotiations with the European Union and with the Southern African Development Community to illustrate how a 'three level game' can square the discordant political demands of its political economy.

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Willem H. Buiter

Economic, Political, and Institutional Prerequisites for Monetary Union Among the Members of the Gulf Cooperation Council

in *Open Economies Review*, Volume 19, Number 5 , 579-612

The paper reviews the arguments for and against monetary union among the six members of the Gulf Cooperation Council—the United Arab Emirates, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar and the State of Kuwait. Both technical economic arguments and political economy considerations are discussed. I conclude that there is an economic case for GCC monetary union, but that it is not overwhelming. The lack of economic integration among the GCC members is striking. Without anything approaching the free movement of goods, services, capital and persons among the six GCC member countries, the case for monetary union is mainly



based on the small size of all GCC members other than Saudi Arabia, and their high degree of openness. Indeed, even without the creation of a monetary union, there could be significant advantages to all GCC members, from both an economic and a security perspective, from greater economic integration, through the creation of a true common market for goods, services, capital and labour, and from deeper political integration. The political arguments against monetary union at this juncture appear overwhelming, however. The absence of effective supranational political institutions encompassing the six GCC members means that there could be no effective political accountability of the GCC central bank. The surrender of political sovereignty inherent in joining a monetary union would therefore not be perceived as legitimate by an increasingly politically sophisticated citizenry. I believe that monetary union among the GCC members will occur only as part of a broad and broadly based movement towards far-reaching political integration. And there is little evidence of that as yet.

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Cawthra Gavin

Collaborative Regional Security and Mutual Defence: SADC in Comparative Perspective

in *Politikon: South African Journal of Political Studies* , Volume 35 Issue 2 , 159 - 176

This paper examines the nature of regional collaborative security and mutual defence, their application at sub-regional and regional organisational level and the implications for the Southern African Development Community (SADC). It starts by examining some key concepts related to security cooperation within regions and sub-regions, and then develops a set of questions related to the nature and character of regional security collaboration. In addressing these questions, it examines concrete manifestations of these principles through actual (sub-)regional collaborative security organisations in the developing world. Turning to SADC, it draws some implications and lessons learned from global practices, and concludes that many of the challenges SADC faces are similar to those in other regional organisations in the developing world.

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Cawthra Gavin

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ABSTRACT: This paper examines the nature of regional collaborative security and mutual defence, their application at sub-regional and regional organisational level and the implications for the Southern African Development Community (SADC). It starts by examining some key concepts related to security cooperation within regions and sub-regions, and then develops a set of questions related to the nature and character of regional security collaboration. In addressing these questions, it examines concrete manifestations of these principles through actual (sub-)regional collaborative security organisations in the developing world. Turning to SADC, it draws some implications and lessons learned from global practices, and concludes that many of the challenges SADC faces are similar to those in other regional organisations in the developing world.

Section C) Regional integration processes



Subsection 2. Cooperations and integration in Africa and in the Middle East

Mantsie Rufin-Willy

Institutions monétaires, intégration et dynamique commerciale : Essai de vérification empirique dans les pays de la zone BEAC

in *African Integration Review - Revue Africaine de l'Intégration*, Vol. 2, N. 2 - July

Le présent article a pour objet de tester la relation pouvant exister entre l'appartenance à une zone monétaire et la dynamique des échanges entre pays membres. En s'appuyant sur les contributions récentes du commerce international l'article essaie de vérifier, à partir de l'utilisation du modèle de gravité estimé en données de panel, si les échanges économiques sont soutenus entre les pays de la zone BEAC, membres d'une zone monétaire au regard des prédictions avancées par certains auteurs. De même cette relation sera vérifiée entre ces pays et la France partenaire de cette union à travers la zone franc. Enfin, à la faveur de l'avènement de l'Euro, une extension est envisagée entre les pays de la zone BEAC et les autres pays membres de l'Union européenne.

Monetary Institutions, integration and commercial dynamics:
Empirical verification in the Countries of the BEAC Zone

This article tests the relationship between a monetary zone and the exchange dynamics between member countries. Based on recent contributions on international trade, this paper tends to verify, by using gravity model estimated through a panel data, whether exchanges in BEAC monetary zone are maintained as asserted by some authors. Moreover, this relationship is verified between these countries and France, partner of this union through the Franc zone. Finally, in favor of the launching of the 'Euro', an extension is envisaged between the BEAC zone countries and other member states of the European Union.

<http://www.africa-union.org/root/ua/Newsletter/EA/Vol2%20No2/Mantsie.pdf>

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Gankou Jean-Marie, Ndong Ntah Marcellin

Is The Regional Integration in Central Africa in Question?

in *African Integration Review - Revue Africaine de l'Intégration*, Vol. 2, N. 2 - July

This paper aims at suggesting concrete measures to address the numerous obstacles (political, economic, institutional and financial) which explain why the regional integration process is still lagging in Central Africa despite its long history and institutional background. In this context, the authors highlight important components of the ongoing institutional reforms initiated by the Economic and Monetary Community of Central Africa (CEMAC) Heads of State in order to modernize CEMAC and to revamp regional integration in this sub-region. Structural measures proposed by the authors to boost CEMAC stemmed from a thorough assessment of CEMAC's performance resting essentially on SWOT's methodology.

L'intégration régionale en Afrique Centrale est-elle en question?

Résumé: Cet article vise à suggérer des mesures concrètes susceptibles de



s'attaquer aux nombreux obstacles (politiques, économiques, institutionnels et financiers) qui expliquent la relative lenteur du processus d'intégration régionale en °_ç.lò-àAfrique Centrale malgré sa longue histoire et son passé institutionnel. A cet égard, les auteurs mettent en évidence les composantes majeures des réformes institutionnelles en cours initiées par les Chefs d'Etat de la CEMAC en vue de la moderniser et de redynamiser l'intégration régionale dans cette sous-région. Les mesures structurelles proposées par les auteurs pour stimuler la CEMAC émanent d'une évaluation minutieuse de la performance de la CEMAC reposant essentiellement sur la méthodologie FFOM.

http://www.africa-union.org/root/ua/Newsletter/EA/Vol2%20No2/Gankou_Ntah.pdf

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Ngakosso Antoine

La fiscalité et la dynamique de l'intégration : cas de la constitution du marché unique dans la CEMAC
in African Integration Review - Revue Africaine de l'Integration, Vol. 2, N. 2 - July

Le présent article a pour objectif de montrer que si globalement la fiscalité exerce une influence sur l'intégration, la fiscalité indirecte en l'absence d'une harmonisation de la taxe sur la valeur ajoutée entre les Etats membres d'une communauté économique est susceptible d'entraver la marche vers le marché unique. Même si pour certains Etats cette harmonisation de TVA engendre une perte de recettes budgétaires, elle favorise au moins l'intensification des échanges communautaires, assure la neutralité de la TVA et limite les distorsions qui résulteraient d'une concurrence fiscale dommageable. Comme l'harmonisation nécessite l'institution d'un régime de TVA communautaire, pour que ce régime n'entrave pas l'institution d'un véritable marché unique, il faudrait que ce régime à instituer obéisse aux trois principes d'une TVA communautaire suivants: neutralité, localisable, non sécable. Pour ce faire, le principe du pays d'origine semble le mieux indiqué. Au niveau de la sous région CEMAC, la TVA telle qu'elle est appliquée n'obéit pas à ces trois principes, c'est ce qui constitue une entrave majeure à la marche vers le marché unique dans cet espace communautaire.

Aussi faut-il adopter le principe du pays d'origine au détriment de celui de destination.

Taxation and the Dynamics of Integration: Case of the
Constitution of the Single Market in the CEMAC

This article aims to show that if globally taxation exerts an influence on integration, indirect taxation, in the absence of value-added tax harmonization between Member States of an economic community, is likely to obstruct the stride towards a single market. Even if for certain States this harmonization of VAT generates a loss of budget revenue, it supports at least the intensification of community exchanges, ensures the neutrality of the VAT and limits the distortions which would result in a detrimental tax competition. Since harmonization requires the establishment of common VAT system, in order not to distort the establishment of a single market, it would be necessary that this system obeys the following three principles of a Community VAT: neutrality, traceability, nondivisibility.

With this intention, the principle of 'country of origin' seems best suited. At the CEMAC level, VAT, as it is currently applied, does not obey these three principles, which constitutes a major obstacle in the walk towards a single market in this community area. Also, it is necessary to adopt the principle of country of origin instead of that of destination



<http://www.africa-union.org/root/ua/Newsletter/EA/Vol2%20No2/Ngakosso.pdf>

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Fometeu Joseph

Le clair-obscur de la répartition des compétences entre la Cour commune de justice et d'arbitrage de l'OHADA et les juridictions nationales de cassation

in *Revue de droit international et de droit comparé.*, Vol.85, n.4 , 491-527

No abstract available

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Foko A.

Le droit OHADA et les droits nationaux des États parties: une complémentarité vieille de plus d'une décennie

in *Revue de droit international et de droit comparé.*, Vol.85, n.4 , 445-490

No abstract available

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Bischoff Paul-Henri

Pan-African Multilateralism: Transformative or Disconnected?

in *Politikon: South African Journal of Political Studies* , Volume 35 Issue 2 , 177 - 195

Despite a multitude of international institutions on the African continent, worldwide Africa's multilateralism has generally received little attention. Yet, with the emergence of the African Union (AU) and its institutions, questions arise about its character. Will rhetoric and state symbolism take the place of substance or will the space opened up for democracy and civil society participation allow for greater democratically informed sustainability? With this in mind, the article addresses the issue to what extent the character of African multilateralism continues to display features of disconnectedness as opposed to those of transformation, where its institutions address issues of uneven development in concert with civil society concerns. A more participative multilateralism could have Africa more credibly participate internationally to leverage concessions from the international community. In the interim, amidst state-centred interpretations of sovereignty there remains the rhetorical and only partial participation of civil society in the institutions of the new AU. The question remains open whether Africa's new multilateralism is becoming transformative in ways that would make it more dualistic in a Coxian sense, connected with the basic social and developmental concerns of greater African society, or whether it remains disconnected with any civil society base.

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Subsection 2. Cooperations and integration in Africa and in the Middle East

Bischoff Paul-Henri



Pan-African Multilateralism: Transformative or Disconnected?

in *Politikon: South African Journal of Political Studies* , vol. 35, n. 2 , 177-195

ABSTRACT: Despite a multitude of international institutions on the African continent, worldwide Africa's multilateralism has generally received little attention. Yet, with the emergence of the African Union (AU) and its institutions, questions arise about its character. Will rhetoric and state symbolism take the place of substance or will the space opened up for democracy and civil society participation allow for greater democratically informed sustainability? With this in mind, the article addresses the issue to what extent the character of African multilateralism continues to display features of disconnectedness as opposed to those of transformation, where its institutions address issues of uneven development in concert with civil society concerns. A more participative multilateralism could have Africa more credibly participate internationally to leverage concessions from the international community. In the interim, amidst state-centred interpretations of sovereignty there remains the rhetorical and only partial participation of civil society in the institutions of the new AU. The question remains open whether Africa's new multilateralism is becoming transformative in ways that would make it more dualistic in a Coxian sense, connected with the basic social and developmental concerns of greater African society, or whether it remains disconnected with any civil society base.

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Adogamhe Paul G.

Pan-Africanism Revisited: Vision and Reality of African Unity and Development

in *African Integration Review - Revue Africaine de l'Integration*, Vol. 2, N. 2 - July

This paper revisits the ideology of Pan-Africanism and examines how it has been institutionalized into a pan-continental Organization of African Unity(OAU) and now transformed into the African Union (AU). The author reviews some of the problems and challenges that have been encountered by the Pan-African movement. In particular, the role of Western countries in promoting their interests in Africa and the renewed interest in the movement especially the part played by the Libyan leader in helping to engineer the OAU into AU are analyzed. The paper concludes that what started as a movement for African unity and political independence has now evolved in an age of globalization into a struggle for African unity and sustainable development. To achieve these stated goals will require attitudinal change on the part of African leaders especially a new orientation towards the consolidation of democracy, rule of law and good governance in the continent.

Pan-africanisme revisité : Vision et réalité de l'Unité africaine et du Développement

Ce document revisite l'idéologie di Pan-Africanisme et examine comment il a été institutionnalisé dans les Organisation de l'Unité Africaine (OUA), à présent transformé en l'Union Africaine (UA). L'auteur passe en revue certains des problèmes et des défis qui ont été produits par le mouvement panafricain. En particulier, le rôle des pays occidentaux favorisant leurs intérêts en Afrique et l'intérêt renouvelé, particulièrement le rôle joué par le chef libyen, pour le mouvement de transformer l'OUA vers l'UA sont analysés. Le papier conclut que ce qui a commencé comme mouvement pour l'unité africaine et l'indépendance politique s'est maintenant transformé dans un âge de globalisation en une lutte pour l'unité et le développement durable africain. Pour atteindre ces buts indiqués, exigera le changement attitudinal de la part des chefs africains particulièrement une nouvelle orientation vers la consolidation de la démocratie, l'état de droit et la bonne gouvernement dans le continent.



Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Feldman Major Robert L.

Problems Plaguing the African Union Peacekeeping Forces

in Defense and Security Analysis, Volume 24, Issue 3, September , 267-279

No abstract available

Section C) Regional integration processes

Subsection 2. Cooperations and integration in Africa and in the Middle East

Tavlas George S.

The Benefits and costs of monetary union in the Southern Africa: a critical survey of the literature

in Journal of Economic Surveys, Volume 23, Number 1 , 1-43

With the 14 members of the Southern African Development Community (SADC) having set the objective of adopting a common currency for the year 2018, an expanding empirical literature has emerged evaluating the benefits and costs of a common-currency area in Southern Africa. This paper reviews that literature, focusing on two categories of studies: (1) those that assume that a country's characteristics are invariant to the adoption of a common currency and (2) those that assume that a monetary union alters an economy's structure, resulting in trade creation and credibility gains. The literature reviewed suggests that a relatively small group of countries, typically including South Africa, satisfies the criteria necessary for monetary unification. The literature also suggests that, in a monetary union comprising all SADC countries and a regional central bank that sets monetary policy to reflect the average economic conditions (e.g. fiscal balances) in the region, the potential losses (i.e. higher inflation) from giving up an existing credible national central bank, a relevant consideration for South Africa, could outweigh any potential benefits of trade creation resulting from a common currency.

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Subsection 2. Cooperations and integration in Africa and in the Middle East

Franke Benedikt, Esmenjaud Romain

Who owns African ownership? The Africanisation of security and its limits

in South African Journal of International Affairs , vol. 15, n. 2, december , 137-158

ABSTRACT: Over the last couple of years, 'African ownership' has become a buzzword in many fields. Economic development initiatives like the New Partnership for African Development (NEPAD) are based on it, partnership agreements like the Joint AU-EU Africa Strategy are built around it and its central concept of Africanisation guides virtually all external relations of the continent. African leaders (rightly) insist on it, international organisations (rightly) preach it and many non-African actors are (unsurprisingly) hiding behind it. The concept of African ownership is so omnipresent today that it is more than surprising that the simple question of who actually owns it has not yet been asked. It is the declared purpose of this paper to disentangle rhetoric from reality and identify the owner as well as the limits of African ownership in the sphere of peace and security.



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Subsection 3. Cooperations and integration in Central and North America

Clark Don P.

Adjustment Problems in Developing Countries and the U.S.-Central America-Dominican Republic Free Trade Agreement

in *International Trade Journal*, Volume 23 Issue 1 , 31 - 53

This article examines changes in intraindustry specialization indicators over the 1992-2006 period to assess the potential for factor adjustment problems that may arise in Central American countries and the Dominican Republic (CA/DR) with trade growth resulting from the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR). Results show there is considerable scope for intraindustry specialization between CA/DR countries and their most important trading partner. Few CA/DR industries are likely to encounter adjustment problems. When adjustment problems are indicated, extended phase-out periods for tariffs, tariff-rate quotas, and import safeguards are used to ease factor adjustment pressures in import-sensitive industries.

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Subsection 3. Cooperations and integration in Central and North America

Daniel Garces-Diaz

An Empirical Analysis of the Economic Integration Between Mexico and the United States and Its Connection with Real Exchange Rate Fluctuations (1980-2000)

in *International Trade Journal*, Volume 22 Issue 4 , 484 - 513

This article provides a new perspective about the links between the Mexican and US economies by studying the behavior of some Macroeconomic variables during the 1980-2000 period. It uses time series techniques to show that the Mexican GDP, its components and even real money balances had a robust long-run relationship with the US economic activity and the bilateral real exchange. The tighter nexuses appear to have begun in the early eighties and not in the nineties, as is often thought. The relationships here found were not modified by the inception of NAFTA or other events.

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Subsection 3. Cooperations and integration in Central and North America

Carlsen Laura

NAFTA's Dangerous Security Agenda

in *Peace Review*, vol. 20, n. 4, october , 442-447

No abstract available

Section C) Regional integration processes

Subsection 3. Cooperations and integration in Central and North America

Olson Dennis

NAFTA's Food and Agriculture Lessons



in *Peace Review*, vol. 20, n. 4, october , 418-425

No abstract available

Section C) Regional integration processes

Subsection 3. Cooperations and integration in Central and North America

Flores-Marcias Gustavo

NAFTA's Unfulfilled Immigration Expectations

in *Peace Review*, vol. 20, n. 4, october , 435-441

No abstract available

Section C) Regional integration processes

Subsection 3. Cooperations and integration in Central and North America

Aspinwall Mark

NAFTA-ization: Regionalization and Domestic Political Adjustment in the North American Economic Area

in *Journal of Common Market Studies*, Volume 47, Number 1, January 2009

Europeanization is an example of initial bargains between states leading to ongoing political adjustment within the states. In this article I apply the concept to NAFTA and look at two of its member states, finding that despite the low level of institutionalization, NAFTA has set in motion new forms of political organization and behaviour, and new demands for political action. This is especially marked in Mexico, and in certain sectors. It is also clearly visible in the changing patterns of cross-border bureaucratic communication. The main conclusions are that: (1) even in a lightly institutionalized regional trade agreement, the institutional, legal and civil society capacity of less-developed members is strengthened; (2) despite the absence of a formal process of policy or institutional development and the lack of legislative instruments, NAFTA has begun a hidden process of domestic adjustment in technical and specialized areas; and (3) like the EU, pressures to expand and strengthen NAFTA have emerged as a result of the initial agreement as well as extraneous factors. These conclusions may offer lessons to the study and practice of regional organizations elsewhere.

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Subsection 3. Cooperations and integration in Central and North America

Puyana Alicia, Romero José

Reflexiones sobre una unión monetaria de México con Estados Unidos

in *Foro Internacional*, VOLUMEN XLVIII - NÚMERO 3

The theory of monetary union is analyzed in relation to a small, open economy closely linked to a larger, more stable one. In particular, from the perspective of Mexico, and in case it should decide to create a monetary union with the United States. This analysis is carried out in terms of economic and political feasibility, following the example of the European common currency (Euro), within the nafta framework. Additionally, the Canadian position on the subject is also discussed.



Section C) Regional integration processes

Subsection 3. Cooperations and integration in Central and North America

Blair David J.

Trade liberalisation, environmental regulation and the limits of reformism: the North American experience
in *Environmental Politics*, Volume 17, Issue 5, November , 693-711

How effective has the North American Agreement on Environmental Cooperation been in strengthening the environmental laws and regulations of the NAFTA countries? The agreement was designed to address concerns that trade and investment liberalisation would contribute to a race to the bottom in environmental standards, regulatory chill, and inadequate enforcement of environmental laws. It is argued here that the reformist approach adopted in this regional agreement has been insufficient to offset the continuing pressure on environmental regulations and their enforcement exerted by regional economic integration and neoliberal globalisation.

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Napolitano Giorgio

América Latina y Europa: procesos paralelos de integración

in *Estudios internacionales* : revista del Instituto de Estudios Internacionales de la Universidad de Chile, Vol. 41 / 2008 / Nr 160 , 133

No abstract available

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Serbin Andrés

América del Sur en un mundo multipolar: ¿ es la Unasur la alternativa?

in *Nueva Sociedad*, 219 , 145-156

Two leaderships play a fundamental role in South America and define two different visions of regional integration. On the one hand, is that of Hugo Chávez with its geopolitical and military perspective and, on the other, the careful diplomacy based on the development of the economy and trade, promoted by Brazil, which has found its most ambitious expression in Unasur. This second strategy appears to prevail over the first, as can be appreciated with the role of the new organization in the Bolivian crisis. This article sustains that Unasur could become an effective instance for confronting regional problems and replace the Organization of American States (oas) where the United States continues to play a crucial role. Nevertheless, it is argued, this new institution needs to develop an institutional structure capable of sustaining its decisions over time.

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Subsection 4. Cooperation and integration in Central and Latin America



Vigevani Tullio, Ramanzini Jr. Haroldo

Brasil en el centro de la integración. Los cambios internacionales y su influencia en la percepción brasileña de la integración

in *Nueva Sociedad*, 219, 76-96

The changes in the international system influence the positions assumed by Brazil towards the problem of regional integration, especially in relation to Mercosur. Since the end of the Cold War, the objective of increasing its weight in multilateral forums, the decision to seek alliances with the emerging countries and the increasing commercial interchange with Asia have all contributed to a reorienting of the objectives of the Brazilian political and economic elites. Although integration has never ceased to be an objective, it has evidently been losing relative importance. The incapacity to provide Mercosur with a more solid institutional structure, despite the relative harmony between Left-wing governments, is a clear demonstration of this tendency.

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Subsection 4. Cooperation and integration in Central and Latin America

Altmann Borbón Josette

El ALBA, Petrocaribe y Centroamérica: ¿intereses comunes?

in *Nueva Sociedad*, 219, 127-144

Latin America is suffering from an excessive offer of integration schemes which, instead of contributing to a regional articulation, tend to weaken it. To this must be added more specific problems like the asymmetries between the different countries and within each of them. In the case of Central America, the increasing numbers of the poor and the weakness of the institutions are urgent problems. In these circumstances, for the Central American countries, the integration processes promoted by Venezuela are attractive. Nevertheless, support for them does not necessarily imply an ideological-political adherence, but rather a willingness to take advantage of the economic opportunities. This explains why the alba has achieved the support of a limited number of countries, while nearly all the Central American and Caribbean countries participate in Petrocaribe.

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Subsection 4. Cooperation and integration in Central and Latin America

Durand Francisco

El eje Lima-Brasilia (donde algunos entran en arcos y salen con flechas)

in *Nueva Sociedad*, 219, 113-126

It is common to hear analyses of the Brasilia-Buenos Aires axis or the Brasilia-Caracas axis but there is another axis being constructed about which less is said. It is the axis which unites Brasilia and Lima, which articulates a corridor between the Atlantic and the Pacific on the basis of joint efforts of the private economic groups and of the two States. For Brazil, it means an opportunity for its firms to expand their markets in Peru, with further prospective markets in the Pacific; and for Peru, it is a way of attracting investments and providing a counterweight in the face of the growing importance of Chilean capital in the country. In short, an integration project which promotes an articulation between the interests of businessmen and the geopolitical objectives of the two countries.



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Ugarteche Oscar

Entre la realidad y el sueño. La construcción de una arquitectura financiera sudamericana
in *Nueva Sociedad*, n.217 , 14-23

En diciembre de 2007, los presidentes de Argentina, Brasil, Venezuela, Ecuador, Uruguay y Paraguay anunciaron la creación del Banco del Sur, con un capital inicial de 10.000 millones de dólares. La iniciativa forma parte de los esfuerzos para avanzar en la construcción de una arquitectura financiera sudamericana que, además, incluya una unidad monetaria. El artículo analiza los problemas que ya han comenzado a aparecer, vinculados a las asimetrías entre los diferentes países de la región, y sugiere mirar los ejemplos de Asia y Europa para encontrar un camino adecuado que permita avanzar en la articulación financiera de la región.

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Caetano Gerardo

Integración regional y estrategias de la reinserción internacional en América del Sur. Razones para la incertidumbre
in *Nueva Sociedad*, 219 , 157-172

The complex situation of the integration process in South America cannot be understood without taking into account the profound changes in the political panorama of the region. Although the arrival of Left-wing governments raised hopes of a more robust articulation, it is already clear that integration is not furthered by mere ideological affinity. Currently the context is of fragmentation submitted to a dynamic of change. An analysis of the situation in Mercosur, where the associates are incapable of articulating common foreign policies, is a mere sample of the current situation: the temptation for the associates to recur to bilateral agreements and the difficulties in advancing in the negotiations with the European Union, simply confirm the diagnosis of uncertainty

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Subsection 4. Cooperation and integration in Central and Latin America

Malamud Carlos

La crisis de la integración se juega en casa
in *Nueva Sociedad*, 219 , 97-112

Latin American integration is in crisis. Although it began almost at the same time as the European, its advances have been very limited, as evidenced by the multiple current conflicts between the different countries. This article argues that it is time to stop looking for scapegoats outside of the region and face up to the problems, three of which stand out: an excess of rhetoric, nationalism and a lack of leadership. Furthermore, there are basic questions that need to be clarified: the integration is between States or societies? Commercial or political integration? With what institutions? Without clear, consensual answers to these questions, it is hard to see how the integration process can prosper.



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Peña Felix

La integración del espacio sudamericano. ¿La Unasur y el Mercosur pueden complementarse?

in *Nueva Sociedad*, 219 , 46-58

The South American geographical space constitutes a differentiated international subsystem. Nowadays, the region is increasingly inter-connected, presents a marked diversity and is undergoing a process of profound changes. Within this framework, the question of governance acquires a special significance. Mercosur and Unasur are the most relevant institutional initiatives aiming at providing the regional space with an institutional structure. In both, Brazil plays a key role. This article argues that, despite all types of problems, the two processes can complement each other, and contribute to the creation of an atmosphere of peace and political stability.

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Subsection 4. Cooperation and integration in Central and Latin America

Julio LÓPEZ G., Armando SÁNCHEZ V.

Les effets macroéconomiques à court terme de la libéralisation commerciale en Amérique Latine

in *Economie Appliquée*, N. 3

No abstract available

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Lewis Fabian B.

Marginal Intra-Industry Trade: The Case of Jamaica's Trade with CARICOM

in *International Trade Journal*, Volume 22 Issue 4 , 415 - 456

Of the dearth of empirical studies on marginal intra-industry trade, there is a relative paucity of empirical evidence involving developing countries. The major contribution of this article is two-fold: Firstly, it measures to our knowledge for the first time the extent of Jamaica's marginal intra-industry trade with CARICOM. This study is warranted bearing in mind that Jamaica's involvement in recent integration efforts with CARICOM will have adjustment costs implications. Secondly, we compare the performance of various Jamaican export sectors with their CARICOM counterparts. The article concludes by proposing some recommendations for policy makers to ensure smoother functioning of the Jamaican labour market.

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Subsection 4. Cooperation and integration in Central and Latin America

Amster Randall

Repeal NAFTA, Adopt LAFTA

in *Peace Review*, vol. 20, n. 4, october , 448-454



No abstract available

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Drekonja-Kornat Gerhard

Südamerikas neues Selbstbewusstsein

in *Blätter für deutsche & internationale Politik*, November, 2008 , 22-25

No abstract available

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Suominen, K.

The Changing Anatomy of Regional Trade Agreements in East Asia

in *Journal of East Asian Studies* , Volume 9, Number 1, January - April

The recent proliferation of regional trade agreements in the East Asian region can be seen as the most notable development in the region's trading panorama in recent years. Yet, very little is as yet understood about the anatomy of these agreements and, consequently, their full implications to the regional economy. This article strives to fill this gap by analyzing the structure of some sixty RTAs by their various key component parts, including tariff liberalization schedules, rules of origin, and competition policy, customs, investment, and services provisions. The results reveal that intra-Asian RTAs are generally quite rapidly liberalizing, with the exception of agriculture, but they are also quite thin in trade-related disciplines when compared with the more legalistic US trans-Pacific RTAs and those of Mexico and Chile. The proposed Free Trade Area of the Asia-Pacific would inherently be a construct of the political economy interests of these various constituent RTAs.

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Lowenthal Abraham

Toward improving cooperation in the Americas

in *Estudios internacionales : revista del Instituto de Estudios Internacionales de la Universidad de Chile*, Vol. 41 / 2008 / Nr 160 , 121

No abstract available

Section C) Regional integration processes

Subsection 4. Cooperation and integration in Central and Latin America

Rueda-Junquera Fernando

¿Qué se puede aprender del proceso de integración europeo? La integración económica de Europa y América



Latina en perspectiva comparada

in *Nueva Sociedad*, 219 , 59-75

The European model of economic integration has become an inevitable reference-point for any integration project. The firm and sustained political commitment, the construction of a supranational judicial and institutional system and the common policies and actions designed to consolidate an economic integration, are the three essential components of the model which achieved a «virtuous triangle» capable of favoring economic growth. In Latin America, the diverse integration schemes –despite some advances– confront serious limitations. Without falling into the temptation of oversimple comparisons, the European experience can nonetheless offer useful indications for the region.

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Subsection 5. Cooperation and integration in Asia and the Pacific Area

Alan Collins

A People-Oriented ASEAN: A Door Ajar or Closed for Civil Society Organizations?

in *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, Volume 30, Number 2, August , 313-331

ASEAN has proclaimed the rhetoric of becoming “people-oriented” in a number of documents over recent years and this phrase also appears in the Association’s new Charter. The prospect that ASEAN is moving away from being state-centric and elite-driven to one that is “people-empowering” has brought ASEAN onto the radar screens of civil society organizations (CSOs). These CSOs, encouraged by ASEAN reaching out to engage with them in its Socio-Cultural Community Plan of Action, have responded enthusiastically to this rhetoric and since 2005 there have been a plethora of ASEAN civil society conferences. Despite this the ASEAN Charter has not been well received by CSOs; indeed they are aiming to adopt an alternative (an ASEAN Peoples’ Charter). This article examines why CSOs are disappointed with the Charter and what ASEAN means by “people-oriented”

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Subsection 5. Cooperation and integration in Asia and the Pacific Area

Sheldon Simon

ASEAN and Multilateralism: The Long, Bumpy Road to Community

in *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, Volume 30, Number 2, August , 264-292

f the three Asian subregions — Northeast, Southeast and South — Southeast Asia is the only one that contains no Great Power. Yet Southeast Asian states have originated most Asian regional organizations, and Southeast Asian procedures acquired through ASEAN determine their processes. The “ASEAN Way”, emphasizing consensus, non-interference in members’ internal affairs and voluntary enforcement of regional decisions have characterized these bodies, insuring at bottom that they reinforce sovereignty protection. Nevertheless, ASEAN’s expansion in the 1990s to include Vietnam, Laos, Myanmar and Cambodia incorporated states whose harsh domestic politics were seen by several of the Association’s original members to be undermining its international stature. Additionally, coping with terrorism in the new century has also led to some erosion of the non-interference norm. Transnational cooperation is now essential to each nation’s security because terrorist groups cross national borders, and egregious human rights



practices in one country can lead to refugees fleeing into neighbouring countries. ASEAN's new November 2007 Charter constitutes an effort to move beyond sovereignty protection to economic, political-security and socio-cultural communities by 2020. The Charter also commits its signatories to democracy (for the first time) and human rights. Other regional organizations dominated by ASEAN procedures include the ASEAN Regional Forum (ARF) for security discussions, ASEAN+3 (Japan, South Korea and China) for economic matters, and the East Asian Summit (EAS) which added Australia, New Zealand and India to the ASEAN+3. Dialogues in these groups cover the gamut of Asian international relations. Perhaps their greatest utility is as venues for national leaders to discuss pressing issues on the sidelines of these gatherings.

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Subsection 5. Cooperation and integration in Asia and the Pacific Area

Chien-peng Chung

China's Approaches to the Institutionalization of Regional Multilateralism

in *Journal of Contemporary China*, Volume 17 Issue 57 , 747 - 764

Over the last few years, China has promoted all kinds of regional and sub-regional cooperation in Asia. This research finds that the extent of China's drive for institutionalization of cooperative regional multilateral processes is affected by two primary considerations: (1) distribution of power among the forum participants, and whether the major players are well-disposed towards China or not so; and (2) the importance of the issues that the specific forum is set up to deal with to the political, economic or security interests of China as well as other participating states.

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Subsection 5. Cooperation and integration in Asia and the Pacific Area

Masahiro Kawai, Ganeshan Wignaraja

EAFTA or CEPEA: Which Way Forward?

in *ASEAN Economic Bulletin*, Volume 25, Number 2 , 113-139

The spread of free trade agreements (FTAs) in East Asia amidst slow progress in the WTO Doha negotiations has stimulated a debate over the way forward. This paper examines the region's evolving trade architecture, characteristics of FTAs and welfare implications of alternative FTA scenarios. It suggests that consolidation of multiple and overlapping FTAs into a single East Asian FTA can help mitigate the harmful noodle bowl effects of different tariffs, rules of origin and standards. The paper also suggests that WTO-plus elements need to be further expanded and that consolidation into a Comprehensive Economic Partnership in East Asia at the ASEAN+6 level would yield the largest gains to East Asia among plausible regional trade agreements. As the next priority, the paper points to the formation of FTAs between East Asia, the United States and the EU as well as making FTAs more multilateral-friendly.

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Subsection 5. Cooperation and integration in Asia and the Pacific Area

Suresh Moktan

Evaluating the Intra-regional Exports and Trade Creation and Trade Diversion Effects of Trade Agreements in SAARC Countries

in *South Asia Economic Journal*, Volume 9, No. 2 , 233-260



Notwithstanding the persevering endeavours of South Asian Association for Regional Cooperation (SAARC) countries to enhance economic cooperation and intra-regional trade, contentions exist amongst analysts on the objective that has remained rather elusive for over two decades. Against this backdrop, this article investigates the impact of trade agreements amongst SAARC countries on intra-regional exports by employing an augmented gravity model and a pooled panel data for the period 1980–2005. Empirical tests find scant evidence of the impact of trade agreements on exports in the pre-SAARC and pre-South Asian Preferential Trading Arrangement (SAPTA) periods, but discern a statistically significant and positive impact in the post-SAARC and post-SAPTA periods. Further tests suggest a clear evidence of trade creation above and beyond the catalytic effect of SAPTA, but only for those countries that have trade agreements in place, while the reverse is true for those that do not have such agreements. Also, the increased exports in the latter half of the period under consideration emanates as a combined effect of SAPTA as well as the delayed impact from the existing bilateral trade agreements amongst the member stat

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Subsection 5. Cooperation and integration in Asia and the Pacific Area

Park Innwon, Park Soonchan

Reform creating regional trade agreements and foreign direct investment: applications for East Asia

in **Pacific Economic Review**, Volume 13 Issue 5 December 2008 , 550-566

We estimate the investment creation and diversion effects of RTAs by using an extended gravity equation focusing on domestic reform as a commitment device for RTA membership. As a case study, we estimate the impact of proposed East Asian RTAs on inward FDI. We find that: (i) reform creating RTA membership, larger market size, better skilled labour and lower trade costs all contribute positively and significantly to inward FDI; and (ii) most of the proposed East Asian RTAs promote intra-bloc FDI. In particular, both South–North and North–North RTAs prove to be more preferable membership combinations to South–South RTAs in East Asia.

Section C) Regional integration processes

Subsection 5. Cooperation and integration in Asia and the Pacific Area

David Jay Green

The Role of ASEAN Economic Community as a Commitment to Policy Certainty

in **ASEAN Economic Bulletin**, Volume 25, Number 2 , 209-227

No abstract available

Section C) Regional integration processes

Subsection 5. Cooperation and integration in Asia and the Pacific Area

Malcolm Cook

The United States and the East Asia Summit: Finding the Proper Home

in **Contemporary Southeast Asia: A Journal of International and Strategic Affairs**, Volume 30, Number 2, August , 293-312

The East Asia Summit is the newest leaders-led regional organization in the Asia Pacific with a broad mandate and an unclear future. Its membership means that it is stuck halfway between being an East Asian regional body such as the



ASEAN+3 process and an Asia-Pacific body such as Asia-Pacific Economic Cooperation. Expanding the East Asia Summit to include the United States would enhance its ability to be the primary strategic forum in Asia and clearly identify the Summit as an Asia-Pacific body. This would not only improve Asia's regional architecture, but would also serve the interests of the United States, ASEAN, Japan, China and India. The biggest challenge facing this positive development is convincing the United States to sign the Treaty of Amity and Cooperation and overcoming the concerns of the other regional bodies about an enhanced East Asia Summit. In 2009, a new administration in Washington and the EAS meeting in Vietnam will provide a powerfully symbolic opportunity to invite the United States into the East Asia Summit and allow the Summit and the United States to find their proper homes in Asia's evolving regionalism.

Section C) Regional integration processes

Subsection 6. The European unification process

McDonald Deniz Bingol

EU enlargement and global implications of the Balkan problem

in *Acta Oeconomica*, volume 58 Number 3 , 319-322

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

EI-Tayeb Fatima

“The Birth of a European Public”: Migration, Postnationality, and Race in the Uniting of Europe

in *American Quarterly*, vol. 60, n. 3, September , 649-670

Europe appears to be in a unique position in this post-cold war, post 9/11 world, both with regard to its internal reconstruction and to its potential role in current world politics. At a time when the "post-national," "the end of the nation-state," have become buzzwords within academic and non-academic discourses of globalization, the European Union appears as the first supranational system fit for the 21st Century. The quest for an European identity however, seems to have fallen way behind the process of creating a common legal and economic system. While changes in national laws and the introduction of the Euro passed relatively smoothly, the rejection of a European constitution in a number of national plebiscites lead to renewed debates, a search for an existing "European consciousness" able to hold the Union together. All too often however, these debates devolve into an assessment of what, or rather who, is certainly not European. Migration in particular gains a central position here by functioning both as a threat uniting the beleaguered European nations and as a trope shifting the focus away from Europe's unresolved identity crisis. In this essay, I briefly analyze discourses on the continent's future and past as they pertain to memory, identity, and migration. In order to do so, I will trace some of the complicated interactions resulting from the simultaneous construction of a European space, both materially and discursively, in the contemporary global landscape and of a normative European historical memory. My starting point is the notion of an emerging European "public space" and its role in creating a common continental identity. I focus on two recent incidents of what could be defined as the emergence of a "transnational" European public: the widespread protests against the Iraq war in the spring of 2003 and the "riots" in the French banlieus in the winter of 2005. Both events also place the European public within the discursive space of two dominant tropes of current global politics, "the war on terror" and "the clash of civilizations," tied to renewed attempts to create transatlantic Western unity.

I will approach the events at the center of my analysis partly by way of their assessment by two of Europe's foremost



“public intellectuals,” Juergen Habermas and Jean Baudrillard. Habermas’ reflection on the meaning of the Western European resistance to the Iraq war and Baudrillard’s view of the uprising on the margins of French society can be seen as emblematic of two versions of post-war Europe – one in which the European Union stands for the successful construction of a civil society out of the ruins left behind by World War II, the other documenting the failure of this attempt. Ultimately however, I will argue, both interpretations are failing to place Europe’s post-war history in a global context as they remain caught up in an outdated, solipsistic perspective that continues to place racialized migrant and minority populations outside of the limits of “Europe.”

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Georgiadis George G.,

'Differentiation by design' as a determinant of convergence: comparing early EU selection policies in Central and Eastern Europe and the Commonwealth of Independent States

in **Southeast European and Black Sea Studies**, vol. 8, n. 4, Special Issue: Europe’s Unfinished Transitions: The Convergence-Divergence Debate Revisited , 399-429

This article seeks external determinants of patterns of convergence or non-convergence in EU's periphery by considering the selection strategies of the EU for the inclusion of various countries in different sets of policies as a powerful and understudied driver of convergence. The existing sets of policies form two different EU policy tracks, loosely termed 'proactive' and 'reactive' - their main difference being that only the former leads to EU membership, thus offering strong incentives for compliance that result in convergence. The question that is, therefore, posed is: What drives the selection by the EU of countries for inclusion in the proactive track? The article contrasts two different answers to this key question: the 'differentiation by performance' theory, and that of 'differentiation by design'. The former argues that selection and inclusion of transition countries in the intensive 'proactive' policy track, and therefore in more expensive policies, followed their transformation efforts. The comparison of EU policies towards countries in Central and Eastern Europe and the Commonwealth of Independent States, however, supports the rival and less established differentiation-by-design thesis. The conclusion is that EU selection and inclusion practices seem to have largely reflected the EU's own preferences and were therefore selectively responsive to transformation efforts from different groups of countries, thus providing evidence in support of the differentiation-by-design thesis.

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Blavoukos Spyros, Pagoulatos George

'Enlargement Waves' and Interest Group Participation in the EU Policy-Making System: Establishing a Framework of Analysis

in **West European Politics**, vol. 31, n. 6, november , 1147-1165

ABSTRACT: How does enlargement affect the EU system of interest group intermediation? We introduce an analytical framework to conceptualise the impact of enlargement. 'Enlargement waves' do not only result in a 'top-down' process of Europeanisation of national interest intermediation systems, but also have a 'bottom-up' effect. This comprises uploading national organisational features and a broader scope of activities onto the EU system of interest representation. The enlargement impact can be seen on the structural properties (organisational features and resources) and the agenda content (scope of associational agenda, policy direction, inter-group balance) of EU-wide



interest associations ('Eurogroups'). The magnitude and scope of impact are conditioned by two groups of parameters linked with the source and target of the impact. The first group refers to the particular features of each 'enlargement wave' (e.g. which and how many countries are involved, national system of interest intermediation) and the second to Eurogroup attributes (e.g. willingness to broaden membership base, organisational and decision-making structures).

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Subsection 6. The European unification process

Hooghe Liesbet, Marks Gary

A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus in British Journal of Political Science, vol. 39, issue 1, January , 1-23

ABSTRACT: Preferences over jurisdictional architecture are the product of three irreducible logics: efficiency, distribution and identity. This article substantiates the following claims: (a) European integration has become politicized in elections and referendums; (b) as a result, the preferences of the general public and of national political parties have become decisive for jurisdictional outcomes; (c) identity is critical in shaping contestation on Europe.

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Subsection 6. The European unification process

Moore Carolyn

A Europe of the Regions vs. the Regions in Europe: Reflections on Regional Engagement in Brussels in Regional and Federal Studies, Volume 18, Number 5 , 517-535

Analysis of regional representation in the EU today provides us with something of a paradox. Whilst the idea of a Europe of the Regions replacing a state-centred EU has been marginalized in mainstream political thought, regional actors continue to strengthen their engagement with European affairs and to challenge central state authority directly in the EU arena. This article argues that one can best understand this paradox by assessing the strategic objectives of the various 'types' of regional representations. Idealism has been replaced by a pragmatic focus at the Brussels level on securing outcomes appropriate to the EU aims of different sets of regional actors.

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Ozel Soli

A Passionate Story with Europe in European Security, Volume 17, Number 1, March , 47-60

Turkey-EU relations have a long and complicated history burdened with respective images about one another. On several dimensions though the completion of these relations through membership of Turkey in the EU is of immense importance. Already the Caucasus crisis has shown what a resurgent and resentful Russia may mean for European security. Efforts to keep Turkey at bay by proposing a Mediterranean union or suggestions of a 'privileged partnership' are unlikely to succeed. To better understand how membership will transform Turkey's politics and in what ways this will benefit the EU one must look at the interface between Turkey's domestic transformation of the past three decades and the changing international environment.



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Subsection 6. The European unification process

Keating Michael

A Quarter Century of the Europe of the Regions

in **Regional and Federal Studies**, Volume 18, Number 5 , 629-635

Over a period of twenty-five years, we have witnessed the waxing and waning of the idea of a 'Europe of the Regions'. These concluding remarks begin by examining the factors that fuelled interest in, and enthusiasm for, this notion during the 1980s and early 1990s. It is argued that whilst the EU has not turned into a Europe of the Regions, spatial restructuring continues apace, as part of attempts to deepen and widen the European polity. Territorial politics will continue to be a salient feature of European politics for the next quarter of a century.

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Hobolt Sara, Spoon Jae-Jae, Tilley James

A Vote Against Europe? Explaining Defection at the 1999 and 2004 European Parliament Elections

in **British Journal of Political Science**, vol. 39, issue 1, January , 93-115

ABSTRACT: Governing parties generally win fewer votes at European Parliament elections than at national elections most common explanation for this is that European elections are 'second order national elections' acting as mid-term referendums on government performance. This article proposes an alternative, though complementary, explanation: voters defect because governing parties are generally far more pro-European than the typical voter. Additionally, the more the campaign context primes Eurosceptic sentiments, the more likely voters are to turn against governing parties. A multi-level model is used to test these propositions and analyse the effects of individual and contextual factors at the 1999 and 2004 European Parliament elections. Both European and domestic concerns matter to voters; moreover, campaign context plays an important role in shaping vote choices.

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Subsection 6. The European unification process

Settembri Pierpaolo, Neuhold Christine

Achieving Consensus Through Committees: Does the European Parliament Manage?

in **Journal of Common Market Studies**, Volume 47, Number 1, January 2009 , pp. 127-151

This article examines the role of the standing committees in building consensus within the European Parliament (EP) and asks whether the ability to fulfil this function has remained stable even in the context of enlarged membership after the June 2004 elections. To this avail, original data have been collected on the voting behaviour in EP committees, from July 1999 through July 2006, and interviews with key players have been conducted. Findings show that committees generally work very consensually, regardless of the issue at stake and the procedure applied. At the same time, the committee system seems to be evolving towards greater differentiation across policy areas and, partially, across legislative procedures.



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Marinov Tchavdar

Adieu Tito, Bonjour Europe: La République de Macédoine face aux dilemmes du passé communiste et de l'avenir européen

in *Europe en formation (L')*, n. 349-350, automne-hiver , 159-172

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349MARINOV.pdf>

Section C) Regional integration processes

Subsection 6. The European unification process

Martens Maria

Administrative Integration through the Back Door? The Role and Influence of the European Commission in Transgovernmental Networks within the Environmental Policy Field

in *Journal of European Integration*, Volume 30, Number 5 / December , 635-651

In the EU there is a trend towards developing informal networks between the European Commission and national regulatory agencies. Changes in character of the states' public administrations serve as a background for understanding these developments, a distinctive feature being the 'agencification' of the administrative apparatus during the last decades. This article focuses on how the role of the European Commission can be understood within these networks. The main finding is that the Commission is playing a proactive role, able to use the networks as a back road to the informal harmonization of regulatory practices. It is argued that it is able to do this mainly because it is perceived as a credible institution with expertise and overview, assets that have become even more important in EU-27. It is argued further that the influence of the Commission is conditioned by certain factors at the national level, such as 'noviceness' and 'administrative capacity'. It is concluded that it is necessary to take into account institutional features both at the national and European levels in order to understand the multifaceted role of the Commission within this specific institutional setting.

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Ferrara Massimiliano

Advances on Thermoconomics: a Model for the Equilibrium of European Union's Economy

in *Politico (II)*, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: Nel lavoro si sviluppa un metodo di ricerca volto a combinare strumenti e modelli propri della Geobiodinamica, della Termodinamica e dell'Economia dinamica al fine di analizzare sistemi ad evoluzione complessa. Nel paragrafo 1 si presenta la connessione teorica tra i principi fondanti la Geobiodinamica e l'approccio scientifico di G. Roegen per l'analisi dei sistemi economici. Nel paragrafo 2 viene presentato l'isomorfismo tra alcuni strumenti di ricerca, classicamente utilizzati in Termodinamica e l'Economia. Partendo da queste premesse, nel paragrafo 3 si introduce un modello elaborato nell'alveo della filosofia che ha ispirato il presente scritto, con il quale si studia il "caso Europa a 27 Paesi" e le condizioni, verificate le quali, il sistema europeo converge ad un equilibrio. Nel paragrafo 4 viene presentata,



nei suoi aspetti fondamentali, l'Economic geometric dynamics, linea di ricerca co-sviluppata dall'autore negli ultimi anni. Nell'ambito di questo universo di ricerca, è stata concentrata l'attenzione sullo studio di alcune proprietà dei campi vettoriali, dei quali si è provveduto a fornire una formulazione analitica, partendo da nuove classi di Varietà di tipo Riemann-Jacobi generalizzata, Riemann-Jacobi-Lagrange, tali da assicurare che ogni traiettoria dello stesso campo sia una geodetica. Questo risultato viene ad essere corroborato dal fatto che il campo lineare associato alla classe di campi vettoriali ai quali abbiamo fatto riferimento, può essere descritto come:

- una soluzione di un problema di Cauchy associato ad un sistema differenziale autonomo del primo ordine;

- una soluzione di un problema di Cauchy associato a un "prolungamento conservativo" del secondo ordine del sistema iniziale di cui al punto sopra.

I principi introdotti e il nuovo approccio che ne deriva, sono orientati all'analisi della c.d. Termoeconomia.

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Schütze Robert

Analysis and Reflections - Lisbon and the federal order of competences: A prospective analysis
in *European Law Review*, Vol.33, n.5 , 709-722

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Chatzistavrou Filippa

Ancienne République yougoslave de Macédoine : une quête d'identité commune à travers l'intégration européenne

in *Europe en formation (L')*, n. 349-350, automne-hiver , 173-187

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349CHATZISTAVROU.pdf>

Section C) Regional integration processes

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Lindberg Bjorn

Are political parties controlling legislative decision-making in the European Parliament? The case of the services directive

in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1184 - 1204

This case study analyses the efforts of the transnational party groups in controlling the legislative decision-making process inside the European Parliament. The case study focuses on one of the most important and contested pieces of European legislation: the services directive. The study addresses the choice of the rapporteurship for the legislative



proposal through comparing the trade-offs between policy preferences, party loyalty and expertise in the nomination process. Further, the study analyses the party group internal conflict patterns, which emerged in the first reading of the proposal. The results show that party group voting loyalty and preference proximity to the party might have been a decisive factor in the nomination of the rapporteur for the services directive. The two largest party groups were also able to secure a compromise solution, which determined the final outcome of the intra-institutional decision-making process.

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Salvador Gil, Rafael Llorca, J. Antonio Martínez-Serrano

Assessing the Enlargement and Deepening of the European Union

in World Economy, Volume 31 Issue 9 , 1253 - 1272

This paper estimates a theoretically-motivated gravity model to examine the effect of the European Union (EU) on trade and whether the order of entry has affected the trade performance of member countries. Additionally, we analyse the impact of the different phases of EU integration on trade. The results show that both original countries and successive enlargements boost intra-bloc trade. Moreover, the results suggest that the deepening in the integration process has led to more trade creation among members. Finally, only the latter phase of the European integration process (the single currency) has increased trade with non-members.

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Magi Laura

Attribuzione alla “nuova” unione di poteri normativi in materia penale nonostante un persistente deficit democratico: possibile contrasto con il principio costituzionale della riserva di legge?

in Diritto pubblico comparato ed europeo, n.3 , 1540-1558

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Trondal Jarle

Balancing Roles of Representation in the European Commission

in Acta Politica, Volume 43, Number 4, December , 429-452

Representation is one essential dimension of executive governance. This article has a dual ambition: The first is to outline an institutional perspective on representation that may explore and explain the everyday balancing act of representation among government officials. The second ambition is to empirically illuminate dynamics of representation among crucial test-bed inside the European Commission, that of temporary officials. Temporary Commission officials offer a valuable laboratory for exploring the fine balancing act of representation. Based on survey and interview data on temporary Commission officials, this study supports an institutional perspective on representation in two ways. First, temporary Commission officials tend to evoke a tripartite representational repertoire consisting of departmental, epistemic and supranational roles. Second, the composite mix of representational roles evoked by these officials is



biased by the organisational boundaries and hierarchies embedding them. Representation within the Commission is a balancing act that is considerably biased by (i) the formal organisation of the Commission, (ii) the multiple organisational embeddedness of the staff, (iii) their degrees of organisational affiliation towards the Commission, (iv) their modes of interaction within the Commission, as well as (v) their educational backgrounds.

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Cram Laura

Banal Europeanism: European Union identity and national identities in synergy

in *Nations and Nationalism*, Volume 15, Issue 1, January 2009 , 101-108

No abstract available

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Kritzinger Sylvia, Lefkofridi Zoe

Battles Fought in the EP Arena: Developments in National Parties' Euromanifestos

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 273-296

Since the 1990s, European integration has deepened and widened to an extent that national politics can hardly ignore Europe. For this reason, the blossoming Europeanization research explores the effects of European integration on national political systems, as well as institutions and actors therein. Seeking to contribute to this research, we are interested in the behavior of national parties in EP elections. We focus on national party contestation in these elections to investigate empirically whether parties use the EP arena for debating Europe and European policies. More specifically, we ask: what kind of battles do national parties fight in the EP arena? Do national parties conduct their electoral debate in a European or a national context? In addition, what is the content of contestation in the EP arena? Which issue domains dominate the EP electoral debate in different member states of the EU? Moreover, what are parties' positions on these issues? To answer these questions, we observe national parties in different EU member states over time and analyze salience of Europe as well as the positions these actors adopt on European policy and polity issues. For this purpose, we use data from Austrian, British, Dutch, Greek, Spanish and Swedish Euromanifestos in the elections of 1994/1996, 1999 and 2004. We conclude by stating that party Europeanization has only partially taken place.

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Adler-Nissen Rebecca

Behind the scenes of differentiated integration: circumventing national opt-outs in Justice and Home Affairs

in *Journal of European Public Policy* , Volume 16 Issue 1 2009 , 62 - 80

This article examines the formal and informal practices of two champions of opting out, the United Kingdom and



Denmark, in the area of Justice and Home Affairs. On the surface, both countries have chosen to avoid further integration within this policy area to safeguard national autonomy. Foreign policy experts have argued that national reservations lead to the loss of influence and possibly second-class membership, and legal scholars describe substantial opt-outs as a 'hijacking' of the *acquis communautaire*. This article demonstrates that opting out does not necessarily imply that member states are out in the cold. Both the UK and Denmark, it is argued, have influence and adapt to new EU legislation, even in politically sensitive areas covered by their protocols. National opt-outs are pragmatically circumvented in the consensus-oriented Council of Ministers.

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Melnykovska Inna, Schweickert Rainer

Bottom-up or top-down: what drives the convergence of Ukraine's institutions towards European standards? in Southeast European and Black Sea Studies, vol. 8, n. 4, Special Issue: Europe's Unfinished Transitions: The Convergence-Divergence Debate Revisited , 445-468

This paper argues that in the absence of a strong membership incentive within the European Neighbourhood Policy (ENP), a top-down institutional convergence of CIS (Commonwealth of Independent States) countries towards European standards is unlikely to be successful. However, due to enlargement fatigue within the EU, the membership incentive is off the agenda for the CIS. The ENP must therefore either initiate or hasten a bottom-up institutional convergence by identifying bottom-up domestic forces that are willing and able to drive the convergence in a particular country. Ukraine, whose oligarchic clans are the main bottom-up forces behind institution-building, is a case in point. Having supported the first wave of institutional reforms during the Orange Revolution, these bottom-up forces are now facing great difficulties in forming sustainable coalitions for further institutional reforms. The paper shows that the EU, by providing economic incentives rather than the membership incentive, could exploit the strong business interests of the oligarchic clans in the EU markets and EU investment to motivate them to jointly drive institutional convergence from the bottom up.

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Fisahn Andreas

Bremsklotz EU-Recht. Zum absehbaren Scheitern der Finanzmarkt-Regulierung in Blätter für deutsche & internationale Politik, Januar, 2009 , 88-94

Mit der Krise der Finanzmärkte wird gegenwärtig auch das Ende des Neoliberalismus ausgerufen. Tatsächlich schwenkte selbst die Union zwischenzeitlich auf eine bis dato ungehörte Regulationsrhetorik um. "Merkel fordert Regulation von Finanzspekulationen", titelte das "Handelsblatt". Die Bundeskanzlerin habe "eine internationale Regulierung der Finanzmärkte gefordert" und sogar, man höre, "die USA und Großbritannien kritisiert."¹ Norbert Röttgen, parlamentarischer Geschäftsführer ...

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Duillien Sebastian, Schwarzer Daniela



Bringing Macroeconomics into the EU Budget Debate: Why and How?

in *Journal of Common Market Studies*, Volume 47, Number 1, January 2009 , pp. 153-174

The EMU has been designed without an instrument for automatic fiscal stabilization on the European level. This article highlights the seriousness of this lacuna by new empirical data, which suggest that fiscal stabilization at the national level has also worked insufficiently. This situation will hamper the EU's efforts to achieve the targets set by the Lisbon Agenda: recent theoretical contributions suggest that a positive macroeconomic environment is a prerequisite for productivity growth and structural reform which form the centrepiece of the Agenda. There are thus strong economic arguments for rethinking the set-up for fiscal stabilization policies in the EMU. We suggest three remedies for the underperformance of the automatic stabilizers: making EU expenditure sensitive to the cyclical situation of the recipient country, introducing an EU corporate tax upon the upcoming revision of the EU budget before 2013 and/or setting up a European unemployment scheme.

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Goulard Sylvie

Can France reclaim the intellectual leadership of the EU?

in *Europe's World*, Issue 10, Autumn

Rightly or wrongly, it's something of a Brussels commonplace that in the formative years of European integration French thinking had a disproportionate influence on the ethos and structures of what is now the EU. Sylvie Goulard, president of the European Movement in France, cautiously examines the proposition that it may be time for France to stage a European comeback.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21237/Default.aspx>

Section C) Regional integration processes

Subsection 6. The European unification process

Ayala José Enrique de

Carta de Europa: La Unión Europea al rescate

in *Política Exterior*, 126

La crisis financiera internacional que comenzó en Estados Unidos en el verano de 2007, ha afectado gravemente a Europa. La Unión Europea se ha encontrado con que no tenía los medios adecuados para afrontar una crisis que se considera ya la más grave desde la gran depresión de los años treinta. Frente a la transnacionalidad de las instituciones financieras, las decisiones políticas continúan siendo nacionales y las regulaciones son diferentes en cada Estado miembro, incluso en la zona euro, con una moneda común y un Banco Central europeo que marca de forma independiente el interés de referencia del euro.

Section C) Regional integration processes

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Fernández Ana Mar



Change and Stability of the EU Institutional System: the Communitarization of the Council Presidency
in *Journal of European Integration*, Volume 30, Number 5 / December , 617-634

The aim of this article is to demonstrate the usefulness of taking into account the variable of EU institutional development when analysing the dilemma of the Council Presidency in terms of role conception. Using a historical institutionalist perspective, the article examines the path of the EU Council Presidency since its origins and argues that five decades of institutional feedback have altered its nature. Originally conceived as an intergovernmental function, today the Presidency is identified increasingly with the defence of Community interests. This process of institutional conversion has essentially limited the scope of action of the member states.

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Jeandesboz Julien

Chronique bibliographique. Europe, frontières et politique : chronique autour d'Etienne Balibar
in *Cultures & Conflits*, numero 70, été , 191-195

Full text available on-line: <http://www.conflicts.org/index12963.html>

Section C) Regional integration processes

Subsection 6. The European unification process

Eising Rainer

Clientelism, Committees, Pluralism and Protests in the European Union: Matching Patterns?
in *West European Politics*, vol. 31, n. 6, november , 1166-1187

ABSTRACT: Many efforts have been made to identify general patterns of interest intermediation in the EU, ranging from early studies about clientela relations to recent depictions of protest politics. This review covers studies that aim at cross-sectoral generalisations as well as analyses that are confined to specific sectors, policy areas, and issues. While many analyses are rooted in the debate on corporatism and pluralism, since the 1990s the conceptual range has extended to the study of policy networks and communities. More recent studies identify a simultaneous trend towards greater politicisation and institutionalisation of EU interest intermediation. Altogether, this literature has yielded inconclusive results. It is unclear whether the EU is marked by cross-sectoral patterns or whether it is more meaningful to focus on policy areas or sectors as units of observation. The discussion suggests that part of the controversy surrounding these findings stems from problems inherent in the typological logic that frames these analyses. It is also argued that the explanatory aspects of this literature need to be strengthened and linked more explicitly to studies examining the democratic stability and economic performance of the EU.

Section C) Regional integration processes

Subsection 6. The European unification process

Wilson G.A.S.C.

Coherent Policy or Random Opportunism. The British Approach to ESDP.
in *Rivista di Studi Politici Internazionali*, Volume 75, n. 3, luglio-settembre , 331-354



The struggle to forge a meaningful European Defence Identity has now been going on for ten years. Originally developed within the WEU, the 1998 UK-France St Malo agreement reflected a fundamental change in British policy which led to the production of a timetable for the establishment of a European rapid reaction force. Subsequently Britain was torn between the desire to be the pace-setter at the heart of Europe and the need to temper the French predilection for an independent European policy and thus keep in step with the US. The very personal and somewhat opportunistic approach by Prime minister Blair was not always in tune with the more coherent Whitehall policy and yet the ability to deploy any force for effective use remains highly problematical. Now Blair has been succeeded by Gordon Brown, it seems likely that the issue will receive somewhat less attention, even though President Sarkozy has declared that France will rejoin the military infrastructure of Nato, but wishes greater autonomy for ESDP as a price for this dramatic change of long standing French policy.

Section C) Regional integration processes

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McElroy Gail

Committees and Party Cohesion in the European Parliament

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 357-373

How do political parties enforce party discipline and promote cohesiveness in newly emerging legislatures? Political parties in established parliamentary democracies typically exhibit such high levels of unity that the question of how and why such discipline arises has, until recently, received little attention. But in emerging legislatures the process of transforming rudimentary party organisations into disciplined parties is not inevitable. This article examines if the political groups in the European Parliament (EP) attempt to enforce party discipline. More specifically, the article asks the question if MEPs who consistently vote against the party are punished in terms of their committee assignments.

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Georgiadis George G.

Conclusions: towards a future of non-convergence?

in *Southeast European and Black Sea Studies*, vol. 8, n. 4, Special Issue: Europe's Unfinished Transitions: The Convergence-Divergence Debate Revisited , 469-471

No abstract available

Section C) Regional integration processes

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Bengtsson Rikard

Constructing Interfaces: the Neighbourhood Discourse in EU External Policy

in *Journal of European Integration*, Volume 30, Number 5 / December , 597-616

This article seeks to analyse European Union rhetoric concerning its European Neighbourhood Policy (ENP). The article employs an analytical framework built on regional security complex theory and the concepts of interface and recognition and analyses official rhetoric from EU representatives (primarily from the Commission but also the Council) in terms of EU self-image, images of the neighbourhood and perceptions of the interaction logic between the EU and the neighbourhood. The article concludes that the EU perceives itself as the motor of European security and as superior to the neighbourhood, but also that EU representatives simultaneously note the interdependent character of the relationship and frame the ENP policy programme in terms of joint ownership.

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Mahoney Christine, Baumgartner Frank

Converging Perspectives on Interest Group Research in Europe and America

in *West European Politics*, vol. 31, n. 6, november , 1253-1273

ABSTRACT: The European and American literatures on interest groups developed largely separately in previous decades. Europeans were more commonly rooted in studies of policy systems and Americans more concerned with precise tactics of lobbying or the membership calculus following from the work of Mancur Olson. Recent developments suggest that the literatures have begun to be much more closely aligned. We focus on three major points of convergence. First is the impact of governmental structures on the development of national interest group systems. Using examples from the US and the EU, we discuss the co-evolution of groups and the state. Looking both over time and across issue domains, groups are more active when and where the state is more active. Second, we look at the impact of government structures on the locus of advocacy. Originally explored in the US context, multi-level governance structures in European settings have led to consideration of the concept of venue-shopping. Finally, we discuss how groups in both systems adjust their lobbying strategies to their political context. Our review suggests that the study of groups, long divided by different perspectives may begin to benefit from substantially more convergence of research interests.

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Coeurdacier Nicolas , De Santis Roberto A., Aviat Antonin

Cross-border mergers and acquisitions and European integration

in *Economic Policy*, Volume 24 Issue 57 , 55 - 106

Cross-border mergers and acquisitions activities (M&As) sharply increased over the last two decades, partly as a result of financial liberalization policies, government policies and regional agreements. In this paper, we identify some of the main forces driving M&As, using a unique database on bilateral cross-border M&As at the sectoral level (in manufacturing and services) over the period 1985–2004. The key empirical findings are: (1) EMU helped the restructuring of capital within the same sector of manufacturing activity among euro area firms; (2) joining the EU favoured both horizontal and vertical mergers; (3) policy-makers can help attract capital by reducing the corporate tax



rates and the degree of product market regulations and by improving the country's financial systems; (4) the service industry has not yet fully benefited from European integration because the level of protection and barriers to entry in the services sector act as a strong deterrent to cross-border M&As in services.

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Villiger Mark

Das Urteil des Europäischen Gerichtshofs für Menschenrechte. Zustandekommen, Bedeutung und Wirkungen in Zeitschrift für Schweizerisches Recht, Vol. 127, issue 1/5, 2008 , 453-474

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Wonka Arndt

Decision-making dynamics in the European Commission: partisan, national or sectoral?
in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1145 - 1163

Its monopoly power to formulate policy proposals and set the European Union's (EU's) legislative agenda guarantees the European Commission considerable prominence in EU legislative studies. It is commonly conceptualized as a unitary actor, acting cohesively - often in its own supranational interest - in EU decision-making. Recent theoretical developments and empirical studies, however, cast doubt on this conceptualization. This paper takes up these matters and investigates the decision-making mechanisms and dynamics of the Commission's executive politics. Two case studies show that the formal division of power along portfolios puts formally responsible Commissioners in a privileged position to influence the content of legislative proposals in internal decision-making. This influence, however, is circumscribed by the opposition of other Commissioners. At least in the cases studied here, Commissioners' position-taking and conflict in internal decision-making follow a national and, to some extent, a sectoral rather than a partisan pattern.

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Trauner Florian

Deconstructing the EU's Routes of Influence in Justice and Home Affairs in the Western Balkans
in *Journal of European Integration*, Volume 31, Number 1 / January , 65-82

What routes of influence could the European Union use to bring the Western Balkan states closer to EU standards in Justice and Home Affairs (JHA)? The paper argues that although the mechanisms of Europeanization identified for the Central and Eastern European countries are useful for understanding the EU's external influence, they are not sufficient for fully deconstructing the avenues of external leverage. The key to understanding the Europeanization of the Western Balkans is to take policy-related conditionality into account, in addition to membership conditionality. In offering more relaxed travel conditions in exchange for the signing of an EC readmission agreement and reforming domestic JHA, the EU could counterbalance the shortcomings of the pre-accession strategy and establish an additional avenue of external



leverage. The paper suggests understanding the EU's use of policy-related conditionality in the Western Balkans as exemplary for the European Neighbourhood Policy.

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Zhao Chen

Deliberation or bargaining? An analysis on the Convention on the future of Europe

in **Asia Europe Journal**, Volume 6, Number 2 / June , 427-440

The feature of deliberation demonstrated in the Convention on the Future of Europe made it different from the inter-governmental conferences throughout the European integration process in the past. The article firstly clarifies the definition of deliberation, introduces deliberation and bargain concept in Communicative theory and Rhetoric theory and generalizes the gauge of deliberation. The article then moves from theory to case study, and gives a detailed account of the deliberation in the Convention in the perspectives of structure, atmosphere and institute setting. The author tries to seek the reason for the transformation from bargain in inter-governmental conferences to deliberation in the Convention during the European integration process. Finally, the author points out the limitation of deliberation in the Convention.

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Müller Sebastian

Der Menschenrechtskommissar des Europarats

in **Recht und Politik**, 44. Jahrgang, Heft 4, 2008 , 217-226

No abstract available

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Fröhlich Stefan

Deutsche Außen- und Sicherheitspolitik im Rahmen der EU

in **Aus Politik und Zeitgeschichte**, Band 43, 2008

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Stefan Fröhlich

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Ausblick

Einleitung

Auch wenn viele Beobachter es anders einschätzten: Das eigentliche Problem des Kurswechsels in der Außen- und Europapolitik unter der rot-grünen Koalition lag keinesfalls ausschließlich im politischen Stil und der Antikriegshaltung der Bundesregierung während des Irak-Krieges. Gewiss, die Methode, mit der Bundeskanzler Gerhard Schröder diesen Kurswechsel während dieser Krise einleitete und das transatlantische Verhältnis auf eine neue, gleichberechtigte Basis zu stellen suchte, entsprach kaum den gewohnten diplomatischen Usancen in den bilateralen Beziehungen. Doch sein am 13. September 2002 vor dem Parlament formulierter Anspruch, über die "existentiellen Fragen der deutschen Nation" - also auch und gerade über die Frage von Krieg und Frieden - in Berlin zu entscheiden, signalisierte das gewandelte Selbstverständnis der Republik und stellte es zugleich als logische und überfällige Konsequenz aus der fundamental geänderten weltpolitischen Lage Deutschlands und Europas seit dem Ende des Kalten Krieges und dem Zusammenbruch der alten Weltordnung dar.[1]

Zur Person

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Seit den Tagen Konrad Adenauers war zwar im europäischen Einigungsprogramm stets auch eine latente bis offene Ambivalenz gegenüber den USA angelegt. Immer waren die Regierungen aber gleichsam um einen annähernden Gleichklang zwischen Europa- und Amerikapolitik bemüht. Mit dem Zusammenbruch der alten Ordnung wurden jedoch zwangsläufig auch das Ende des transatlantischen Zeitalters und der Beginn einer neuen ordnungspolitischen Rolle Deutschlands in Europa eingeläutet. Auch wenn die anfängliche Furcht vor der dominanten Zentralmacht schon bald der Sorge um den kriselnden Patienten Europas wich, wurde von der Bundesrepublik nunmehr eben auf Grund ihrer geographischen Lage, Größe und Wirtschaftskraft umso mehr die Übernahme einer entsprechenden Führungsrolle als europäische Mittelmacht auch in globalen Fragen erwartet.



Nationale Interessen als globale Interessen

Wird Deutschland diesem Anspruch bislang gerecht? Und wenn ja, heißt dies, dass deutsche Außenpolitik damit zwangsläufig ziel- und interessenorientierter wird? Zu den vermeintlichen Paradoxien deutscher Außenpolitik gehört es zunächst, trotz völlig veränderter Rahmenbedingungen an den Leitlinien der erfolgreichen bundesdeutschen Außenpolitik festhalten zu wollen.[2] Zu diesen Leitlinien im Sinne der normativen Vorgaben des Grundgesetzes zählen erstens das Ziel und Bemühen, zur Wahrung des internationalen Friedens beizutragen (was sich im verfassungsmäßigen Verbot von Angriffskriegen niederschlägt); zweitens das Eintreten für einen offenen, kooperativen Multilateralismus (verbunden mit der Bereitschaft, Hoheitsrechte auf zwischenstaatliche Einrichtungen zu übertragen); sowie drittens das Bekenntnis zur Wahrung und Verwirklichung der Menschenrechte, zu aktiver Entwicklungshilfe und dem Aufbau von Demokratie und Rechtsstaatlichkeit in der Welt. Bei genauer Betrachtung ist die Orientierung an diesen Grundlinien durchaus auch für die Zeit nach 1989/90 plausibel. Aus ihnen leitete die Bundesregierung im 1994 vorgelegten Weißbuch zur Sicherheitspolitik daher fünf zentrale, faktisch identische Interessen ab: die Bewahrung von Freiheit, Sicherheit und Wohlfahrt der Bürgerinnen und Bürger; die weitere Integration im Rahmen der Europäischen Union (EU); die Bewahrung der transatlantischen Interessen- und Wertegemeinschaft; der Ausgleich und die Heranführung der östlichen Nachbarn und die weltweite Achtung des Völkerrechts und der Menschenrechte bzw. eine auf marktwirtschaftlichen Regeln basierende gerechte Weltwirtschaftsordnung.[3]

Allenfalls das transatlantische Verhältnis als Mittel zur Bestimmung des "deutschen Interesses" hat sich zwar nicht überholt, aber doch zumindest insofern relativiert, als sich die Grundlagen für die Beziehungen seit 1989/90 tatsächlich fundamental verändert haben. Die sonstige Bilanz der Regierungen Helmut Kohl und Gerhard Schröder sieht so aus, dass Deutschland nicht nur plausible Interessen formuliert, sondern durchaus auch (mit) durchgesetzt hat; dies gilt insbesondere für die Prozesse der Vertiefung und Erweiterung der EU, es gilt aber auch - bedingt - für die Beiträge auf dem Balkan, nachdem das Bundesverfassungsgericht 1994 den Weg frei gemacht hatte für "out-of-area"-Einsätze der Bundeswehr bei Zustimmung des Bundestages, sowie später zur Bekämpfung des internationalen Terrorismus und im Rahmen der Konsolidierung der Nachkriegsgesellschaft in Afghanistan.[4] Warum bedingt? Leitlinien müssen nicht unbedingt deckungsgleich sein mit Zielen und Interessen; sie können aus dem jeweiligen Kontext heraus als Richtschnur dienen für eine durchaus flexible und anpassungsfähige Außenpolitik, die sich entweder ihrer eigenen Grenzen aufgrund des Machtpotenzials bewusst ist oder eben diese Selbstbeschränkung aus normativen Gründen zur Staatsraison erklärt. Interessen hingegen sind das, was außenpolitischen Entscheidungsprozessen als mehr oder weniger abstrakte Motivation der handelnden politischen Akteure zugrunde liegt. Im Idealfall sind sie nicht nur der institutionellen Machtkontrolle im Sinne des checks and balances unterworfen, sondern werden auch im Diskurs organisierter Interessen und gesellschaftlicher Akteure entwickelt. In jedem Fall aber beinhalten sie ein aktives Eintreten zur Umsetzung der mit ihnen verbundenen Ziele.

Die Frage ist nur: Inwieweit sind die aus den globalen Herausforderungen und Bedrohungszusammenhängen heraus formulierten Interessen tatsächlich plausibel und angemessen im Sinne einer für Deutschland unmittelbaren Betroffenheit? Oder ist die deutsche Außenpolitik mit der sukzessiven Ausweitung ihres geostrategischen Aktionsradius zur Unterstützung von internationalen Friedensmissionen dazu übergegangen, deutsche Interessen stillschweigend mit globalen Interessen gleichzusetzen? Die heutige Beteiligung der Bundeswehr an dem so genannten Hybrideinsatz von Vereinten Nationen (UN) und Afrikanischer Union in Darfur, an den UN-Militärbeobachtermissionen in Südsudan (Unmis), Georgien (Unomig) und Äthiopien (Unmee) sowie an der UN-Truppe im Libanon (Unifil), schließlich das deutsche Engagement in den NATO-geführten Missionen unter UN-Mandat im Kosovo (Kfor, 2230 Soldaten) und in Afghanistan (Isaf, derzeit 3825 Soldaten), unterstreichen zwar den Willen zur Übernahme von globaler Verantwortung,



zeugen aber von diesem Dilemma. In einer Welt, in der sich plausible Szenarien konstruieren lassen, in denen asymmetrische (vor allem terroristische) Bedrohungen, damit verbundene Prozesse des Staatszerfalls und der Auflösung von Macht auch die deutsche Sicherheit bedrohen (können), wird es zunehmend schwieriger, außenpolitische Prioritäten zu definieren und die internationale Ordnung im Sinne eigener Interessen zu beeinflussen. Dies gilt gleichermaßen für andere Staaten, deren Interessen in der Regel identisch oder kompatibel mit denen Deutschlands sind und die, selbst im Falle der USA, ebenso wenig in der Lage sind, diese autonom durchzusetzen.

Das Ergebnis ist, dass sich auf diese Weise die deutschen Interessen an sicherheitspolitischen Zielen orientieren, anstatt umgekehrt. Eben dies verrät der Hinweis des neuen Verteidigungsweißbuchs aus dem Jahr 2006, wonach die Bundeswehr als Armee im Einsatz definiert und für die Wahrnehmung deutscher Interessen die permanente Berücksichtigung der Entwicklung in "Gemeinschaften und Bündnissen", also des globalen "Gemeinwohls" gefordert wird.[5] Mit anderen Worten: Auch in Ländern, in denen Deutschland keine vertraglich verankerten Beistandsverpflichtungen hat, gilt es, Gefährdungen der Staatengemeinschaft mit deutscher Unterstützung abzuwenden. Deutsche Interessen sind demnach identisch mit dem Schutz der Staatengemeinschaft; daran ändert auch die Einschränkung nichts, wonach bei jedem Militäreinsatz zuvor zu klären ist, inwieweit deutsche Interessen den Einsatz erforderlich machen. Legitimiert wird diese Interpretation von dem neuen völkerrechtlichen Konzept der Schutzverantwortung ("responsibility to protect"), welches weder ein Konzept des Westens oder des Nordens ist noch im Widerspruch zur nationalen Souveränität steht.

Unabhängig davon zwingen die Rechtfertigungsnotwendigkeiten, die aus dieser Unsicherheit im internationalen System heraus entstehen, die deutsche Außenpolitik zunehmend zu einem stärkeren Kosten-Nutzen-Denken. Bedingt durch eine mehrheitlich kritische Öffentlichkeit in Bezug auf die deutsche Beteiligung an Militäreinsätzen hat Deutschland sein finanzielles Engagement in Krisengebieten mittlerweile erheblich reduziert.[6] Anders als in den 1990er Jahren, in denen zweistellige Milliardenbeträge an die Bündnispartner zum Ausgleich für militärisches Fernbleiben vom Golfkrieg gezahlt wurden, leistet die Bundesrepublik heute für die Stabilität insbesondere im "Größeren Mittleren Osten" finanziell bedeutend weniger.[7] Trotz der Proliferation von Krisenherden und der Zunahme der deutschen Beteiligung an UN-Friedensmissionen sind die finanziellen Grundlagen der Bundeswehr seither real um etwa ein Drittel geschrumpft.[8] Unter dem Druck internationaler Forderungen, sich bei Auslandseinsätzen stärker zu engagieren, auch militärische Risiken in Kauf zu nehmen, ist somit von der Mentalität eines "Klientelstaates" in der offiziellen Außenpolitik nicht mehr viel übrig geblieben. Und hinter aller Idealisierung der UN während des Irak-Krieges verbarg sich zumindest unterschwellig die machtpolitisch begründete Intention der Bundesregierung, nicht nur an weltpolitischen Entscheidungen mitwirken zu können, sondern auch über die Form und die Mittel des Einsatzes mitzubestimmen.[9] Hinter diesen Anspruch konnte auch die Große Koalition und wird wohl auch jede künftige Regierung nicht mehr zurücktreten.

Rückwirkungen auf die Europapolitik

Dies gilt auch auf europäischer Ebene: Gerhard Schröder hatte sich bereits vor dem EU-Gipfel in Nizza im Jahr 2000 das französische Konzept von der "Macht Europa" ("Europe puissance") zu eigen gemacht und für eine gemeinsame europäische Antwort auf die globalen Herausforderungen in Form verstärkter deutsch-französischer (und nach Möglichkeit eben auch erweiterter intergouvernementaler) Anstrengungen bei der sicherheits- und verteidigungspolitischen Kooperation plädiert. Eine Entsprechung fand dieser verstärkte, erweiterbare Bilateralismus auf gesamteuropäischer Ebene durch Berlins starke Personalisierung vor allem der Russland-Politik in dieser Phase. Mit



dieser doppelten Fixierung auf die "Großen", welche im Falle Frankreichs durch die Beschädigung der deutsch-amerikanischen Beziehung geradezu zwangsläufig verstärkt wurde, weckte die Regierung nicht nur unter "Altmitgliedern" wie Italien, Spanien oder Großbritannien, sondern auch und vor allem bei den "Neumitgliedern" größtes Unbehagen und historisch belastete Assoziationen. Die Angst vor einem deutsch-französischen Direktorium, das in Europa die Richtung vorgeben wolle, und einer möglichen Verlängerung der Achse nach Moskau, wie sie sich im Irak-Konflikt abzeichnete, löste unter den mittel- und osteuropäischen Ländern antihegemoniale Reflexe aus - erst recht, als das exklusive deutsch-russische Vorhaben einer gemeinsamen Gasleitung durch die Ostsee bekannt wurde. Auch in Washington gab es den Verdacht, Paris und Berlin arbeiteten an einer Gegenpolbildung zur amerikanischen Macht. Befördert wurden solche Bedenken durch das Bestreben der Bundesregierung, in den Verhandlungen zum Vertrag über eine Verfassung für Europa die Rolle Deutschlands in der EU zu stärken. Mit der Idee der Aufwertung des Europäischen Rates und des Prinzips der "doppelten Mehrheit" für Mehrheitsvoten im Ministerrat entstand der Eindruck, dass Deutschland gemeinsam mit Frankreich und Großbritannien versuche, die Kommission faktisch als verlängerten Arm des Europäischen Rates zu instrumentalisieren. Die Bundesregierung knüpfte damit an ihre Grundhaltung während der ersten deutschen Ratspräsidentschaft an, als sie ihre Amtszeit mit Forderungen nach einer Reduzierung des deutschen EU-Haushaltsbeitrages begann, die Altautorichtlinie ein halbes Jahr lang blockierte und deutsche Europaparlamentarier unter Druck setzte, die seit elf Jahren vorbereitete Übernahmerichtlinie abzulehnen.[10]

Die Große Koalition versuchte nun dieses Bild von einer zu sehr an den nationalen Interessen ausgerichteten Außen- und Europapolitik, welche Deutschland bisweilen in den Rang eines gleichberechtigten Akteurs im Konzert der Großmächte erhoben hatte, zu korrigieren. Zu den vordringlichsten Aufgaben gehörte zunächst die Verbesserung der transatlantischen Beziehungen. Bundeskanzlerin Angela Merkel bekundete bei ihrem Antrittsbesuch in Washington die Bereitschaft zu einem Neuanfang, aber auch den Willen, nicht in eine Position der bedingungslosen Gefolgschaft zurückzufallen. Ebenso löste sich die Große Koalition aus der nahezu vorbehaltlosen Frankreich-Fixiertheit und dem Bilateralismus mit Moskau.[11] Das Ergebnis dieses vorsichtigen Kurswechsels ist ambivalent: In dem Maße, wie Frankreich sich nicht (mehr) auf die bedingungslose Unterstützung Berlins verlassen kann, wächst der Handlungsspielraum für die Bundesregierung gegenüber den kleinen und mittleren Staaten und muss auch Frankreich diplomatisch beweglicher werden. Die Bundesregierung anerkennt damit zumindest wieder zwei wesentliche Grundprinzipien für den Erfolg des europäischen Einigungsprozesses. Erstens: deutsche außenpolitische Interessen ließen sich immer dann "verkaufen", wenn sie als europäische definiert wurden.[12] Zweitens: der deutsch-französische Motor war immer dann erfolgreich, wenn beide Seiten zu einem Kompromiss finden mussten und nicht der eine bedingungslos dem anderen folgte. Die behutsam vorgetragene Kritik an Jacques Chiracs neuer Nukleardoktrin, die Distanzierung von der auch von der Wählerschaft in Frankreich ganz offensichtlich verworfenen EU-Vollmitgliedschaft der Türkei, die weniger vorbehaltlose Unterstützung der längst überholten Agrarpolitik Frankreichs (trotz der im Koalitionsvertrag geäußerten Versicherung, die Zusagen aus dem Agrarkompromiss vom Oktober 2002 nicht in Frage stellen zu wollen) sowie die ersten deutlichen Anzeichen für den Einsatz in Richtung einer NATO-kompatiblen gemeinsamen Sicherheitspolitik der EU signalisierten die Absage an einen gaullistischen Kurs und den Willen zur Rückkehr zu einer insgesamt flexibleren Europapolitik. Gleichzeitig gelang es der Großen Koalition, die sonstigen Differenzen in ein insgesamt milderer Licht zu tauchen - beginnend bei der Frage der Lösung der Verfassungskrise über die Dienstleistungsrichtlinie bis hin zum französischen Wunsch nach steuerlichen Sonderregelungen für einzelne Berufsgruppen. Vorstellungen von Europa als eigenständiger Macht, die versucht, die Übermacht der USA auszugleichen, trat die Regierung damit deutlich entgegen.

Auf der anderen Seite aber hatte der vorübergehende Einsatz der Bundesregierung für den Verfassungsvertrag und eine Fortführung des Ratifizierungsprozesses über das Jahr 2006 hinaus wohl eher Symbolcharakter und diente vor allem als Signal, dass wieder stärker mit einem deutschen Engagement für Europa und für die Vertiefung der Integration



zu rechnen sei. Der Vertrag von Lissabon würde die Union aus der Sicht Berlins zwar insgesamt effizienter machen, da in vielen Fällen der Zwang zur Einstimmigkeit wegfiel und Kommission und Parlament verkleinert würden. Zudem erhielte die EU einen auf zweieinhalb Jahre ernannten Ratspräsidenten sowie einen Hohen Repräsentanten für die Außenpolitik. Aber das Prinzip der "doppelten Mehrheit", das allerdings erst in den Jahren 2014 bis 2017 wirksam sein soll, würde den Machtzuwachs der Vertreter der drei Großen (Frankreich, Deutschland und Großbritannien) bei der Herstellung von qualifizierten Mehrheitsbeschlüssen weiter verstärken und den Ministerrat als intergouvernementales Organ der Union als eigentliche Machtzentrale der Gemeinschaft belassen. Bei allem Bekenntnis zu europäischem Engagement hält somit auch die Bundesrepublik heute eine nüchterne Perspektive für den weiteren Vertiefungsprozess parat: Da weitere große Integrationssprünge derzeit nicht gewünscht werden, betreibt sie eine pragmatische Politik der kleinen Schritte und notwendiger Korrekturen. Dies gilt im Übrigen auch für die EU-Erweiterung.

Deutschlands Beitrag im Rahmen der GASP und ESVP

Während das Projekt eines bundesstaatlichen, föderalen Europas zumindest vorläufig aufgegeben scheint, vertraut die Bundesregierung in dem zentralen Politikbereich der Gemeinsamen Außen- und Sicherheitspolitik (GASP) und der Europäischen Sicherheits- und Verteidigungspolitik (ESVP) offensichtlich auf ein Mehr an Integration und Zusammenarbeit - ohne am Anspruch auf nationale Souveränität in diesem sensiblen Politikfeld zu rütteln. Jedenfalls plädieren die beiden großen Volksparteien explizit für eine Präzisierung und Einbettung des militärischen Instrumentariums der deutschen Sicherheitspolitik in den Gesamtzusammenhang der GASP.[13] In dem Maße, wie sich nach 1989/90 die Parameter für die deutsche Außenpolitik verändert hatten, wandelte sich auch das Leitbild für europäisches Handeln auf der internationalen Bühne. Die bis dato gültige Idee von der Zivilmacht Europa, die eher kurzfristig reagiert, ist zwar heute nicht überholt, wird aber zusehends ergänzt durch den Anspruch einer (zumindest) regionalen Großmacht mit aktivem globalen Gestaltungswillen. Voraussetzung für diese Entwicklung war auch aus Sicht Berlins die Flexibilisierung der GASP durch die deutsch-französische Kooperation. Diese war zwar nicht mit einer Aufgabe der traditionellen deutschen Vermittlerrolle gegenüber Washington zwischen französischem Unabhängigkeitsanspruch und britischem NATO-Primat verbunden, wohl aber mit der erwähnten Aufhebung einer Politik der Äquidistanz zugunsten einer "europäischen" Lösung in der Frage nach der Gestaltung der GASP/ESVP. Mit anderen Worten: Die europäische Integration war und ist keine Alternative, sondern die Voraussetzung für eine Partnerschaft Europas mit den USA. Mit dieser Sichtweise von einem hinreichend unabhängigen und eigenständigen europäischen Pfeiler hatten sich die deutsche und französische Position in dieser Frage erheblich angenähert - und zwar von Berlin in Richtung Paris.

Deutschland hat auf diesem Weg unter allen Regierungen seit der Wiedervereinigung entsprechend deutlichere Akzente bezüglich der Ausgestaltung der GASP/ESVP gesetzt. Es folgte damit zum einen der Erkenntnis, dass die GASP und ESVP echte Alternativen zu einzelstaatlichen Initiativen darstellen, zum anderen der Einsicht, dass die EU - bedingt dadurch, dass Europa seinen Status als herausragendes Handlungsfeld der USA verloren hat - mehr denn je gezwungen ist, sich eigenständig zu positionieren. Bereits unter Helmut Kohl folgte die deutsch-französische Gründung des Eurokorps (1992) der Idee der differenzierten Integration. Vier Jahre später unterbreiteten die damals zuständigen Außenminister Klaus Kinkel und Hervé de Charette im Vorfeld der Amsterdamer Regierungskonferenz den Vorschlag einer "verstärkten Zusammenarbeit" auf dem Gebiet der GASP und die Idee, dass der Europäische Rat vorrangige Bereiche der GASP ("Gemeinsame Strategien") definieren könne, die schließlich im Ministerrat mit qualifizierter Mehrheit umgesetzt würden. Dieser Vorschlag ging gleichsam auf eine Initiative Kohls und Chiracs vom Dezember 1996 zurück; weder Frankreich noch Großbritannien waren bereit, in ähnlicher Weise zu einer Stärkung der GASP



beizutragen. Darüber hinaus akzeptierte die Bundesrepublik in dieser Phase Frankreichs Vorschlag der Einsetzung eines Hohen Repräsentanten für die Außenpolitik, der wiederum den intergouvernemental organisierten Rat stärken würde.

Mit ihrer Politik signalisierte die Bundesrepublik die Hinwendung zu einem pragmatischen Ansatz, der dem integrationspolitischen Ideal einer vertieften außen- und sicherheitspolitischen Zusammenarbeit aller Mitgliedstaaten zwar weiter verpflichtet blieb, bei dem es aber zunächst um eine Stärkung der Handlungsfähigkeit der EU als internationalem Akteur ging. Da diese aufgrund der unterschiedlichen Interessen der Mitgliedstaaten nicht in einem größeren Rahmen möglich war bzw. ist, orientierten sich alle Bundesregierungen bis zum Gipfel von Nizza und darüber hinaus an den Ideen einer flexiblen Integration - allerdings nach Möglichkeit im Rahmen der bestehenden Verträge und nicht im Sinne unkoordinierter Initiativen verschiedener Gruppen von Mitgliedstaaten. Auch während der Verhandlungen zum Verfassungsvertrag blieb diese Linie eines "rationalisierten Intergouvernementalismus" ein zentrales Anliegen Berlins - und zwar auch und besonders im Bereich der Sicherheits- und Verteidigungspolitik.[14] Dieser im Rahmen der Konventsverhandlungen formulierte Anspruch war selbstverständlich Ausfluss des erwähnten generellen Richtungswechsels in der deutschen Außenpolitik seit Mitte der 1990er Jahre. Von diesem Zeitpunkt an legten die Ereignisse auf dem westlichen Balkan geradezu zwangsläufig auch in der Bundesrepublik eine stärkere Berücksichtigung des militärischen Instrumentariums nahe.[15] Mit der Einigung der Mitgliedstaaten auf die ESVP 1998/99 und mit der deutschen Beteiligung am militärischen Einsatz der NATO im Kosovo als Konsequenz der lang anhaltenden Debatte über "out-of-area"-Einsätze der Bundeswehr hatte die Bundesrepublik endgültig ihre "zivile Unschuld" verloren.[16] Und mit der gewählten Losung von der "humanitären Intervention" ließ sich am Ende sogar der grüne Koalitionspartner, der ursprünglich ein UN-Mandat gefordert hatte, von dem Einsatz überzeugen. Von da an verstärkten sich die deutschen Anstrengungen - wiederum im Verbund mit Frankreich -, die sicherheits- und verteidigungspolitische Zusammenarbeit in Europa voranzutreiben. Nach der maßgeblich von Paris und Berlin betriebenen Übernahme der so genannten Petersberg-Aufgaben der Westeuropäischen Union (WEU) hat die EU seit 1999, getragen von steigenden Zustimmungswerten zu einer aktiven gemeinsamen Außenpolitik, zahlreiche sicherheitspolitische Beschlüsse gefasst und schrittweise verwirklicht - auch, was den Aufbau eigenständiger Krisenreaktionskräfte betrifft.

Nachdem das ursprüngliche Ziel des Aufbaus Europäischer Streitkräfte von 60 000 Mann bis 2003 im Grunde gescheitert war, war es vor allem der Initiative Berlins zu verdanken, dass die Forderungen nach einer starken sicherheits- und verteidigungspolitischen Rolle der EU bei dem umstrittenen Treffen der Staats- und Regierungschefs Belgiens, Deutschlands, Frankreichs und Luxemburgs am 29. April 2003 in Brüssel ("Pralinengipfel") wieder aufgegriffen wurden. Im Kern ging es um die Einrichtung einer Zelle (oder wie Kritiker meinten, eines EU-Hauptquartiers) im belgischen Tervuren zur kollektiven Planung und Führung autonomer Einsätze der Union. Mit einer solchen verband sich nicht nur die Idee einer Avantgardegruppe für die ESVP, sondern auch die Vorstellung von einer größeren Unabhängigkeit von den USA. Entsprechend spaltete der Vorschlag die EU-Mitgliedstaaten und drohte auch die NATO zu schwächen. Dass Berlin daraufhin wieder zugunsten von Planungs- und Kommandostrukturen innerhalb des Bündnisses einlenkte, zeigte, wie sehr die Überlegungen zunächst von den erheblichen Irritationen im transatlantischen Verhältnis und innerhalb der Gemeinschaft im Zusammenhang mit der Irak-Krise geprägt waren.

Am Ende einigte sich die EU auf dem Brüsseler Gipfel im Dezember 2003 auf einen von Deutschland und Frankreich gemeinsam mit Großbritannien präsentierten Vorschlag zur Einsetzung einer kleinen Zelle mit zivilen und militärischen Komponenten innerhalb des bereits bestehenden EU-Militärstabs. Damit signalisierte die Union den Willen, zumindest auf dem Weg zu einer größeren Eigenständigkeit auf militärischem Gebiet fortzufahren - vorübergehend auch auf Kosten der Geschlossenheit der EU insgesamt. Dieser Prozess könnte vor allem durch die zunehmende Kooperation



der drei Großen beschleunigt werden, wie sie sich auch bei der Initiative Frankreichs und Großbritanniens Anfang 2004 zur Aufstellung so genannter "battle groups" abzeichnete. Mittlerweile beteiligen sich daran 18 von 27 Mitgliedstaaten, was zeigt, dass die im neuen Reformvertrag vorgesehene "strukturierte Zusammenarbeit" auch in der Sicherheits- und Verteidigungspolitik bereits praktiziert wird. Berlin schloss sich diesem Konzept umgehend an und plädierte in diesem Zusammenhang für eine Umschichtung der europäischen Rüstungsausgaben zugunsten kleinerer und mobilerer Eingreiftruppen in den Mitgliedstaaten. Damit bestätigte die Bundesregierung lediglich den seit Anfang des Jahrhunderts erkennbaren Trend zu einer weltweiten Präsenz der Bundeswehr.

Begleitet wird diese zunehmende europäische Selbstbehauptung und "Balancepolitik" (Werner Link) von einer längst praktizierten Eigenständigkeit der Union im politisch-diplomatischen Bereich, deren konzeptioneller Rahmen sich in der Europäischen Sicherheitsstrategie vom Dezember 2003 ablesen lässt. Dies geschieht in weitgehender Kongruenz zur Nationalen Sicherheitsstrategie Washingtons bezüglich der Benennung der (geo)strategischen Interessen bzw. Herausforderungen, aber doch mit deutlich unterschiedlichen Akzenten hinsichtlich der ordnungspolitischen Vorstellungen und Instrumente.[17] Auch hier gilt, dass diese Eigenständigkeit in nahezu allen Bereichen von Berlin unterstützt wird - ob im Dauerkonflikt mit Iran, wo Deutschland gemeinsam mit Frankreich und Großbritannien mit Unterstützung des Hohen Vertreters der GASP im Namen der Gesamt-EU diplomatisch handelt und verhandelt, ob im Rahmen der Balkan-Kontaktgruppe, der Somalia-Kontaktgruppe, oder im Rahmen des Nahost-Quartetts. Entsprechend wachsen die Sorgen in Washington, dass durch Deutschlands Abkehr von der traditionellen Mittlerrolle die transatlantischen Spannungen weiter zunehmen könnten - gleichwohl jede Bundesregierung eine solche Abkehr selbstverständlich lautstark dementieren würde. Wie immer man diesen Spagat bewerten mag, fest steht, dass gerade die Entwicklung der GASP und ESVP (von der Zivilmacht zur Zivilmacht mit militärischen Mitteln) ganz untrennbar mit der Entwicklung der deutschen Außen- und Sicherheitspolitik verbunden ist. Für beide gilt, dass sie heute ihre Interessen wesentlich deutlicher benennen, als sie dies noch vor einem Jahrzehnt getan haben, und ganz unbestritten liegt die Zukunft der deutschen Außenpolitik in Europa.

Ausblick

Nach wie vor gilt, dass deutsche Außenpolitik ihren internationalen Einfluss primär über die EU und das NATO-Bündnis vermittelt. Auch künftig lässt sich das Problem der "kritischen Größe" Deutschlands am besten über das Schicksal der Union lösen. Allerdings ist Berlin auch zusehends bemüht, die Grenzen eigener oder deutsch-französischer Initiativen - der Irak-Krieg hat dies deutlich gemacht - auszuloten. Europäisches Engagement wird nun einmal im Wettstreit nationaler Interessen innerhalb der Union bestimmt. Bei den daraus abgeleiteten Kompromissen wird der Einfluss deutscher Akzente gemäß des größer gewordenen diplomatischen Gewichts der Bundesrepublik - ähnlich wie im Falle der Wirtschafts- und Währungsunion - auch im Rahmen der GASP/ESVP geradezu zwangsläufig zunehmen. Insofern wird es für die Bundesrepublik darauf ankommen, der wachsenden Skepsis hinsichtlich weiterer Vertiefungsschritte der EU in der Gesellschaft zumindest vorläufig durch eine verstärkte strategische und problemorientierte Zusammenarbeit im kleineren Kreis zu begegnen, bei der sich durchaus auch die eigenen Interessen widerspiegeln.

Fußnoten



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Section C) Regional integration processes

Subsection 6. The European unification process

Schaefer Christoph

Die Ermächtigung von Mitgliedstaaten bei ausschließlicher Gemeinschaftszuständigkeit: Regelwidrigkeit in der Kompetenzordnung?



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In der gemeinschaftsrechtlichen Kompetenzordnung gibt es den Zuständigkeitstyp der Ausschließlichkeit, der definitionsgemäß alleine der Europäischen Gemeinschaft die jeweilige Regelungsgewalt zuweist. Besonders wichtig ist die ausschließliche Kompetenz aus Art. 133 EG, die der EG das Außenwirtschaftsrecht in seinen wesentlichen Teilen überlässt. Was passiert jedoch, wenn in der Praxis die Schultern der Gemeinschaft hierfür nicht breit genug sind und mangels Gemeinschaftsnormen nationale Regelungen der Sachfragen unerlässlich bleiben? Solche Situationen - wie sie beispielsweise in charakteristischer Form Anfang der 1980er Jahre im Streit über den Schutz der Fischbestände vom EuGH zu klären waren - entstehen mit dem "Erwachsenwerden" der Gemeinschaft weniger häufig. Mitgliedstaatliche Regeln entgegen der ausschließlichen Gemeinschaftskompetenz existieren freilich bis heute beispielsweise im Recht der (sicherheitspolitischen) Ausfuhrkontrolle in Form der nationalen Kontrolle nach §§ 5c, 5d Außenwirtschaftsverordnung und Teilen der Ausfuhrliste. Auch die Exportkontrolle für Kulturgüter nach § 1 Abs. 4 des Gesetzes zum Schutz deutschen Kulturgutes gegen Abwanderung ist eine rein nationale Regelung im Bereich von Art. 133 EG. Auf welchen kompetenzrechtlichen Füßen stehen solche mitgliedstaatlichen Normen? Diese Fragestellung untersucht der Beitrag. (Nachdruck)

Section C) Regional integration processes

Subsection 6. The European unification process

Härtel Ines

Die Europäische Grundrechteagentur: unnötige Bürokratie oder gesteigerter Grundrechtsschutz?

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Der Grundrechtsschutz erfordert nicht nur umfassende materielle Regelungen, sondern auch ein Gesamtkonzept zur institutionellen Absicherung. Zur Fortentwicklung eines institutionellen Gesamtkonzepts könnte die neue Grundrechteagentur beitragen. Sie darf keine bloße Datensammelstelle sein, sondern soll mit Fachexperten die EU-Organe bei der Grundrechtssicherung unterstützen. Dabei wird es darauf ankommen, dass die EU-Organe die Fachkompetenz der Agentur auch abrufen, so vor allem im Rechtsetzungsverfahren. Dass die Grundrechteagentur nicht konkret dem individuellen Rechtsschutz des Bürgers dient, ist nur konsequent, um unnötige Überschneidungen mit der europäischen Gerichtsbarkeit zu vermeiden und das institutionelle Gleichgewicht der EU nicht zu berühren. Gleichwohl sollte die Arbeit der Agentur letztlich dem einzelnen Bürger zugute kommen, und zwar mittelbar über den objektiven, allgemeinen Grundrechtsschutz. (Nachdruck)

Section C) Regional integration processes

Subsection 6. The European unification process

Huffschmid Jörg

Die Rückkehr des Staates

in **Blätter für deutsche & internationale Politik**, November, 2008 , 8-11

Anfang 2007 trat in der EU unter dem Namen „Basel II“ eine Bankenreform in Kraft, die allseits dafür gepriesen wurde, dass sie die direkte staatliche Bankenaufsicht zurückdrängt, die Banken in mehr „Eigenverantwortung“ entlässt und auf die „Marktdisziplin“ statt rechtlicher Vorschriften als Sicherheit gegen Fehlentwicklungen vertraut. Banken ist es seitdem



erlaubt, die Risiken der von ihnen vergebenen Kredite weitgehend durch „interne Risikomodelle“ selbst festzulegen und entsprechendes Eigenkapital als Reserve für den Fall des Kreditausfalls zurückzulegen. Diese Teilprivatisierung der Bankenaufsicht hat die Hemmschwelle der Banken gesenkt und ihre Kreditvergabe an Finanzinvestoren und Spekulanten aller Art massiv beflügelt. Gleichzeitig haben sie sich zunehmend selbst in spekulative Geschäfte eingelassen. Das Ergebnis ist zurzeit zu besichtigen. Die Spekulanten haben sich verzockt, die Banken geraten in Schwierigkeiten, der Crash ist da.

In dieser Not ist der Staat wieder willkommen. Die Unverfrorenheit, mit der die Verursacher der Krise jetzt staatliche Subventionen zur „Rettung des Finanzsystems“ fordern, ist ebenso atemberaubend wie die staatliche Bereitschaft, diese Forderung zu erfüllen. Dafür stehen plötzlich wie aus dem Hut gezauberte Bürgschaften bereit – allein mit Blick auf die Hypo Real Estate handelt es sich um 50 Mrd. Euro, von den seitdem erfolgten staatlichen Garantien in zehnfacher Höhe ganz zu schweigen. Und dies, nachdem den Bürgerinnen und Bürgern jahrelang gepredigt wurde, dass angeblich kein Geld vorhanden ist, wenn es um Renten, Bildung und Beschäftigungsprogramme geht.

Der Knüppel, mit dem diese dreiste Forderung gegenüber der Öffentlichkeit durchgeboxt wird, ist die Behauptung, ohne diese Subventionen bräche das gesamte Finanzsystem zusammen, zum Schaden der gesamten Wirtschaft und der „kleinen Leute“. Diese erpresserische Geiselnahme der ganzen Gesellschaft im Interesse der privaten Banken soll Furcht, ein Gefühl der Alternativlosigkeit und daraus resultierend Folgsamkeit erzeugen – gegenüber der Regierung ist dies auch weitgehend gelungen.

In Wirklichkeit handelt es sich jedoch um einen Bluff von Abenteurern, die ihre Felle davonschwimmen sehen. Ein Zusammenbruch des Finanzsystems steht auch im schlimmsten Fall nicht an. Denn erstens verstieße er gegen das existenzielle Interesse der Banken, die ihrerseits über die Mittel verfügen, das System auf eigene Kosten zu stabilisieren. Sollten sie dies aber tatsächlich in einem Anfall selbstzerstörerischen Abenteueriums verweigern, hat zweitens der Staat genügend Möglichkeiten, die Funktionsfähigkeit des Finanzsektors zu gewährleisten. Er muss nur bereit sein und diese Bereitschaft unmissverständlich kommunizieren, die führenden Privatbanken notfalls unverzüglich zu verstaatlichen und unter staatliche Regie zu nehmen, um aus dieser Position heraus zusammen mit der Notenbank die drei zentralen Funktionen des Finanzsystems zu gewährleisten: den reibungslosen Ablauf des Zahlungsverkehrs, die Kreditversorgung der Wirtschaft und die Sicherheit der Bankeinlagen. Je entschiedener der Staat seine Entschlossenheit demonstriert, sich nicht zum Spielball der Finanzmärkte machen zu lassen, umso eher kehrt das Vertrauen der Kunden und – paradoxerweise – auch der Banken in die Verlässlichkeit des Systems zurück. Aus einer solchen Position der demonstrierten Stärke heraus kann dann – mit angedrohter oder tatsächlicher Verstaatlichung – die notwendige kurz- und mittelfristige Neuordnung des Finanzsektors angegangen werden.

Die notwendige Neuordnung des Finanzsektors

Kurzfristig geht es zunächst darum, diejenigen Praktiken abzustellen, die in den letzten beiden Jahren am meisten Schaden angerichtet und das Gesamtsystem akut destabilisiert haben.

Erstens sollten die Verbriefung von und der Handel mit Kreditpaketen grundsätzlich verboten werden. Es handelt sich bei diesen Praktiken um eine Umgehung der Eigenkapitalvorschriften für Banken und um eine unüberschaubare Steigerung der Risiken im Finanzsektor. Ausnahmen von diesem Verbot bedürfen der ausdrücklichen Genehmigung und der dauernden Überwachung durch die Aufsichtsbehörden.



Zweitens sollte die Kreditvergabe an Finanzinvestoren zur Finanzierung von Beteiligungen oder Übernahmen entweder verboten oder durch den Zwang zu einer sehr hohen Eigenkapitalunterlegung so verteuert werden, dass diese Kredite weder für Banken noch für Finanzinvestoren attraktiv sind. In der Vergangenheit hatten die mit einem großen Kredithebel ausgeführten Transaktionen zu dramatischen spekulativen Exzessen geführt. Finanzinvestoren aller Art sollten ihre Investitionen ausschließlich mit dem Kapital finanzieren, das ihnen die Geldbesitzer zur Verfügung stellen.

Drittens sollten die falschen Gehaltsanreize – wie Aktienoptionen – beseitigt werden, die Unternehmensführungen dazu verleiten, ihr Interesse und ihre Politik vorwiegend auf die schnelle Steigerung von Aktienkursen statt auf eine langfristige strategische Entwicklung und Stärkung ihrer Unternehmen zu richten.

Viertens hat die weitgehend unbeaufsichtigte Tätigkeit von Hedgefonds maßgeblich zu den Turbulenzen auf den Finanzmärkten und zur Krise beigetragen; sie sollte daher nicht weiter zugelassen werden.

Neben diesen Sofortmaßnahmen sind jedoch weitere Lehren aus der Finanzkrise zu ziehen. Eine gründliche Neuordnung des Finanzsektors steht an, die sowohl den Banken- und Kreditsektor als auch den Kapitalmarkt und Wertpapiersektor betrifft. Die Trennung beider Bereiche ist erforderlich, weil ihr unkontrolliertes Zusammenspiel maßgeblich zu den spekulativen Überhitzungen geführt hat.

Mit Blick auf die Banken kommt es entscheidend darauf an, sie auf ihre beiden wesentlichen Funktionen zurückzuführen, nämlich die Wirtschaft mit Kredit zu versorgen und das Vermögen der Haushalte und Unternehmen zu verwalten. Das Geschäftsmodell der Universalbank, in der Kredit- und Wertpapiergeschäft in einem Institut vereinigt sind, hat sich allen gegenteiligen Beteuerungen zum Trotz nicht bewährt. Nachdem der US-Kongress die im Jahr 1933 mit dem Glass-Steagall-Gesetz verfügte Trennung von Kredit- und Wertpapiergeschäft 1999 zurückgenommen hatte, erhielt die kreditfinanzierte Spekulation neuen Schub. Der Handel mit Wertpapieren und insbesondere der Eigenhandel mit Wertpapieren und Derivaten sollten nicht zum Geschäftsmodell von privaten wie öffentlichen Banken gehören.

Ein europäisches „Basel-III-Paket“ sollte überdies die durch Basel II fehlgeleiteten Bestimmungen zur Absicherung gegen Kreditrisiken in dreifacher Hinsicht korrigieren. Zum einen sollte der Umfang dieser Absicherung grundsätzlich durch die staatliche Bankenaufsicht vorgegeben werden und nicht den internen Modellen der Banken oder privaten Ratingagenturen überlassen bleiben. Sie sollte zum anderen auch nicht auf das individuelle Schuldnerisiko, sondern auf Gruppen von Schuldnern abstellen. Die in einer solchen Regelung enthaltene Quersubventionierung – die stärkeren Unternehmen zahlen zu viel, die schwächeren zu wenig für die Risikoabsicherung – widerspricht zwar der einzelwirtschaftlichen Logik individueller Risikozurechnung. Sie dient durch ihre ausgleichende und antizyklische Wirkung jedoch der Systemstabilisierung – für die allein politische Aufsicht und Überwachung zuständig und verantwortlich sind. Auch Verkehrsregeln werden schließlich nicht von den Autofahrern erlassen, und sie gelten für alle in gleichem Maße, selbst wenn dadurch der gute Fahrer vielleicht zu stark und der schlechte zu wenig reglementiert wird. Drittens erscheint im Licht der jüngsten Ereignisse auch der Standardsatz von acht Prozent Eigenkapital zu niedrig. Er sollte auf 20 Prozent erhöht werden, mit Aufschlägen für Kredite an besonders riskante Gruppen (wie Finanzinvestoren) oder Abschläge für Kredite an besonders solide Gruppen (wie Staaten).

Entschleunigung der Kapitalmärkte

Die wichtigste Orientierung bei der notwendigen Neuordnung der Kapitalmärkte sollte ihre Entschleunigung sein. Umfang und Geschwindigkeit des Wertpapierhandels haben Dimensionen angenommen, die mit gesamtökonomischer Rationalität nichts mehr zu tun haben. Der weitaus überwiegende Teil des Handels mit Aktien und Anleihen ist Sekundärhandel, das heißt Handel mit bereits ausgegebenen Wertpapieren, die ihre Finanzierungsfunktion bereits



hinter sich haben. Zwar ist ein derartiger Handel erforderlich, um die Märkte liquide zu halten, das heißt zu gewährleisten, dass Verkaufswillige jederzeit auf Kaufwillige treffen. Der Umfang und die Geschwindigkeit des Handels haben diese Notwendigkeit jedoch weit überschritten und sind zunehmend spekulationsgetrieben – und sie haben nicht verhindert, dass die Märkte in der Krise austrocknen.

Der Handel mit Wertpapieren sollte in der Regel nicht mit Krediten finanziert werden, so dass auch keine Kreditabsicherung erforderlich ist. Spürbare Steuern auf Finanztransaktionen würden die schnelle Spekulation unattraktiv machen. Ein Lehre aus der Krise ist auch, dass die sehr große Zahl und die Komplexität der Zertifikate, der „strukturierten Produkte“ und der „Finanzinnovationen“ für die Käufer und den größten Teil der Verkäufer unverständlich sind und ausschließlich die Funktion besitzen, letztere mit zusätzlichen Gewinnen zu versorgen. Die auf den Kapitalmärkten angebotenen Anlagemöglichkeiten sollten daher radikal verringert und so standardisiert werden, dass sie für alle verständlich sind. Ähnliches gilt auch für Derivate. Der ökonomisch sinnvolle Zweck der Absicherung gegen Preis- und Wechselkursschwankungen bedarf keiner komplexen Konstruktionen und kann durch einfache Futures oder Forwards erfüllt werden. Was darüber hinausgeht, ist funktionslose Spekulation und sollte in geordneten Finanzmärkten keinen Platz haben.

In diesem Zusammenhang gibt es besonderen Handlungsbedarf für die Neuordnung der Ratingagenturen, die aus Opportunismus gegenüber ihren Auftraggebern reihenweise irreführende Signale in die Märkte gesandt und damit zur Schwere des Zusammenbruchs beigetragen haben. Sie sollten wie Notare einer öffentlichen Zulassung, Überwachung und Gebührenordnung unterliegen und als Ratingagenturen keine Unternehmensberatung durchführen dürfen. Ihre Bezahlung kann aus einem Pool erfolgen, den die Institute finanzieren, die Bewertungen in Auftrag geben. Zusätzlich zu den bestehenden privaten sollten öffentliche Ratingagenturen eingerichtet werden. Sie könnten sich aus den Beschäftigten der nationalen Notenbanken rekrutieren, die seit Gründung der Währungsunion weniger zu tun haben.

Im Ergebnis einer solchen gründlichen Neuordnung würden der Geschäftsumfang und die Rentabilität des Finanzsektors und seiner beiden Säulen, Banken und Wertpapierhandel, vermutlich deutlich zurückgehen. Dies ist angesichts des jeder realen Wirtschaftsentwicklung weit vorausseilenden Wachstums und der exzessiven Profite des Sektors nicht nur unvermeidlich, sondern überaus wünschenswert. Die hierdurch drohenden Arbeitsplatzverluste können vermieden werden, wenn die Banken ihre Kundenbetreuung angemessen ausbauen und verbessern.

Wünschenswert wäre es, wenn die Regierungen der großen Finanzzentren sich auf derartige Reformen im globalen Konsens verständigen würden. Dies ist jedoch nicht zu erwarten, da die politisch Verantwortlichen, gerade – aber keineswegs nur – in den Vereinigten Staaten, hierzu trotz der anhaltenden Krise kaum bereit sein dürften.

Immer neue Profitquellen, immer riskantere Strategien

Der zweitbeste Weg ist daher eine europäische Initiative zur Neuordnung zumindest der europäischen Finanzmärkte, von der dann auch Anreizwirkungen auf andere Weltregionen ausgehen können. Hierbei könnten große Länder wie Deutschland und Frankreich durchaus eine eigenständige Initiative ergreifen und eine selbstständige Vorreiterrolle spielen, also einige Maßnahmen schon einmal im Alleingang umsetzen.

Um eine europäische Reform nach außen abzusichern und vor spekulativen Attacken und Kapitalab- oder -zuflüssen zu schützen, muss die EU allerdings das Dogma der unbeschränkten Kapitalverkehrsfreiheit fallen lassen. Das ist weniger revolutionär, als es in neoliberalen Ohren klingt. Im EU-Vertrag ist eine Reihe von politischen und ökonomischen Ausnahmen vom Gebot der Kapitalverkehrsfreiheit vorgesehen. Zu diesen gehören die dort in Artikel 59 genannten „außergewöhnlichen Umstände“, in denen „Kapitalbewegungen nach oder aus dritten Ländern [...] das Funktionieren der



Wirtschafts- und Währungsunion schwerwiegend stören oder zu stören drohen“. In einem solchen Falle kann die EU die notwendigen Schutzmaßnahmen zumindest für sechs Monate ergreifen, „wenn dies unbedingt erforderlich ist.“

Bei aller Wünschbarkeit und notwendigen politischen Konzentration auf die skizzierten Sofortmaßnahmen und weiter gehenden Reformen zur Stabilisierung und Neuordnung der Finanzmärkte sollten die Grenzen einer solchen Politik allerdings nicht außer Acht bleiben. Sie sind darin begründet, dass die Triebkräfte für den finanzmarktgetriebenen Kapitalismus weder in der unersättlichen Gier und Spekulationssucht der Menschen noch in der exzessiven Kreditvergabe der Banken liegen. Sie liegen vielmehr zum einen in der jahrzehntelangen Umverteilung von Einkommen und Vermögen von unten nach oben. Diese hat an der Spitze der Gesellschaft eine ständig wachsende Ansammlung von Finanzvermögen geschaffen, das nicht in den reproduktiven Kreislauf zurückgeschleust wird, weil es unten an Kaufkraft fehlt.

Diese Ansammlung wird zum anderen zusätzlich durch die Privatisierung der Rentensysteme vorangetrieben: Rentenversicherungsbeiträge, die im solidarischen Umlagesystem direkt an Rentnerinnen und Rentner ausgezahlt wurden, wandern in der Folge der Umstellung auf kapitalgedeckte Systeme langfristig in private Pensionsfonds auf den Kapitalmärkten.

Diese beiden Megatrends schaffen den Druck, der Finanzinvestoren dazu treibt, immer neue Profitquellen für die Geldbesitzer zu suchen und dabei auch zu immer riskanteren Strategien Zuflucht zu nehmen. Um diesen Druck zu vermindern und damit der Neuordnung des Finanzsektors ein langfristig stabiles Fundament zu geben, ist eine Umkehr der beiden Megatrends erforderlich, das heißt eine deutlich gleichmäßigere und gerechtere Einkommens- und Vermögensverteilung und ein Ausbau der solidarischen Finanzierung der Alterssicherung durchzusetzen. Beides geht allerdings weit über Finanzmarktpolitik hinaus. Es handelt sich um wesentliche Pfeiler einer demokratischen Makro-, Verteilungs- und Sozialpolitik, in deren Rahmen die neu geordneten Finanzmärkte dann ihre wichtige und nützliche Rolle spielen können.

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Bobitski Nazar

Do Ut Des? The Need for True Reciprocity in the European Neighbourhood Policy
in **European Foreign Affairs Review**, Volume 13, Issue 4 , 449-472

The European Neighbourhood Policy (ENP) seeks to answer difficult questions of EU foreign policy after the Eastern enlargement: how to deal with the next ring of diverse EU neighbours bonded only by their proximity to the EU. The ENP attempts to do so through a methodology successfully tested during enlargement: political conditionality. In the case of



enlargement, it is about a system of unilateral commitments of partner countries to EU political values in exchange for delayed EU benefits, in particular, a membership perspective. However, the ENP offers no membership perspective, but only access to EU instruments already available to partner countries. It is argued that this difference undermines ENP effectiveness. In a case study of EU–Ukraine relations in 2004–2007, this paper demonstrates that the mechanical transfer of political conditionality to the ENP without an EU membership perspective makes the methodology futile as it loses legitimacy in the eyes of the partner countries. At the same time, available ENP instruments cannot provide a reliable substitute as they favour vested EU interests and depend on cooperation with partner countries, and therefore do little to achieve ENP political objectives.

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Koenig Christian, Loetz Sascha, Fechtner Sonja

Do We Really Need a European Agency for Market Regulation?

in *Intereconomics*, Volume 43, Number 4 / July, 2008 , 226-235

In November 2007, the European Commission suggested that an EC regulatory agency should be set up for the telecommunications markets. The following paper examines the key tasks and structure of the proposed agency and identifies the limits to the delegation of powers involved by reflecting on the relevant case law and the existing doctrine. It compares the concept with a recently published rapporteur report to the European Parliament and an alternative model of a joint body of national regulatory authorities.

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Altuniscedilik Meliha Benli

EU Foreign Policy and the Israeli-Palestinian Conflict: How much of an Actor?

in *European Security*, Volume 17, Number 1, March , 105-121

This article aims to analyse the EU's evolving involvement in the management and resolution of the Israeli-Palestinian conflict. By using the framework of EU 'actorness', it argues that the EU has had the 'opportunity, presence and capabilities' to be an actor in the conflict. Developments in the international and EU contexts, as well as in the conflict itself, both allowed, and at times forced the EU to be more active. As a result the EU has become a more important actor in the conflict space. Yet this occurred at the expense of the EU's decreasing distinctiveness as an actor.

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O' Brennan John

EU-Déjà vu - Ireland's No to Lisbon

in *Federalist Debate (The)*, Year XXI, n. 3, November , 6-10

<http://www.federalist-debate.org/fdb/current/detail.bfr>



Introduction

The Irish referendum on the European Union's Lisbon Treaty, held on 12 June 2008, produced a negative outcome with the measure being rejected by the electorate by a margin of almost 54 per cent to 46 per cent. Thus for the second time in seven years Irish citizens declined to support a Treaty which their political elites overwhelmingly endorsed. The result plunged the European Union into yet another crisis, the latest following the rejection of the earlier Constitutional Treaty in referendums in France and the Netherlands in 2005. This article analyses the Irish referendum, the main actors and issues which influenced the campaign, and the reasons for the No vote. It argues that the two most significant phenomena which explain the result are the attachment of the Irish people to a particularistic conception of Irish identity combined with a lack of knowledge about both the EU decision-making system and the content of the Lisbon Treaty itself.

Actors and Issues

On the Yes side stood the Republic's dominant political party, Fianna Fáil, as well as the two largest opposition parties, Fine Gael and Labour, and Fianna Fáil's small coalition partner, the Progressive Democrats¹. On the No side many of the party political actors were familiar from previous referendums on EU issues. Sinn Féin has been actively opposed to European integration since the 1972 referendum (though it professes itself to be a pro-European party). The Socialist Party, the Socialist Workers Party and the Communist Party of Ireland also campaigned against the Treaty whilst independent Eurosceptic politicians such as MEP Kathy Sinnott and former MEP Dana Rosemary Scallon gave added voice to the opposition campaign.

So if these were the main actors active during the campaign what were the key issues which framed the debate? The first was the institutional re-calibration which included changes to the structure of the Commission and the modus operandi of the Council of Ministers. Essentially these arguments were about Ireland's voice and institutional representation in Brussels and the changes wrought by the Lisbon Treaty relative to the status quo. The No side argued that the legitimacy of the EU depended on full and equal representation of all member states in the decision-making structures. The right of each state to a seat at the Commission table at all times was thus sacrosanct. The loss of a commissioner for one term in three, effectively five years out of every fifteen, was presented by the No side as a significant further loss of sovereignty and influence for Ireland with no compensating 'side payments' offered within the broader institutional matrix. Public opinion, analysed both during and after the campaign, demonstrated a strong attachment to the idea of a permanent Irish commissioner and in this sense the No argument was certainly very successful.

The issue of an emerging European defence and security policy has featured strongly in Ireland's European debates since at least the Maastricht Treaty and was again a significant concern among voters in the 2008 poll. A number of political parties, including Sinn Féin, along with a range of civil society groups coalesced around this theme and argued that Irish neutrality had been steadily eroded by successive treaties and by membership of NATO's Partnership for Peace (PfP), and would be further compromised by Lisbon. In effect the No side sought to paint a picture of untrammelled 'movement' in the area of defence and security policy, especially with the introduction of a so-called European Army - the Rapid Reaction Force - which would be equipped with aircraft carriers, Patriot cruise missiles, fighter aircraft and all the standard features of an aggressive military power bent on adventurism. The Government could not be trusted to protect neutrality and indeed was suspected of colluding with other EU member states in the 'creeping militarisation' of the EU.

From the beginning of the campaign, issues related to Ireland's place within the European and global economy featured strongly. The protection of Ireland's corporate tax regime assumed a central place in the campaign of those on the right



of the political spectrum who placed the alleged threat to Ireland's corporate tax rate at the centre of their campaign. Asserting that the mainstream political parties could not be trusted on the tax issue, the right argued that Ireland's strategy should be to seek something stronger than the veto, namely a legally binding protocol which would guarantee absolute independence to set national tax policy. With fiscal autonomy constrained by Ireland's membership of the Eurozone, tax policy was presented as the key contemporary instrument of sovereign economic power. In an economy plunging into recession and amidst a growing popular consciousness of latent economic fragility, these arguments received a serious hearing. In marked contrast, the left critique of the European integration process focused on the alleged neoliberal bias of the European Commission and the ongoing attacks on 'Social Europe' by the European Commission, corporate Europe and the European Court of Justice (ECJ). A particular target of attack was the ECJ, which despite its record of robust interventionism on the side of workers rights, was routinely presented as a friend of the market rather than the worker: "the court's decisions are sustained attacks on the wages and working conditions of workers throughout the EU" according to Roger Cole of the Peace and Neutrality Alliance. The ECJ was continually interpreting the treaties in a way which favoured 'competition' over labour and local collective bargaining arrangements. In particular the Laval and Viking judgements featured strongly in No arguments, as 'evidence' of ECJ perfidy. Thus the Lisbon Treaty was the subject of attacks from both the left and right of the political spectrum, a phenomenon also clearly present in the 2005 referendums in France and the Netherlands.

The referendum result: Ireland votes No to Lisbon

On a turnout of 53.13% the proposed constitutional amendment was defeated by 53.4% to 46.6%. So what factors explain the outcome? The first striking behavioural aspect of the outcome was the turnout. Prior to Lisbon most commentators expected that the higher the turnout the more likely it was that the Yes side would prevail. But the Lisbon referendum, although producing a significantly high turnout, did not see this pattern repeated, as most additional voters seem to have voted against the Treaty. Turning to a more sociological approach to the profile of Yes and No voters, a number of issues arise. The Eurobarometer survey shows that the main supporters of the Treaty were indeed to be found in the higher occupational classes: senior managers (66%), the 'self-employed' (60%), professionals (58%), and those with higher levels of education (57%)². On the other hand blue collar voters were largely supportive of the No vote, especially those members of trade unions such as UNITE and the TEEU which urged their members to vote No. So a distinct social class cleavage was very much in evidence. Other factors such as age, gender and geography also help to explain some aspects of the vote.

If this data provides valuable information about electoral behaviour there are two substantive issues which help us to contextualise that behaviour. The first is the way in which Irish conceptions of identity may have influenced voters' perceptions of the Lisbon Treaty and Ireland's place in the integration process. Voters testified that a major reason for voting No was to 'keep Ireland's power and identity'. During the course of the campaign this impulse toward a 'sovereigntist' position increased, from 16 to 24%. John Coakley argues that, notwithstanding the strong currents of support for European integration, Ireland's enduring attachment to nationalist values should not be under-estimated: "a history of vigorous nationalist agitation, a tradition of suspecting powerful neighbours and a long-standing emphasis on national sovereignty have been outstandingly characteristic of Irish political culture"³. Fully 12% of respondents to the Eurobarometer survey voted No to "protect Irish identity" (the second most important reason for voting No), suggesting that the identity dimension emerges as crucial in explaining the outcome. At the very least this suggests that the 'European' layer of Irish identity is in reality so thin that the consistently high professions of support for the EU in opinion polls may now be considered highly suspect. Where that support has been tested at the ballot box, two out of the last three popular votes have produced anti-integrationist outcomes.

The second substantive issue with a bearing on the outcome concerns voters' knowledge about the Treaty and the EU



more generally. A considerable body of data accumulated during previous referendums and from Eurobarometer tracking polls demonstrates that, although the Irish remain amongst the most enthusiastic about EU membership, there remains a significant knowledge vacuum, with a large majority of citizens professing to know little or nothing about how decisions are made at EU level and how the EU institutions function. Eurobarometer polls consistently demonstrate that support for the EU is related to relative levels of knowledge. Support for the Treaty dropped to 39% among those who were only vaguely aware of the issues and to a mere 10% amongst the two in five voters who said they did not know what the treaty was all about⁴. The post-referendum Eurobarometer survey confirmed that once again lack of knowledge constituted the most important reason for not voting (22%)⁵. Further data support this statistic: fully one fifth of No voters and one sixth of Yes voters did not know if the Lisbon Treaty would be good or bad for Ireland⁶.

The significance of the knowledge vacuum is particularly evident in the strategies adopted by the No side in particular. Two specific phenomena can be identified. First, the No campaign centred on short, sharp messages easily understood, which provided voters with easy to process (negative) images of the EU and the Lisbon Treaty, in contrast to the Yes messages which invariably came across as complex if not tortured (the EU as an abstract and variegated public good). Second, the No side demonstrated an ability and willingness to distort and misrepresent both the content of the Lisbon Treaty and the nature of the European integration process. There are multiple examples that can be offered in evidence. No campaigners argued that under Lisbon Ireland would lose a commissioner, without pointing out that every other EU state would also lose a commissioner for one term in three. They continually argued that Irish influence in Brussels would be reduced because of the changes to Ireland's voting weight in Council, without acknowledging the new rules on population size and majoritarian principles which favoured small states. A particularly egregious misrepresentation concerned Article 113 on taxation, which many components of the No side argued would mean that Ireland's veto on corporate taxation would be eliminated. In fact Article 113 applies only to indirect taxation, but this did not stop the lie being perpetrated on a wide-ranging basis. Finally, No campaigners repeatedly used an alleged quote from Giscard d'Estaing, the former French President and Chair of the Convention which paved the way for the European Constitution. Giscard was outrageously misquoted: "Public opinion will be led to adopt, without knowing it, the proposals that we dare not present to them directly... All the earlier proposals will be in the new text, but will be hidden and disguised in some way... What was already difficult to understand will become utterly incomprehensible, but the substance has been retained"⁷. The quote was taken from an article penned by Giscard in *Le Monde* on 15 June 2007. In fact Giscard was arguing against any recycling of the Constitutional Treaty and specifically warning about the backlash that this would produce. And he was referring exclusively to France and not any other EU member states. He was emphatic in describing the use of the quotation out of context by Irish No campaigners as "extremely dishonest"⁸. It seems instructive that not a single Irish journalist or media outlet bothered to chase down and translate the *Le Monde* even after it began to be used extensively by No campaigners. Partly this might reflect the new prominence within the Irish media market of Eurosceptic British news organizations such as Rupert Murdoch's News Corporation and the Mail Group. But it also reflects very poorly on the capacity and willingness of the Irish media to adequately scrutinise the claims made by prominent actors in the referendum campaign.

Conclusion

The rejection of the Lisbon Treaty plunged Ireland into a profound political crisis, not least because EU leaders indicated an unwillingness to re-negotiate any part of the Treaty: it would be up to Ireland to find an Irish solution to this European problem. Coinciding with this impasse in Irish-EU relations, an economic recession began to present serious difficulties as the public finances deteriorated to their worst state in 25 years, thus presenting Brian Cowen's government with the most challenging set of circumstances in which to think about moving forward. The Irish rejection of Lisbon also led directly to ratification problems in other member states, as procedures were set in motion by Euro-sceptic actors in the Czech Republic, Poland and other states to legally challenge domestic ratification processes. It also dealt a serious blow



to the incoming French Presidency of the EU, and it was not long before President Nicholas Sarkozy was disabused of any notion that a specifically Irish solution (a second referendum) could be found to the ratification problem, at least in the short term⁹.

The outcome of the referendum may seem paradoxical to some, in that Eurobarometer opinion polls of attitudes to the EU continue to demonstrate that Irish people are strong supporters of the integration process. In June 2008, 78% of Irish people believed Irish membership of the European Union to be a good thing, 80% believed that Ireland has benefited from EU membership and 77% had a positive image of the EU (far more than the EU average of 48%). The problem is that these favourable attitudes vary considerably in intensity. It seems clear from the post-referendum data that the pro-European side manifestly failed to provide voters with either normative or utilitarian reasons to endorse the Treaty. The 'soft bloc' of support for European integration crumbled in the face of a vigorous No campaign and a lack of confidence among citizens in their ability to understand both the content of the Lisbon Treaty and the nature of EU decision-making processes.

1 In the 2007 General Election in the Republic Fianna Fáil emerged with the largest number of seats in the Dáil with 77 seats (41.6% of the vote), a loss of 4 from the 2002 election. Fine Gael won 51 seats (27.3% of the vote), an increase of 20 seats, and Labour won 20 seats (10.1% of the vote), unchanged from 2002. The Progressive Democrats were decimated at the polls winning just 2 seats (2.7% of the vote) for a loss of 6 seats from 2002

2 Eurobarometer 245, p.6

3 'J. Coakely, "Irish public opinion and the new Europe", in M. Holmes (Ed.), Ireland and the European Union Post-Nice, Manchester, Manchester University Press, 2005, p. 107

4 R. Sinnott, The Irish Times, 20 May 2008

5 Eurobarometer 245, p.3

6 Ibid.

7 See, for example, P. McKenna, "Lisbon Treaty should not be given the Green light", The Irish Times, 17 January 2008;

T. Allwright, "Don't sign an EU contract you don't understand", The Irish Times, 27 February 2008

8 L. Marlowe, "Lisbon No campaign was dishonest in misusing his quote, says Giscard", The Irish Times, 26 June 2008

9 "Sarkozy accepts there is no quick fix to Lisbon crisis", The Irish Times, 22 July 2008

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Narbone Luigi, Skuratowicz Agnieszka

EU-Turkey Trade: A Case of Deep Integration

in *International Spectator (The)*, Vol. XLIII, n. 4, October-December, 45-57

No abstract available

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Antonsich Marco

EUropean attachment and meanings of EUrope. A qualitative study in the EU-15

in *Political Geography*, Volume 27, Issue 6, 691-710



The present article explores meanings of EUrope as they emerged in individual interviews and focus- groups organized around the question of European attachment. The article shows that the ways people make sense of EUrope can be divided into three major categories: cultural-national, cultural-transnational, and functional-utilitarian. Cultural-national referents describe EUrope through the prism of the nation-state and reproduce the isomorphism between territory and identity which has characterized, at least in theory, the nation-state itself. Cultural-transnational referents present EUrope as a normative model for the rest of the world, a model for 'another' globalization, more social and less liberalist, and a champion of humanitarianism and international peace. Functional-utilitarian referents address EUrope as a space which could help the individual and/or the collectivity to which the individual belongs to enhance their well-being. In this latter case, EUrope resonates with a post-national space, one which goes beyond the isomorphism between territory and identity. The article argues that the reasons why people might identify with and support EUrope are different, and not always driven by feelings of emotional attachment. As such, the article brings empirical evidence to the thesis that a European demos, understood as a sense of collective identity, should not be considered as a necessary condition for the existence of a European polity

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Mosconi Franco

Economia industriale e integrazione europea. Una nota introduttiva
in *Industria (L')*, 2, aprile-giugno 2008 , 173-184

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Oros Cornel

Economic Policy Coordination and Macroeconomic Stabilization in a Heterogeneous Monetary Union
in *European Union Review*, Vol.13, n.1

En se situant dans une union monétaire hétérogène, l'objectif de cet article est d'analyser les effets en termes de stabilisation conjoncturelle des différents niveaux de coordination des politiques économiques. En développant l'idée d'une coordination à géométrie variable, on introduit un niveau intermédiaire de coordination entre les gouvernements nationaux, à savoir la coordination par « bassins » régionaux qui regroupent des pays avec des caractéristiques structurelles très proches. Ainsi, on se pose la question de savoir quelle est l'efficacité relative d'une coordination budgétaire par « bassins » par rapport à une absence de coordination ou à une coordination globale entre tous les pays de l'Union. On montrera que l'efficacité de la lutte contre les chocs est influencée essentiellement par deux facteurs : la nature et l'ampleur des hétérogénéités existantes entre les « bassins » régionaux, d'un côté et le jeu de pouvoir entre les gouvernements et la Banque centrale, de l'autre. En même temps, la qualité de la stabilisation macroéconomique est dépendante du signe des externalités budgétaires inter-bassins et des contraintes qui pèsent sur la liberté des autorités publiques de manipuler les instruments de politique économique.

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Balaguer Callejón Francisco

El Tratado de Lisboa en el diván. Una reflexión sobre estatalidad, constitucionalidad y Unión Europea
in *Revista Espanola de Derecho Constitucional*, N.83 , 57-92

This article analyses the Lisbon Treaty in the context of EU integration and constitutionalisation. The author criticises the Euro-sceptics' rejection of State-like characteristics in the European Union, manifested in the way the Lisbon Treaty was drawn up in an attempt to «destructure» and disguise European constitutional law. His article analyses the model of European integration over the EU's first fifty years, based on an asymmetry between the continuity of States, ie, State power, in each national space and in the European space, vis-a-vis the discontinuity of citizenship, fragmented and limited to the national space. The article questions the idea that the European Union is not a «State» in the sense that, although it is not «a State», it is endowed with Statelike characteristics in that it exercises powers that States used to exercise. It also casts doubt on the idea that constitutional law has a performative condition of statehood. On the contrary, what constitutional law contributes to the European Union is not statehood but democracy. It is not about it being «more State» but «more democratic State». In line with this idea, it traces the exhaustion of the integration model established in the first fifty years and shows the need to orient a new model towards rupturing the citizenship discontinuity, towards the construction of a constitutional decision-making space in the European Union in which its member citizens are not fragmented. From this perspective, despite the fact that the Lisbon Treaty is a clear step backwards after the Constitutional Treaty, it makes a substantial contribution to the incorporation of constitutional content into European law. Very specifically, it places the accent on the importance of the EU Charter of Fundamental Rights coming into force in order to help to develop a genuine European political community.

Section C) Regional integration processes

Subsection 6. The European unification process

Weber Albrecht

El principio de Estado de Derecho como principio constitucional común europeo
in *Revista Espanola de Derecho Constitucional*, n. 84 , 27-59

The democracy's principle can be understood as a European structural principle, deeply linked to the same existence and development of the concept in each of the European states and, at the same time, of the European Union Right. This character of the Principle of democracy is shown in the historical evolution of the term and in the structure of the concept as a general constitutional principle, but also the other principles that are related to it such as the separation of powers principle, the Constitution's supremacy principle, the submission to the law, the legal security's principle and the equality principle

Section C) Regional integration processes

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Bruzzi Silvia

Energy Policy and the French Model of Industrial Development in the Period 1945-2005: Prospects for a European Energy Policy
in *European Union Review*, vol.12, n.3

Dans la phase historique actuelle, les pays de l'Union Européenne se trouvent face à l'opportunité de lancer un nouveau cycle de développement économique européen afin de soutenir la compétitivité européenne dans un contexte de



mondialisation et incertitude croissantes. L'énergie se place au cœur de ce processus. Secteur stratégique pour la compétitivité de chaque système économique, l'énergie peut jouer, dans une perspective plus large, un rôle de moteur pour l'amorce d'une véritable politique industrielle européenne. L'expérience de la France représente dans ce cadre un point de repère extrêmement important. En effet, la France a un grand avantage compétitif par rapport à ses partenaires européens ; le modèle de développement économique dessiné de façon originale pendant le XXe siècle, considéré le plus innovant du capitalisme moderne, a permis à ce pays de se placer à l'avant-garde dans des secteurs, comme celui de l'énergie, stratégiques pour l'avenir de l'humanité. Dans ce contexte, l'article entend se focaliser sur les opportunités que la phase historique actuelle offre à la France pour jouer un rôle primaire dans la définition d'une politique industrielle européenne dans le domaine de l'énergie, en soulignant en particulier à quel point les nouvelles exigences imposées par les transformations du XXIe siècle, à savoir les processus de globalisation et d'intégration européenne, imposent en même temps à la France un processus de renouvellement profond du modèle de développement industriel selon une perspective européenne qui sache restituer à ce pays un rôle de premier plan dans le processus de construction européenne

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Lazowski Adam

Enhanced multilateralism and enhanced bilateralism: Integration without membership in the European Union
in *Common Market Law Review*, vol. 45, issue 5 , 1433-1458

ABSTRACT: Over the years the European Union and the European Communities have developed political and legal relations with third countries. Yet, legal integration with third countries without their membership in the club is a relatively new phenomenon employed, inter alia, in the relations with the EEA countries, the Swiss confederation and countries of Western Balkans (within the framework of the Energy Community). To reflect the nature of these new frameworks in the field of external relations, the notions of "enhanced multilateralism" and "enhanced bilateralism" are used. Arguably, the shared legal framework has led to the creation of the European Union Legal Space whereby selected pieces of *acquis* are applicable between the EU and the third countries. This, being a fascinating jigsaw puzzle of legal regimes, may be a source of concern as such forms of integration are capable of undermining the coherence of the EU legal order in the long run. This article looks at these models of integration and makes an attempt to identify the main benefits and risks.

Section C) Regional integration processes

Subsection 6. The European unification process

Glendinning Simon

Europa, secolarizzazione e democrazia liberale
in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Epiney Tamara, Civitella Andrea, Egbuna-Joss Astrid, Gammenthaler Patrick, Hobi Andrea, Faeh Nina, Moster Constanze, Semmelmann Robert



Europarecht: Literaturspiegel der Jahre 2006-2008

in *Zeitschrift für Schweizerisches Recht*, Vol. 127, issue 1/5, 2008 , 521-554

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Clement Marc

Europe(s) sociale(s): une longue marche?

in *Esprit*, n. 351, janvier 2009 , 158-168

EU-wide social policy/ies: A long march?

As he reviews Jean-Claude Barbier's book, *la Longue marche vers l'Europe sociale* (the long march to European social policies), the author reflects on EU inadequacies with regard to social protection. The Union, particularly through its own courts, takes a minimal view of social protection as a by-product of economic patterns and the principle of free circulation. But then can the EU envision a proper social policy?

Section C) Regional integration processes

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Graziani Tiberio

Europe: a Eurasian Peninsula

in *World Affairs*, Vol. 12, n. 3, Autumn

TIBERIO GRAZIANI observes that Europe has become a single economic space in recent years but still lacks the political and military sovereignty and unity required to fulfil its destiny and its professed ambitions as one of the major blocs in a new multipolar world. The enduring submission of the EU to US hegemony, which relies on the perpetuation of intra-European divisions to maintain an Atlantic alliance directed against Russia, China, North Africa and West Asia, is detrimental to continental unification and harmful to the real interests of the old continents.

Section C) Regional integration processes

Subsection 6. The European unification process

Pollicino Oreste

European Arrest Warrant and Constitutional Principles of the Member States: A Case Law-Based Outline in an Attempt to Strike the Right Balance Between Legal Systems

in *German Law Journal*, Vol.9, n.10 , 1313-1354

No abstract available



Section C) Regional integration processes

Subsection 6. The European unification process

Campo Fanlo Carmen, Medina Abellan Miguel

European Foreign Policy Without Legal Personality?

in International Spectator (The), Vol. XLIII, n. 4, October-December , 157-167

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Pichler Florian

European Identities from Below: Meanings of Identification with Europe

in Perspectives on European Politics and Society, vol. 9, n. 4, December , 411-430

Abstract

More often than not, European identity is portrayed as one coherent identity for people across the whole continent. However, why should European identity not vary across countries? In this paper, we examine contents and structures of European identities in nine very different European countries. We draw on theoretical and normative approaches and differentiate between a political and a cultural component. In contrast to other studies, we consider national variation in the determination of the contents of both dimensions. Our findings suggest that European identities vary considerably across the continent. Certainly, there is no single picture of a European identity. A two-fold distinction between political and cultural elements prevails in some countries, whereas in other countries political and more pragmatic issues dominate the people's ideas about what it means to be European. Finally, we discuss some of the implications of these findings for policy makers at both the national and European level.

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Moustakis Fotios, Violakis Petros

European Security and Defence Policy Deceleration: An Assessment of the ESDP Strategy

in European Security, Volume 17, Number 4, December , 421 - 433

This article assesses the political and structural obstacles that have affected the development of a European Security and Defence Policy (ESDP). Furthermore, the article aims to identify and examine the measures that need to be introduced by the EU in order to accelerate the smoothness of ESDP's operability.

Section C) Regional integration processes

Subsection 6. The European unification process

Mawdsley Jocelyn

European Union Armaments Policy: Options for Small States?

in European Security, Volume 17, Numbers 2-3, June , 367-385

This article addresses the question of small states and their future role in any EU armaments policy. It argues that their



traditional tactics of demanding equality of membership in armaments organisations, using protectionist tactics to preserve the indigenous defence industry and using their home markets as a method of gaining advantages for their firms, are increasingly failing at the EU level. A combination of their own choices on defence spending, the agreement to allow permanent structured cooperation within the European Defence Agency and the Commission's efforts to liberalise the defence procurement market seem likely to force most small states into the backseat of EU armaments policy-making.

Section C) Regional integration processes

Subsection 6. The European unification process

Snell Jukka

European constitutional settlement', an ever-closer union, and the Treaty of Lisbon: Democracy or relevance?
in *European Law Review*, Vol.33, n.5 , 619-642

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Dardanelli Paolo

Europeanization as Heresthetics: Party Competition over Self-Government for Scotland, 1974—97
in *Party Politics*, Volume 15, Number 1, January , 49-68

This article is a theoretical and empirical contribution to the study of the Europeanization of political parties. On the theoretical side, it draws on the concepts of heresthetics and two-level games to conceptualize a Europeanization mechanism that has so far been overlooked in the literature. It shows that Europeanization can be a heresthetic tool in party competition, notably in terms of opening up a new dimension that may result in a realignment of alliances able to turn losers into winners. It then applies this conceptualization to party competition over the issue of self-government for Scotland from 1974 to 1997 and shows how it can to a large extent account for a dramatic reversal of fortunes for the anti- and pro-devolution camps between 1979 and 1997. It concludes by relating these theoretical and empirical findings back to the debate on the Europeanization of political parties and identifies avenues for further research.

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Subsection 6. The European unification process

Kritzinger Sylvia, Sickinger Hubert

Europäische Parteien und die Europäisierung nationaler Parteien(systeme). Eine Einführung in das Heft
in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 247-252

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Heinze Christian



Europäisches Primärrecht und Zivilprozess

in *Europarecht*, Volume 43, Issue 5, 2008 , 654-690

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Meyer Sarah, Rosenberger Sieglinde

Europäisierung durch nationale Wahlen? EUropa im österreichischen Nationalratswahlkampf 2006

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 297-314

Europeanization through National Elections? EUropa in the Austrian General Election Campaign 2006

The paper is located at the intersection of research on democracy and on political parties in the context of European integration. The paper adopts a functional theoretical perspective, which views political parties as political actors that link citizens with state authorities. From this perspective, political parties combine two functions - representation and government - within one agent. Of central concern to this paper is the question of whether and how national political parties perform the linkage function in the European multi-level system. Using the 2006 general election campaign in Austria as a case, we investigate thematization of the EU-issue within national party competition. The paper is based on a content analysis of campaign texts (election party manifestos, placards, and TV-coverage). With this study we want to provide an empirical contribution to research on accountability and representation at the European level through the channel of national elections.

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Bellamy Richard

Evaluating Union citizenship: belonging, rights and participation within the EU

in *Citizenship Studies*, vol. 12, n. 6, december , 597-611

ABSTRACT: Union citizenship often gets criticized for complementing rather than offering an alternative to citizenship at the member state level. By contrast, this article defends that complementary status as the most sociologically plausible and normatively acceptable role for this status. Citizenship as it developed within the member states combined the values of belonging, rights and participation. EU citizenship has attempted to develop the first from an attachment to the second, and to employ new and more selective forms of the third. However, neither rights nor participation prove sustainable without a fairly strong sense of belonging, such as has already developed within the member states. To seek to unravel the different ways these three values have modified and promoted each other in each of these states, as certain European Court of Justice (ECJ) cases threaten to do, undermines rather than enhances citizenship and its main achievements: the development of inclusive, democratic welfare systems.

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Bar-On Tamir

Fascism to the Nouvelle Droite: The Dream of Pan-European Empire

in *Journal of Contemporary European Studies* , vol. 16, n. 3, december , 327-345

ABSTRACT: The purpose of this paper is to trace continuity in the attachment of the nouvelle droite to a homogeneous notion of pan-European identity since its birth in 1968. Like the nouvelle droite, early post-war neo-fascism and significant fascist elements in Italy were similarly obsessed with the decline of homogeneous pan-European or Western identities. Despite the ultra-nationalistic origins of historical fascism, early post-war neo-fascism and the nouvelle droite in different historical periods, the thread tying them together is the notion of a strong, unified, homogeneous, pan-European empire regenerated in defense against the dominant 'materialist' ideologies such as liberalism, conservatism, social democracy, socialism, capitalism and communism.

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Fitoussi Jean-Paul, Saraceno Francesco

Fiscal Discipline as a Social Norm: The European Stability Pact

in *Journal of Public Economic Theory*, Volume 10 Issue 6 , 1143 - 1168

This paper reviews the arguments for and against the "Stability and Growth Pact." We find the theoretical debate to be inconclusive, as both externality and credibility arguments can be used to yield opposite and plausible conclusions. Empirical evidence in favor of a Pact-like rule is also scant. We therefore suggest the view that the Stability Pact is a public social norm, that countries obey in order to preserve reputation among the other members of the European Union. Using this extreme—but not implausible—hypothesis, we build a simple model similar in spirit to Akerlof's (1980) seminal work on social norms, and we show that reputation issues may cause the emergence of a stable but inferior equilibrium. Increased heterogeneity generally has the effect of further reducing aggregate welfare; we conclude that the problems posed by the Pact/social norm are likely to increase following the enlargement, when a number of countries anxious to prove their "soundness" joined the club.

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Avbelj Matej, Komárek Jan

Four Visions of Constitutional Pluralism

in *European Constitutional Law Review*, Volume 4 - Issue 03 , 524-527

What is constitutional pluralism? What does it stand for? What does it expect to achieve, or change in European integration, or otherwise contribute to it? Is it a viable, desirable or perhaps even an indispensable theoretical take on European integration? These were the leading questions discussed in the Symposium 'Four Visions of Constitutional Pluralism' at the European University Institute in January of this year. Within the framework of the Legal Theory working group and under the auspices of the Academy of European Law the organisers, Matej Avbelj and Jan Komárek, hosted four key scholars from the field of EU legal and constitutional theory. Julio Baquero Cruz, Mattias Kumm, Miguel Poiares Maduro, and Neil Walker engaged in a groundbreaking three-hour discussion of their respective theoretical visions of European integration. This short note can provide just a taste of an extremely rich debate; however, its full transcript should soon be published by the EUI Department of Law as its working paper.



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Classen Claus Dieter

Freiheit und Gleichheit im öffentlichen und im privaten Recht – Unterschiede zwischen europäischem und deutschem Grundrechtsschutz?

in *Europarecht*, Volume 43, Issue 5, 2008 , 627-654

No abstract available

Section C) Regional integration processes

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Elias Anwen

From Euro-enthusiasm to Euro-scepticism? A Re-evaluation of Minority Nationalist Party Attitudes Towards European Integration

in *Regional and Federal Studies*, Volume 18, Number 5 , 557-581

This article examines the different dimensions of, and different factors affecting, minority nationalist party attitudes towards Europe. The article draws on evidence from minority nationalist parties in two different contexts—Plaid Cymru in Wales and the Bloque Nacionalista Galego in Galicia—to argue that minority nationalist party attitudes towards European integration are more complex than is usually asserted in the existing academic literature. First, even though minority nationalist parties converged around the idea of a Europe of the Regions during the 1980s and 1990s, the nature of, and motivations for, this support differed widely from party to party. Secondly, there is evidence that, in recent years, minority nationalist parties have become increasingly critical of Europe, although they have not yet abandoned their normative aspirations for a regional Europe. At the same time, however, the salience of the European integration issue has declined markedly in the political projects espoused by minority nationalist parties in Wales and Galicia. The article concludes by arguing that whilst minority nationalist parties may not have turned their back completely on the idea of a Europe of the Regions, a new pragmatism drives these parties' strategies and tactics for meeting their short- and long-term goals.

Section C) Regional integration processes

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Best Edward

From Unity in Diversity to Variable Geometry?

in *Intereconomics*, Volume 43, Number 4 / July, 2008 , 182-3

No abstract available

Section C) Regional integration processes

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Verdun Amy, Chira Gabriela E.



From neighbourhood to membership: Moldova's persuasion strategy towards the EU

in *Southeast European and Black Sea Studies*, vol. 8, n. 4, Special Issue: Europe's Unfinished Transitions: The Convergence-Divergence Debate Revisited , 431-444

Moldova is complying with the European Neighbourhood Policy (ENP), the new framework of partnership with neighbouring countries that was created by the European Union (EU) in 2005. The ENP prompted in the partner countries a process of convergence with EU rules. The ENP-promoted legislation convergence in the Eastern partner countries can therefore be a first step to the enlargement of the EU to Former Soviet Union Republics (FSURs) such as Moldova, even if it is generally understood that such enlargement is not yet on the cards. In this article we analyse whether the ENP-prompted process of convergence of the Moldovan legislation with the EU rules (law, institutions, and practices) increases this country's chances of EU membership. We argue that this process of convergence is in many ways similar to compliance with the Copenhagen convergence criteria. Moldova might be able to achieve EU candidate status sooner than is currently expected.

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Jano Dorian

From 'Balkanization' to 'Europeanization': The Stages of Western Balkans Complex Transformations

in *Europe en formation (L')*, n. 349-350, automne-hiver , 55-69

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349JANO.pdf>

Section C) Regional integration processes

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Bischof Karin, Oberhuber Florian, Stögner Karin

Geschlecht und Religion im Diskurs um den EU-Beitritt der Türkei - eine vergleichende Perspektive auf Frankreich und Österreich

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/4 , 419-434

Gender and Religion in the Discourse on the EU-Accession of Turkey - A Comparative View on France and Austria

This article, based on the results of a comparative empirical media analysis in Austria and France, focuses on the conjunctions of gender and religion/secularity in the discourse on Turkey's accession to the EU. Particular emphasis is put on specific constructions of the "own" and the "other", and on gender-specific and religious connotations. Thereby, contrasting national narratives as well as cross-national topoi can be depicted. Thus, in France, the constructions of Turkey and the debates on its accession to the EU are often connected with universalist conceptions of a "mission civilisatrice", whereas in Austria specific scenarios of threat are crucial, in which historical cleavages are reactivated. With regard to cross-national strategies of othering and alterity construction, diverse moments of orientalism become apparent among which the topoi of "reality and appearance" and the topoi of "opening Turkey" are examined in this article.



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Tatham Michaël

**Going Solo: Direct Regional Representation in the European Union
in *Regional and Federal Studies*, Volume 18, Number 5 , 493-515**

This article seeks to map out routes of direct regional interest representation in the European Union. It identifies six main opportunity structures available to regions: the Committee of the Regions, the Council of Ministers, the Commission, the European Parliament, regional Brussels offices and European networks and associations. Using original interview material, the article analyses how and under what conditions each route can be most efficient for regional interest representation. It concludes that though these opportunity structures have not triggered the emergence of a 'Europe of the Regions' as some of the literature in the 1990s had predicted, they do represent important channels of access that regions can use in an attempt to influence the EU policy process. These regional para-diplomatic activities bypass EU member states and consequently challenge liberal intergovernmentalist assumptions regarding the nature of EU politics.

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Chopin Thierry, Jamet Jean-François

**How to unblock the EU's unanimity stalemate
in *Europe's World*, Issue 10, Autumn**

The Lisbon Treaty's uncertain fate means that the need for unanimity in large parts of EU decision-making still risks political paralysis. Thierry Chopin and Jean-François Jamet argue for a differentiated approach taking account of member states' different priorities is a more practical way forward.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21241/Default.aspx>

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Cram Laura

**Identity and European integration: diversity as a source of integration
in *Nations and Nationalism*, Volume 15, Issue 1, January 2009 , 109-128**

This article explores the concept of European Union identity and its significance for European integration by drawing upon insights from theories of nationalism and national identity. European Union identity is viewed as an ongoing process which is banal, contingent and contextual. The central hypothesis is that: European integration facilitates the flourishing of diverse national identities rather than convergence around a single homogeneous European Union identity. The role of the EU as facilitator for diverse understandings of collective identities encourages the enhabitation of the EU at an everyday level and the reinforcement of a sense of banal Europeanism which is a crucial aspect of the European integration process. Facilitating diversity may thus provide a vital source of dynamism for the integration process.



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Guidi Guido

Identità dell'Europa. I referendum di Francia, Olanda e Irlanda. Alcune raccomandazioni da parte di Alexis de Tocqueville

in **Politico (II)**, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: Europe will get approval only if citizens see it as an institution which has subsidiary functions towards States and regions. In front of a progressive weakening of the sense of belonging and in front of clear phenomena of strong local and regional identification, it is necessary that States and European institutions provide for the active participation of legislative regions to the process of the building of Europe. If not, Europe will be perceived only as a technocratic body missing its own political role.

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Marazzita Giuseppe

Il Trattato di riforma dell'unione europea e la "mistificazione" del processo costituente

in **Rassegna parlamentare**, n. 4 , 941-976

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Pinelli Cesare

Il deficit democratico europeo e le risposte del Trattato di Lisbona

in **Rassegna parlamentare**, n. 4 , 925-940

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Calamia Pietro

Il faticoso cammino dell'integrazione europea

in **Affari Esteri**, Anno XL, n. 160 , 815-821

No abstract available

Section C) Regional integration processes

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Gennusa Maria Elena

Il primo rinvio pregiudiziale da Palazzo della Consulta: la Corte costituzionale come "giudice europeo"
in *Quaderni Costituzionali*, numero : 3, settembre , 612-614

Section C) Regional integration processes

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Zicchittu Paolo

Il primo rinvio pregiudiziale da Palazzo della Consulta: verso il superamento della teoria dualista?
in *Quaderni Costituzionali*, numero : 3, settembre , 615-618

Section C) Regional integration processes

Subsection 6. The European unification process

Berns, Egidius E.

Il vessillo di Maria. Religione e spazio pubblico in Europa
in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Gehring Thomas, Kerler Michael

Institutional Stimulation of Deliberative Decision-Making: Division of Labour, Deliberative Legitimacy and Technical Regulation in the European Single Market

in *Journal of Common Market Studies*, Volume 46, Number 5, December 2008 , 1001-1023

Institutions stimulate deliberative decision-making if they hinder stakeholders from introducing bargaining power into the decision process. This article explores the conditions for, and limits of, the creation of deliberative legitimacy in single market regulation. An assessment of the standardization procedure demonstrates that legitimacy arises only from the combination of political and technical deliberation.

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Otero Felipe Patricia

Integración europea y opinión pública en el sur de Europa: un análisis del eurooptimismo
in *Revista española de ciencia política*, n.19 , 137-167



Este trabajo se centra en el análisis de la opinión pública hacia la integración Europea en Grecia, Portugal y España, países caracterizados por los altos niveles de eurooptimismo. En particular, el texto examina los condicionantes de las actitudes positivas de los ciudadanos, a partir de las explicaciones ofrecidas por la literatura, e indaga sobre el diferente impacto que determinadas variables ejercen sobre el eurooptimismo. Los hallazgos ponen de manifiesto, por un lado, la relevancia de variables de tipo identitario, frente a las de naturaleza económica y, por otro, en qué contextos las pistas partidistas y la ideología tienen potencial predictivo en las actitudes de apoyo genérico a la integración.

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Saurugger Sabine

Interest Groups and Democracy in the European Union

in West European Politics, vol. 31, n. 6, november , 1279-1291

ABSTRACT: Research on interest group participation in European Union politics has mushroomed since the end of the 1990s. What role citizens should play in the political process - should they participate through elected representatives or through interest groups and so-called 'civil society organisations'- has taken a central place in political and academic debates surrounding the alleged EU's democratic deficit. Here I critically analyse the literature dealing with the potential value of interest groups and 'civil society organisations' to the development of democracy in the EU. The existing empirical case studies lead to the conclusion that the elite characteristics of these actors question their capacity to increase democratic legitimacy. Finally, future research should be designed around large-scale quantitative and qualitative empirical studies that investigate participation designs and effective participation in the EU and other political systems.

Section C) Regional integration processes

Subsection 6. The European unification process

Dur Andreas

Interest Groups in the European Union: How Powerful Are They?

in West European Politics, vol. 31, n. 6, november , 1212-1230

ABSTRACT: The question of interest group influence is central for both scholars interested in studying policy-making in the EU and those concerned with the legitimacy of decision-making in that entity. Many hypotheses exist that stress a series of factors possibly shaping interest group influence. Nevertheless, only few studies have tried empirically to examine these hypotheses for the case of the EU. What is more, existing empirical studies report contradictory findings. To help researchers advance upon this state of the art, three obstacles that impede research dealing with interest group influence in the EU are discussed: defining the terms 'power' and 'influence'; accounting for different pathways to influence; and measuring influence. In addition to this, several ways to address these obstacles are advanced: by taking a pragmatic approach with respect to defining influence and power; by being conscious that actors may use different pathways to influence when drawing conclusions about interest group influence; and by combining different methods when measuring influence.

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Subsection 6. The European unification process

Wallace Claire, Stromsnes Kristin

Introduction: European Identities

in *Perspectives on European Politics and Society*, vol. 9, n. 4, December , 378-380

No abstract available

Section C) Regional integration processes

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Elias Anwen

Introduction: Whatever Happened to the Europe of the Regions? Revisiting the Regional Dimension of European Politics

in *Regional and Federal Studies*, Volume 18, Number 5 , 483-492

In European politics, the idea of a 'Europe of the Regions' came to the fore in the 1980s and early 1990s, in response to innovative policy and institutional developments in European integration. Different subnational actors saw in these developments the potential for creating an alternative supranational framework for meeting their territorial and other policy goals. Scholars of the European Union were also inspired to develop new theories and concepts for explaining decision making within a multi-level European polity. In recent years, however, as the limitations for regional mobilization within the EU have become more apparent, the notion of a 'Europe of the Regions' has fallen out of favour. One unfortunate consequence of this has been that the regional dimension of European politics has become increasingly neglected. This Introduction makes the case for the need to revisit the regional dimension to European politics. After summarizing the rise and fall of the 'Europe of the Regions' idea, the numerous ways in which the EU remains highly important for regions, and in which regional politics plays a significant role in shaping the nature and direction of European integration, are outlined. The Introduction concludes by summarizing how the contributions to this Special Issue take up the challenge of re-examining this regional dimension within an ever-changing and ever-expanding Europe.

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Cahill Maria

Ireland's Constitutional Amendability and Europe's Constitutional Ambition: the Lisbon Referendum in Context

in *German Law Journal*, Vol.9, n.10 , 1191-1218

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Wall Stephen

Is Britain a European nation?

in *Europe's World*, Issue 10, Autumn



The British may be troublesome and reluctant Europeans, writes former UK ambassador to the EU Stephen Wall, but they are also conscientious, having championed the Single Market, economic reform, free trade and enlargement.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21236/Default.aspx>

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Pennings Paul, Arnold Christine

Is Constitutional Politics like Politics 'At Home'? The Case of the EU Constitution

in *Political Studies*, Volume 56, Issue 4, December , 789-806

A large number of delegates from different institutional levels within the EU have achieved a remarkable consensus on a draft constitution. Has this consensus been made possible because the nationally predominant left–right divide was only weakly present during the deliberations of the delegates? Left–right differences have been analysed by means of a content analysis on submitted documents during the European Convention. The data analysis confirms our assumption that the left–right distinction was relevant, although not very dominant. The draft constitution did not take a mean position on left and right issues, but in fact puts more emphasis on substantial goals related to both left and right, giving an equal weight to both anti-poles. However, if we exclude the Charter of Human Rights, the draft constitution appears to be strongly tilted to the right. The analysis also shows that party family differences did affect the process of coalition building during the Convention, since more than half of all documents have been submitted together with at least one member of the same party family and/or with one family member close by. Our analysis also indicates that the process of consensus building was enhanced by the absence of many extremist and new parties during the Convention. This may have enhanced agreement on the Constitution, but later it became problematic for the domestic democratic process and for the acceptance of the Constitution in some countries, such as France and the Netherlands, especially since some of the excluded parties have actively and successfully mobilised voters to vote against the Constitution.

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Noyer Christian

L'Euro monnaie des peuples

in *Politique internationale*, n. 121, automne

The euro will soon be ten years old. Far from symbolizing a Europe enslaved to immaterial financial forces, the euro represents a Europe with a human face, nurturing closer relations between peoples than ever before. In ten years, the euro has contributed to growth while preserving as much as possible price stability throughout crises. It has, by definition, eliminated currency exchange crises between European countries, a periodic problem in the past. And it has favored a very rapid financial integration, with the development of European money and bond markets which are now among the largest in the world. An instrument of solidarity and prosperity, the euro is at the center of an innovative and welcoming European Union that seeks to maintain peaceful relations between its members and is conscious of the values it offers the world.

http://www.politiqueinternationale.com/revue/article.php?id_revue=121&id=751&content=synopsis



Section C) Regional integration processes

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Guénoun Denis

L'Europa e l'infinito

in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Vitiello Vincenzo

L'Europa e la filosofia, oggi

in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Conti Nicolò , Manca Anna Rita

L'Europa nel discorso politico degli stati membri: un'analisi degli euromanifesti

in *Rivista Italiana di Scienza Politica*, Vol. XXXVIII, Numero 2, Agosto , 217-248

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Colombo Arturo

L'Europa è uno sciame: molte api e un unico volo

in *Politico (II)*, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: Through the critical and interpretative analysis of a wide group of essays and texts, which, especially during the last decade, have been dedicated to Europe and to the complex shaping and development of the European Union, the Author borrows an original image, suggested by José Ortega y Gasset since 1949 – “Europe is like a swarm: lots of bees and one single flight” – in order to point out how the unification is still a “work in progress”, still open to different, or even alternative, solutions. As a matter of fact, someone – like Jeremy Rikfin, for example – privileges the role of the so-called “European dream”, while someone, instead, blames with increasing concern “the eclipse of Europe”, even identifying it as a “crisis and decadence of a civilization” phenomenon. But there is also someone who, even though worried for the incapacity, or impossibility, of present Europe to be a real “power” – beside the five presently operating powers in the world: United States, China, Russia, India and Japan – insists on the need, and urgency, to establish a “strong Europe”, like Christian Saint-Etienne requires, as finally geared with a real federal-style supranational



political system. Therefore, the issue is the re-launch of the brave project-program, which, already during the first part of the forties in the xx century, had defined the Ernesto Rossi and Altiero Spinelli's "free and unite Europe manifesto" (better known as "Ventotene manifesto"), now recovered also by Guy Verhofstadt, just marking a "new Europe", doomed to form the "United States of Europe". Of course, the recent "widening", which required the transit from the Europe of 15 to the Europe of 25 and then of 27 (with even wider enlargement hypothesis, as requested, for example, by Turkey) presents again the eventuality – or better still the opportunity, according to some thinkers – of committing one selves to the "bedrock research" of Europe – like Karl Lamers claims – which means setting against the present, and frail, "intergovernmental Europe", the strategy of a "variable geometry" Europe, also indicated as a "two-speed" Europe.

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Duque Félix

L'Europa, o la difficile realizzazione quotidiana della pace

in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

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Marchat Philippe

La Géorgie entre la Russie et l'Occident

in *Revue de l'Union européenne/Revue du Marché Commun et de l'Union européenne*, n. 522, octobre-novembre , 618-625

This article, written in June 2008 following a journey to the country itself, obviously does not take into account the events which have since occurred. It recounts the equally long and turbulent history of this Caucasian country on the strategic borders of the East and the West, which, inhabited for thousands of years, joined Armenia in being one of the first Christianised countries in the 4th Century, from which it has kept an independent autocephalous Church. It was occupied by the Romans, the Sassanids, the Persians, the Turks, the Byzantines, the Arabs and the Russians. Since the end of the 18th Century it has held ambivalent relations with the latter people, who have switched between holding out a helping hand, and yielding an iron fist, in spite of their common origins, those of Beria and Stalin. Georgia has two serious recurrent problems, owing to the willingness of secession that Russia fosters with two of its provinces, Abkhazia and South Ossetia. Its situation, its opening-up policy to the West aiming to integrate the European Union and especially NATO, the power given to Moscow by its hydrocarbon control, the American willingness to establish an anti-missile defence shield in Eastern Europe... all these are factors which confer an international impact to what, in other circumstances, could have remained a local conflict.

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Gusenbauer Alfred

La Unión Europea como actor en la escena mundial

in *Estudios internacionales : revista del Instituto de Estudios Internacionales de la Universidad de Chile*, Vol. 41 /



2008 / Nr 160 , 143

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Petithomme Mathieu

La despolitización de la política europea y el dilema del déficit democrático
in *Cuadernos europeos de Deusto*, n.39 , 137-167

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Draetta U.

La membership dell'Unione europea dopo il Trattato di Lisbona
in *Diritto dell'Unione europea*, Anno: 2008 – Fascicolo: 3 , pag. 469

No abstract available

Section C) Regional integration processes

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Moya David

La nueva directiva de retorno y la armonización comunitaria de las medidas de alejamiento de extranjeros
in *Revista de Derecho Constitucional Europeo* , n.10

En tanto que regulación común de las medidas de alejamiento de extranjeros, la Directiva de Retorno en breve va a generar una convergencia normativa de todos los Estados de la Unión Europea en torno a una nueva estructura, procedimiento y garantías en el retorno de extranjeros. De desplegarse correctamente, la Directiva tiene el potencial suficiente para devenir la regulación de referencia para el resto de medidas de alejamiento de extranjeros, a pesar de inicialmente sólo se aplique a los extranjeros que se encuentran irregularmente en el territorio de la Unión. Con esta perspectiva, el presente trabajo trata de contextualizar la recientemente aprobada Directiva de Retorno, para ello parte de los antecedentes de la misma y de la diferente regulación que hasta ahora las medidas de alejamiento de extranjeros presentaban en cada uno de los Estados Miembros. A continuación se ofrece una primera lectura de la Directiva así como un análisis muy inicial sobre su posible impacto en España.

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Mungiu-Pippidi Alina



La nuova Europa

in *Lettera Internazionale*, n. 97, 2008

No abstract available

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Criado Alonso Fernando

La política de democratización de la Unión Europea y el caso de Cuba

in *Revista de Estudios Políticos*, n.142, 11-41

This paper examines the main elements of the democratization policy of the European Union and analyses how this policy has been implemented in Cuba since 1996. The paper applies an analytical framework that links the two variables that Levitsky and Way have developed to study the international dimension of regime change: linkage and leverage to the West. The hypothesis put forward is the following: The combination of unanimity and the lack of common will to act before the process of democratization has started, holds back the development of a more active European policy with Cuba. In addition, the democratization policy of the EU is designed more as a policy of democratic consolidation than as a policy of regime change or transition.

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Praussello Franco

La sostenibilità dell'UEM, il completamento dell'unione economica e i rapporti con l'unione politica

in *Economia internazionale*, Vol. LXI No. 2/3 May/August 2008

This paper studies the relationship between EMU sustainability and the European Political Union. Following De Grauwe's suggestions, it is shown that a number of independent economic policies remained in the realm of each member country despite the setting up of EMU could produce shocks putting at risk the latter's survival. Long term sustainability of EMU requires a full political union of EU countries.

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Gerhardt Volker

Laboratorio Europa

in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

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Schilling Theodor



Language Rights in the European Union

in *German Law Journal*, Vol.9, n.10 , 1219-1242

No abstract available

Section C) Regional integration processes

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Olesti Rayo Andreu

Las políticas de la Unión Europea relativas al control en las fronteras, asilo e inmigración

in *Revista de Derecho Constitucional Europeo* , n.10

La Unión Europea, desde la entrada en vigor del Tratado de Ámsterdam, ha realizado una actividad muy intensa para dotar de contenido al espacio de libertad, seguridad y justicia. En este trabajo se examina las realizaciones más significativas en ámbitos representativos referentes al control de las fronteras exteriores; asilo y la política común de inmigración. El resultado obtenido es dispar, y combina la adopción de una ingente cantidad de actos que no son jurídicamente vinculantes con normativa comunitaria plenamente exigible. En todo caso, la comunitarización y la consiguiente sujeción de los actos adoptados a la interpretación del TJCE conduce, en la práctica, a una cierta homogeneización del estatuto jurídico del nacional de tercer Estado en la Unión Europea.

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Ubillos Javier Bilbao

Las políticas económica y social en el Tratado de Lisboa

in *Cuadernos europeos de Deusto*, n.39 , 19-26

No abstract available

Section C) Regional integration processes

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Hinarejos Alicia

Laval and Viking: The Right to Collective Action versus EU Fundamental Freedoms

in *Human Rights Law Review*, Vol.8, n.4 , 714-729

No abstract available

Section C) Regional integration processes

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Draetta U.



Le competenze dell'Unione europea nel Trattato di Lisbona
in *Diritto comunitario e degli scambi internazionali*, n. 2 , 245-260

No abstract available

Section C) Regional integration processes
Subsection 6. The European unification process
Euzéby Alain

Le développement humain, une référence majeure pour la stratégie de Lisbonne
in *Revue de l'Union européenne/Revue du Marché Commun et de l'Union européenne*, n. 522, octobre-novembre ,
565-571

In July of 2008 the European Commission adopted a "Renewed Social Agenda" with the aim of giving a fresh momentum to the social dimension of the Lisbon Strategy. But in order to give this ambition the best chances of being followed by effects, it would no doubt be worth the Union's authorities referring to the notion of human development. The latter may indeed constitute both an analysis framework of the problems to be faced and an ultimate objective, in support of which social and humanist values set in the Charter of Fundamental Rights, and which the Treaty of Lisbon introduced into the Treaty on European Union, could be asserted and promoted

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Jacqué Jean-Paul

Le traité de Lisbonne. Une vue cavalière
in *Revue Trimestrielle de droit européen*, n. 3 , 439 - 484

No abstract available

Section C) Regional integration processes
Subsection 6. The European unification process
Nigoul Claude

Les Balkans occidentaux sous la tutelle de la communauté internationale
in *Europe en formation (L')*, n. 349-350, automne-hiver , 15-32

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349NIGOUL.pdf>

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Supiot Alain

Les Europes possibles (entretien)
in *Esprit*, n. 351, janvier 2009 , 168-177



European perspectives. An interview with Alain Supiot

Ten years ago, the author published a landmark report advocating the development of an EU-wide social policy; today, he reviews the progress, if any, of his proposals for safer individual career paths. Why did the EU fail to make any commitment on this? What can it do in order better to promote a rights-friendly economic system?

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Moussis Nicolas

Les leçons et la sortie de l'imbroglio irlandais

in *Revue de l'Union européenne/Revue du Marché Commun et de l'Union européenne*, n. 522, octobre-novembre , 572-580

The negative Irish referendum revealed two important flaws of the European construction: the information deficit, which saps the foundations of the construction; and the unanimity rule of the modification of the European treaties, which condemns the European Union to stagnation and institutional paralysis. This article analyses these two serious problems, highlighted by the Irish referendum, and proposes a solution appropriate to each one: the establishment of a really common information and communication policy to bring the citizens closer to the European institutions; and the replacement of the unanimity rule for the ratification of the European treaties by a rule of the three-fourths majority, similar to that in force for the ratification of the amendments to the Constitution of the United States.

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Lisbonne : son traité, sa stratégie... pour le citoyen européen

in *Revue Trimestrielle de droit européen*, n. 3 , 433 - 438

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Canedo Arrillaga José Ramón , Gordillo Pérez Luis Ignacio

Los derechos fundamentales en la Unión Europea a la espera de Lisboa

in *Cuadernos europeos de Deusto*, n.39 , 27-59

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Grindheim Jan Erik, Lohndal Terje



Lost in Translation? European Integration and Language Diversity

in Perspectives on European Politics and Society, vol. 9, n. 4, December , 451-465

English is constantly moving forward and consolidating its role as lingua franca in the European Union. At the same time the Union has 23 official languages and promotes around 150 regional or minority languages under its official motto United in diversity; expressing the view that each member state should promote its national language and identity simultaneously as their citizens are to feel like Europeans. This may be regarded as a contradiction in terms because diversity may undermine unity. In this paper we reach the opposite conclusion by investigating the relationship between language, identity and the process of European integration. Taking as a point of departure the fact that language is a crucial part of our identity, we argue that language as such does not have to be an obstacle to the development of 'an ever closer Union' in Europe if the general discourses are made transparent on each level of political decision making, i.e. the regional, national and supra-national level as this maintains and strengthens the democracy in the Union. We see the Union as the individual languages' and hence identities' advocate, defending democratic diversity in Europe at the same time as three main working languages - English, French and German - ensure its necessary unity under some kind of confederal or federal supra-national political system.

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Ackere Patrice van

L'Europe ne se fera pas sans la défense

in European Union Review, Vol.13, n.1

It is important for Europe to ensure its autonomy and give a sense to its political project, above all in the aftermath of the Cold War. In this perspective, many of the hurdles obstructing construction of common Defence may be overcome. Whether they be the disappearance of a direct military threat, differences of approaches among Europeans, reluctance of the USA, a large investment in the short term or the commitment of the EU member States to their sovereignty. An evaluation of the efforts since 1998 highlights six positive moves: the conceptualisation of political vision and strategy, the adoption of a global and multidisciplinary approach, as well as an appeased relationship with NATO. Also to be noted are the evolution towards institutions facilitating consensus and flexible procedures, the emergence of structural and technical approaches to Defence, as well as capacity building to execute missions in the field. The Lisbon treaty contains a series of measures which will allow the European Union to assume its role as a major world actor but yet preserving the sovereignty of Member States. The progressive definition of a common defence policy which will lead to a common defence when the Council so decides. Sovereignty will be preserved through a unanimous decision making process. Above all, no State will be obliged to engage its troops without its agreement. Four concrete steps may be envisaged to move the European construction in the field of defence and security forward. In order to sensitize the public opinion, all existing multinational forces should be assembled into a "European peace keeping force". The objective is not to set up a "European army" as such: this is excluded by the Council's multiple declarations relating to the primordial role of NATO for the defence of its Member States. Another step lies in the setting up of a force dedicated to the protection of the land, maritime and air frontiers of the European Union. Besides, it is essential to set up a fully operational European chain of command and to increase its capacity so as to assure coherence and autonomy for this force. With a view to increasing transparency, it is suggested that a European Defence White Book be published, including a national part in each European country. Besides, the establishment of a common European budgetary nomenclature, the elaboration of a coordinated but not constraining financial program and the evaluation of all synergies that may be found among European armies, in particular in the field of training and support are suggested. To make



Europe a “security producer” requires the narrowing of decision processes in the fields of defence and security. The new security threats mean that Defence cannot be separated from security issues. The Lisbon Treaty has made provisions for justice and internal affairs to become Community action, whereas Foreign policy and Defence issues remain tributary to the intergovernmental decision making process. A major challenge for the future will be to find ways to coordinate these two approaches.

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Bafoil François

L’européanisation : héritages, résistances, mobilisations collectives et cohésion

in *Critique Internationale*, N°41 - Octobre / Décembre

No abstract available

Section C) Regional integration processes

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Sözer Önay

L’identità dell’Europa: una riconciliazione solo nella scissione stessa?

in *Teoria*, volume XXVIII (2008), n. 2

No abstract available

Section C) Regional integration processes

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Caggiano Giandonato

L’integrazione europea “a due velocità” in materia di immigrazione

in *Diritto pubblico comparato ed europeo*, n.3 , 1098-1108

No abstract available

Section C) Regional integration processes

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Almunia Joaquín

Making the most of the euro

in *Europe’s World*, Issue 10, Autumn

The euro has been something of a political scapegoat despite its runaway success, says Joaquin Almunia. But the EU’s Commissioner for Economic and Monetary Affairs warns that as it approaches its second decade the time is now for eurozone governments to live up to their responsibilities and fully coordinate their economic policies.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21231/Default.aspx>



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European League for Economic Co-operation (ELEC) - Italian Committee

Manifesto for a European Government with Real Powers and Precise Duties
in *European Union Review*, Vol.13, n.1

No abstract available

Section C) Regional integration processes

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Urrea Corres Mariola

Mecanismos de integración y (des)integración diferenciada en la Unión Europea a la luz del Tratado de Lisboa
in *Cuadernos europeos de Deusto*, n.39 , 169-190

No abstract available

Section C) Regional integration processes

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Maas Willem

Migrants, states, and EU citizenship's unfulfilled promise
in *Citizenship Studies*, vol. 12, n. 6, december , 583-596

ABSTRACT: A constant aim of EU citizenship, and indeed the entire project of European integration, has always been to lower barriers and create a common space. If the complete elimination of national borders remains elusive, their importance has been diminished in striking ways by the development of EU citizenship and the ban against nationality based discrimination. Yet the barriers to free movement have been lowered in differential ways. Most citizens of EU member states now enjoy residence, employment and other rights throughout Europe. The extension of some rights to some categories of citizens of some new member states is admittedly sometimes subject to transition periods, but these expire. By contrast, third country nationals - individuals who do not hold citizenship of one of the member states, even though they may have resided for many years, or even been born in Europe - remain largely excluded from the benefits of EU citizenship. Various initiatives over the years have opened up limited rights for third country nationals. But the difficulty of enacting these rights, and current moves to more restrictive immigration and naturalization policies, highlight the continuing exclusivity of EU citizenship: immigrants migrate to national polities, and they become European only by virtue of incorporation into national states. This means that EU citizenship's transformative potential remains unrealized.

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Bruszt Laszlo

Multi-level Governance—the Eastern Versions: Emerging Patterns of Regional Developmental Governance in the New Member States



in **Regional and Federal Studies**, Volume 18, Number 5 , 607-627

This article deals with emerging configurations of developmental regionalism and different patterns of multi-level governance in the Central and East European countries, using examples from the Czech Republic, Hungary and Poland. EU conditionality and pre-accession programmes linked to the idea of a Europe of the Regions played a considerable role in the changing—and in the case of some of the aspiring member countries, in the creation—of regional institutional landscapes. While later the same programmes became instigators of (re-)centralization and re-nationalization, the interaction between uniform EU conditionality and diverse domestic conditions resulted in various emerging versions of multi-level governance and different configurations of regionalism.

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Mamudu Hadii M., Studlar Donley T.

Multilevel Governance and Shared Sovereignty: European Union, Member States, and the FCTC

in **Governance**, Vol. 22, n. 1, January , 73-97

The Westphalian idea of sovereignty in international relations has undergone recent transformation. "Shared sovereignty" through multilevel governance describes the responsibility of the European Union (EU) and its Member States in tobacco control policy. We examine how this has occurred on the EU level through directives and recommendations, accession rules for new members, tobacco control campaigns, and financial support for antitobacco nongovernmental organizations. In particular, the negotiation and ratification of the Framework Convention on Tobacco Control (FCTC) and the participation in the FCTC Conference of the Parties illustrates shared sovereignty. The EU Commission was the lead negotiator for Member States on issues over which it had jurisdiction, while individual Member States, through the EU presidency, could negotiate on issues on which authority was divided or remained with them. Shared sovereignty through multilevel governance has become the norm in the tobacco control policy area for EU members, including having one international organization negotiate within the context of another.

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Gambino Silvio

Multilivel Constitutionalism e diritti fondamentali

in **Diritto pubblico comparato ed europeo**, n.3 , 1144-1192

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Bulmer Simon

New Labour, New European Policy? Blair, Brown and Utilitarian Supranationalism

in **Parliamentary Affairs** , Volume 61, Number 4, October , 597-620

This article argues that since 1997 the Labour governments have practised a European policy of 'utilitarian



supranationalism'. Their strategy has been characterised by a preparedness to embrace European policy solutions in line with Labour's 1997 manifesto commitment to pursue a constructive diplomacy in the European Union (EU). This policy, it is argued, has led to a stronger British imprint on the character of the EU. However, this (upstream) stage of utilitarian supranationalism has been accompanied by efforts in the downstream stage to reduce the domestic electoral salience of the EU. Consequently, the government's diplomacy shows no sign of garnering additional domestic support for the EU

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Cahill Dermot

Non-Discrimination as a Means to Market Access. How European Community Law Advances the Integrationist Agenda

in *European Union Review*, vol.12, n.3

La jurisprudence de la Cour de Justice relative à la liberté de circulation des biens fournit un bon exemple de la façon dont le droit communautaire a fait progresser l'intégration européenne. L'une des tendances qui ressort de cette jurisprudence concerne l'extension du champ d'application du principe de non-discrimination. Aujourd'hui des dispositions nationales, qui a priori ne sont pas discriminatoires, sont susceptibles d'être remises en cause au motif qu'elles constituent des restrictions quantitatives contraires à l'article 28 du Traité CE, tandis que d'autres normes ne sont pas menacées tant qu'elles n'empêchent pas l'accès au marché national de produits en provenance d'autres Etats Membres.

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Bailer Stefanie, Hertz Robin, Leuffen Dirk

Oligarchization, formalization, adaptation? Linking Sociological Theory and EU Enlargement Research

in *Journal of European Public Policy*, Volume 16 Issue 1 2009, 162 - 174

This article reviews emergent literature on the effects of Eastern enlargement on EU decision-making. After recalling pre-enlargement hypotheses we inspect empirical findings on that issue. Whereas some authors stress a 'business as usual' reading of post-enlargement decision-making, others point out changes. In order to better understand the processes of post-enlargement governance we draw on three sociological group theories - oligarchization, formalization and adaptation - and assess their applicability to the case of the EU. While we present only preliminary evidence for each of these theories, our secondary literature analysis underlines that the complexity of enlargement demands a widening of the theoretical scope. In such a perspective enlargement research can contribute to more general debates about decision-making in the EU.

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Princen Sebastiaan, Kerremans Bart

Opportunity Structures in the EU Multi-Level System



in *West European Politics*, vol. 31, n. 6, november , 1129-1146

ABSTRACT: A wide range of approaches on EU interest representation rely on an (explicit or implicit) notion of 'political opportunity structure'. Through a systematic review of four literatures (social movements and political contention, resource exchange in EU interest representation, venue shopping, and the political construction of scale), we show that these approaches exhibit close affinities in the way they use and conceptualise a notion of political opportunity structure. At the same time, these literatures reveal two distinct perspectives: one that views opportunity structures as a fixed external constraint on interest group behaviour (what we call an exogenous perspective) and one that views them as the outcome of social and political processes in which interest groups themselves participate (an endogenous perspective). We argue that theoretical and empirical progress can be made by systematically and explicitly analysing the dynamic interplay between the exogenous and endogenous elements of opportunity structures.

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Debus Marc, Tosun Jale

Parteien, Regierungen und Europäische Integration: Welche Faktoren bestimmen die europapolitischen Positionen nationaler politischer Akteure?

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 315-335

Political Parties, Governments, and European Integration: Which Factors Determine the European Stance of National Political Actors?

This paper scrutinizes the positions of member state governments and national political parties towards European integration by using original data on Austria, Belgium, France, Germany, Ireland, the Netherlands and the United Kingdom. The data gathered through the use of the wordscore technique offer two interesting insights: First, while both government and party stances have become more integration-friendly over time, the respective positions of governments and parties tend to diverge. Second, the EU stances of governments and parties is not only determined by ideological factors but also by the preferences of the electorate. In this vein, our study does not only provide additional support for empirical claims made by other scholars but also makes a genuine contribution for a more detailed theoretical understanding of the linkage between EU-related government and party positions.

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Hagemann Sara, Hoyland Bjorn

Parties in the Council?

in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1205 - 1221

Ideology is widely seen as a powerful explanatory force of behaviour in collective decision-making. Yet, research on the Council of the European Union, the chief legislative body in the European Union, has only recently started to pay attention to ideology. We investigate to what extent formal position-taking can be explained by the ideological party affiliation of the governing parties. The focus is twofold. First, can aggregated coalition patterns be explained by



ideological party affiliation? Second, do countries change coalition partners when there is a change of parties in government?

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Lindberg Bjorn, Rasmussen Anne, Warntjen Andreas

Party politics as usual? The role of political parties in EU legislative decision-making

in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1107 - 1126

Scholars have raised doubts about the ability of political parties to fulfil their traditional role as 'transmission belts' between citizens and legislators in the EU. We discuss how the different institutional environment of the EU affects the assumptions and predictions of theories of political parties developed for the national context and discuss how political parties can influence EU legislative decision-making. We distinguish between partisan effects in the electoral and legislative arena, and argue for a clear distinction between the effects of national parties, national party delegations and transnational party groups when studying EU party politics. The empirical literature shows that, whereas parties play a role in most institutions, they are not always the dominant players, and their effect varies both across and within these institutions.

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Tallberg Jonas, Johansson Karl Magnus

Party politics in the European Council

in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1222 - 1242

This article explores the extent to which the growing party politicization of the EU extends to the European Council. We advance the argument that three central factors shape the extent to which party politics influences European Council outcomes: the salience of an issue along the left-right dimension, the partisan composition of the European Council, and the cohesion and mobilization of transnational parties. We explore the influence of these factors empirically through an inventory of elite interview evidence as well as two case studies - the employment chapter of the Amsterdam Treaty and the Lisbon agenda. We conclude that the conditions for party influence in the European Council are demanding, and that the scope for party politicization is less extensive than in the other major EU institutions. The issues on the agenda of the European Council often cut across partisan divides, the heads of government are seldom mobilized along transnational party lines, and decision outcomes instead tend to reflect issue-specific coalition patterns.

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Rasmussen Anne

Party soldiers in a non-partisan community? Party linkage in the European Parliament

in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1164 - 1183

Even though the European Parliament is the EU institution which most resembles national parliaments, party politics here is more complex than in the national context because MEPs are both members of national and transnational



parties. In order to increase our understanding of party politics within this body, the article compares the character of the links that MEPs hold to their national parties and EP party groups, and examines whether the type of committee membership that MEPs hold affects the strength of these party links. Based on responses to a recent survey in the European Parliament, it demonstrates that MEPs have strong links to both national and EU-level parties, but that the character of their links to the two differs. Even though transnational party groups regulate MEPs in day-to-day politics, they feel more inclined to represent their national parties. In contrast, MEPs who have served as conciliation delegates do not have stronger party links than standing committee members in general.

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Ruta Michele

Perchè fallisce Lisbona

in **Politico (II)**, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: This article looks at the political economy of structural reforms and growth in the European Union. As the EU's economy approaches the world technology frontier, structural reforms that increase competition in intermediate goods sectors are necessary to boost innovation and productivity growth—the main objective of the Lisbon Agenda. Such reforms, however, raise the opposition of incumbents and, therefore, are politically difficult to implement. When there are important policy spillover effects, national governments are more easily captured by vested interests, as they fail to internalize the benefits of reforms on the rest of the Union. This suggests that the weak political governance of the Lisbon Agenda, which is centred on the peer pressure of national governments, and the ensuing inability to complete the single market in non-manufacturing sectors, explains the Lisbon failure.

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Biscop Sven

Permanent Structured Cooperation and the Future of the ESDP: Transformation and Integration

in **European Foreign Affairs Review**, Volume 13, Issue 4, 431-448

The low deployability of Europe's armed forces is a well-known problem. The primary cause of this problematic state of affairs is the still almost exclusively national focus of defence planning, while capability gaps at the aggregate EU and NATO levels are being ignored. The question must be asked whether the existing mechanisms for capability development, in the ESDP as well as NATO, are sufficient to achieve the required transformation from static to expeditionary forces within a reasonable time frame. The only way to achieve the quantum leap that is necessary to realise defence transformation is through pooling, which, by reducing intra-European duplications, can produce much more deployable capabilities within the current combined defence budget. From that point of view, Permanent Structured Cooperation, the new mechanism for capability development to be established by the Lisbon Treaty, has great potential. If successful, it will require a rethinking of NATO defence planning and its relation with the ESDP, as well as the start of a broader strategic debate on a defence white paper for the EU.

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Beyers Jan

Policy Issues, Organisational Format and the Political Strategies of Interest Organisations
in *West European Politics*, vol. 31, n. 6, november , 1188-1211

ABSTRACT: Contemporaneously, the study of EU lobbying appears somewhat disconnected from other sub-areas within the study of EU politics. Research tends to be focused on single issues - either particularistic or directional - and concentrates on communicative interaction modes that emphasise network governance, ignoring the electoral side of politics. This essay's main objective is to make the politics component of interest group politics more intelligible. The core argument is that interest group strategies, as well as potential influence, are not adequately explained by resources only. In response to this, a framework is built that links different interaction modes (arguing, bargaining and voting) with political strategies (inside and outside), organisational formats and the nature of political issues.

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The Federalist

Politics at a Crossroads

in *Federalista (II)/Federalist (The)*, Anno L, n. 1 , 3-12

http://www.euraction.org/revfiles/1_08.pdf

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Guinea Llorente Mercedes

Política constitucional y adaptación de la Unión: el problema del doble veto

in *Cuadernos europeos de Deusto*, n.39 , 61-101

No abstract available

Section C) Regional integration processes

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O'Brien Charlotte

Real links, abstract rights and false alarms: The relationship between the ECJ's 'real link' case law and national solidarity

in *European Law Review*, Vol.33, n.5 , 643-665

No abstract available

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Jätteenmäki Anneli



Responding to Ireland's "No": Let's go back to one commissioner per country

in *Europe's World*, Issue 10, Autumn

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21235/Default.aspx>

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Simitis Constantine

Responding to Ireland's "no": Public opinion must see that the treaty underpins our diversity

in *Europe's World*, Issue 10, Autumn

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21232/Default.aspx>

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Fischler Franz

Responding to Ireland's "no": To confound the populists we must strengthen the EU's democratic appeal

in *Europe's World*, Issue 10, Autumn

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21234/Default.aspx>

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Brinkhorst Laurens Jan, Hoeksma Jacob

Responding to Ireland's "no": We need to emphasise that the EU is a "citizens' union" too

in *Europe's World*, Issue 10, Autumn

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21233/Default.aspx>

Section C) Regional integration processes

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Thomas Dominic

Sarkozy's law. The institutionalization of xenophobia in the new Europe

in *Radical Philosophy*, Issue 153, January/February 2009

France's recently elected hyper-president, Nicolas Sarkozy, assumed the presidency of the European Union on 1 July 2008 under acrimonious conditions triggered by the 13 June 2008 Irish 'no' vote on the Lisbon Treaty. Nevertheless, France has been able to obtain virtually immediate consensus on two significant and connected initiatives: the European Union Pact on Migration and Asylum and the Union for the Mediterranean project. Closer scrutiny of these French priorities provides interesting insights into broader debates on the contested parameters of a European identity.



http://www.radicalphilosophy.com/default.asp?channel_id=2187&editorial_id=27456

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Ziller Jacques

Separation of Powers in the European Union's Intertwined System of Government. Treaty Based Analysis for the Use of Political Scientists and Constitutional Lawyers

in *Politico (II)*, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: Un'analisi del sistema di governo dell'Unione europea, svolta sulla base dei trattati costitutivi della Comunità e dell'Unione, conduce all'identificazione di cinque funzioni di governo, distribuite in un sistema complesso di controlli e contrappesi tra le istituzioni dell'Unione, e tra quelle dell'Unione e quelle degli stati membri. Queste cinque funzioni possono essere caratterizzate come funzione legislativa – trasformatasi da mera funzione normativa in una vera funzione legislativa –, funzione esecutiva ovvero di attuazione delle politiche comuni, funzione di sorveglianza, che consiste nel controllo giurisdizionale e nella vigilanza sul rispetto dei loro obblighi da parte degli stati membri, funzione direttiva, che combina indirizzo politico e programmazione, e funzione organica, cioè di sviluppo istituzionale. La nuova stesura delle rilevanti clausole dei trattati chiarisce la natura e la distribuzione delle cinque funzioni ed aiuta a comprendere il modo nel quale la separazione dei poteri è organizzata nell'Unione europea.

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Dragisic Petar

Serbia and European Union: A View from Brussels

in *Europe en formation (L')*, n. 349-350, automne-hiver , 147-157

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349DRAGISIC.pdf>

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Arregui Javier

Shifting policy positions in the European Union

in *European Journal of Political Research*, vol. 47, issue 6, october , 852-875

ABSTRACT: The most visible output of the European Union (EU) negotiation process is shifts in actors' policy positions. Shifts in actors' positions have relevant implications for understanding the EU decision-making process. On the one hand, actors' shifts in positions can be interpreted as evidence that negotiation actually has taken place. On the other hand, shifts in positions imply that there is a tendency to compromise for convergence upon a final solution. This article indicates the extent to which institutional factors and negotiation conditions can explain those shifts in actors' positions. A subset of the DEU dataset containing information on shifts in actors' positions on issues raised by 28 Commission proposals is examined. The research shows that shifts in positions can be explained by institutional factors such as the decision rule and the legislative procedure implemented, the voting power actors hold in the decision-making process and/or the type of policy instrument executed.



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Rimbert Pierre

Si tu veux l'Europe, prépare la guerre
in *Monde Diplomatique (Le)*, octobre , 2

<http://www.monde-diplomatique.fr/2008/10/RIMBERT/16370>

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Pichler Florian

Social-Structural Differences in Identification with Europe
in *Perspectives on European Politics and Society*, vol. 9, n. 4, December , 381-396

Most research on European identity in political science and sociology either applies a theoretical and/or normative framework or concentrates on the magnitude of identification. This study goes beyond this by exploring the socio-structural conditions of European identity. Instead of bluntly asking how many identify with Europe, we look at social stratification as a potential cause of identification with Europe. Using Eurobarometer data from more than 30 countries, we report considerable differences in identification with Europe according to almost every social divide. Characteristics such as gender, age, education, area of living and social class play important roles in this respect. Our research further shows different divides in European identity across different European countries. This emphasizes that in order to better understand European identity in the future we should examine its background rather than the magnitude and allocate resources to the cross-national study of European identity.

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Keukeleire Stephan

Solana's security review should introduce "structural" foreign policy
in *Europe's World*, Issue 10, Autumn

Javier Solana's review of the European Security Strategy's review now looms large. Stephan Keukeleire argues that much more than just an update it needs to reflect structural foreign policies that better reflect the needs of non-EU countries.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21277/Default.aspx>

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Cannizzaro E.

Sui rapporti fra sistemi processuali nazionali e diritto dell'Unione Europea



in *Diritto dell'Unione europea*, Anno: 2008 – Fascicolo: 3 , 447

No abstract available

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Cortese B.

Sui rapporti tra regolamento Bruxelles I, sistemi nazionali e convenzione di Lugano nell'ottica delle relazioni esterne alla Comunità. Considerazioni critiche a margine del parere 1/03 e della recente giurisprudenza comunitaria

in *Diritto dell'Unione europea*, Anno: 2008 – Fascicolo: 3 , pag. 533

No abstract available

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De Vries Catherine E.

Taking Europe To Its Extremes

in *Party Politics*, Volume 15, Number 1, January , 5-28

This article revisits the age-old debate about elite—mass linkages in the European Union (EU) by examining the way in which political contexts shape individual differentiation in Euroscepticism. We argue that the growing uncertainties about the future of European integration among national publics are increasingly politicized by Eurosceptical elites on both the extreme right and left of the political spectrum. To analyse the cueing effects of these extremist parties, we employ a two-level hierarchical linear model which combines individual-level and contextual data. We show that Eurosceptic cues are, indeed, found on both extremes, but for different reasons. Whereas right-wing extremist parties oppose European integration with the defence of 'national sovereignty' and successfully mobilize national identity considerations against the EU, left-wing extremist parties resist further integration in Europe on the basis of the neoliberal character of the project and effectively cue voters against the EU on the basis of economic insecurity arguments.

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Braun Mats

Talking Europe — the Dilemma of Sovereignty and Modernization

in *Cooperation and Conflict*, vol. 43, n. 4, december , 397-420

ABSTRACT: There is a significant amount of scholarly literature produced on the topic of the alleged legitimacy deficit of the European Union (EU). This article is based on the assumption that the legitimacy of the EU is shaped largely by the domestic discourses on European governance. Therefore the stories of the individual countries are crucial for our understanding of EU legitimacy as a whole. The article is an analysis of how the legitimacy of the EU is constructed and shaped in the Czech and Swedish political discourses. It is based on discourse analysis and the constant comparative method of grounded theory, and suggests that the discourses on European unity in the two countries are structured



around the nexus of modernization and sovereignty. Based on different constellations of this nexus, three ideal types are outlined: sovereignty unchallenged, sovereignty challenged and modernization unchallenged. In conclusion, it is suggested that the EU has been legitimized primarily as an instrument for modernization. Critics, however, base their argumentation on an underlying discourse on the sovereign people and on an understanding of the EU as a hindrance to progress. The advocates thus emphasize output-oriented legitimacy, while the critics are more concerned with input-based legitimacy.

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Bronzini Giuseppe

The "Return" Directive: European Values at Risk

in Federalist Debate (The), Year XXI, n. 3, November , 11-15

<http://www.federalist-debate.org/fdb/current/detail.bfr>

The individual who has lost his place in the political community risks to drop out of the boundaries of humanity - H. Arendt

Foreword

"Boundaries" are to Etienne Balibar "anti-democratic premises of democracy": on the basis of "frontiers", in fact, the fifty-year-long Pax Europea developed, a single market, a currency, in-embryo elements of a public power of a federal type were built, a European Bill of Rights was drafted, an efficient multi-level protection of fundamental rights developed, and a parliamentary Union created; moreover, many countries were taken from a pre-modern economic state to an active (and often very successful) participation in the greatest integrated system of trading exchanges in the world.

But it is beyond doubt that there have always been very unstable, mobile and elastic barriers, constantly brought into question; the majority of European citizens does not belong to the six founding countries, but to peoples once considered not involved in the original project of limiting national sovereignties. The very fact that negotiations are under way for the entrance of other Balkan countries or Turkey (and perhaps Ukraine too), that the French President has successfully launched the "Euro-Mediterranean" project, that we talk of the future State of Palestine and Israel as privileged partners of the Union, strongly conveys the feeling of "provisionality" of the territorial configuration of this unprecedented institutional body formed in 1957. Without mentioning the tight ties that presently hold together the Council of Europe (comprising as many as 47 States, many of them with strong "Asian" traits) and the EU.

For many of them the secret of Europe's success has been precisely the always-open and unaccomplished character of its integration project, a premise and anticipation for finally putting an end all over the planet to the stale and ever more problematic division in national States. The so-called globalization phenomenon makes the barriers separating the different countries ever more permeable and inconsistent, and shows how powerful the creolization and mixed-blood-generating processes are at a universal level. That is why people everywhere look at the supra-national and post-State public power being consolidated in the old continent as a model for world governance; other areas in the world are willing to group together, establishing common bodies that emulate the "communitarian quadrilateral". No one, however, can deny the "emergencies" that the immigration waves generate, the tensions they cause in the economic



and institutional balances in the States that are flooded by them, the difficulty that integration policies have in mediating between the universal nature of rights and the peculiarities to be protected or to be just taken into consideration. Immigration shall no doubt be governed and checked, and the heroic spirit of the "no borders" movements (even though they have solid arguments on their side) or the good intentions alone of "candid souls" (unfortunately quite rare in this case), heirs of the European Enlightenment tradition are not sufficient to face up to the challenge. Policies by all 27 states are needed, making use in a rational and efficient fashion, even in such a thorny field, of those competences the Union is already endowed with and have long been "communitized" due to their intimate connection with the oldest tenets of the "European juridical order". In 2005 we certainly saw in the Netherlands and maybe in France also, with regard to the "no" to the old Constitutional Treaty, how big an alarm the idea (often unproven) of "mass" immigration processes out of control and not checked can produce in the public opinion. There is not only the risk of arousing ancestral fears, breeding ground of xenophobic and nationalist movements, but also a terrible "security-claiming" competition among States to drive those who Hannah Arendt called "denizens" (non-citizens, deprived of rights) to look for other places.

However, it looks certain that the Union cannot adopt whatever type of policy, even in contrast not only to its best traditions of tolerance, to the ratio essendi of the European construction as the answer to the Nazi catastrophe of the years 1930-19401, but also to those juridical principles embedded in our common constitutional traditions and in the two European Courts' decisions, in some cases even inherited from the ancient "ius gentium" of Greek-Roman origin.

The so-called "Return" Directive approved in Brussels on June 18 after an agreement, defined as "a compromise", between the European Parliament and the Council, on "returning illegally staying third-country nationals", does not look consistent with such traditions and, despite some lukewarm improvements wrought by the Parliament, it has rightly been named "the directive of shame". The Parliament, in the premise to the deliberation emending its text², states that "this Directive respects the fundamental rights and observes the principles recognized in particular by the Charter of Fundamental Rights of the European Union" (better known as the Nice Charter), but - as we will say - it is reasonable to have doubts about that statement, and one may hope that the Court of Justice, that has already made reference to the Nice Treaty in eight sentences, will use precisely the European Bill of Rights - independently of the final ratification of the Lisbon Treaty, Art. 6 of the Treaty on European Union that imposes the formal, compulsory validity of the Charter - in order to cancel the most questionable norms of the directive in question.

Dignity trampled on

In official statements, after the issue of the directive, the officials wanted to stress the least disturbing aspect of the new norm; great emphasis was given to the so-called "promotion" of "voluntary departure". In fact, the European law provides that the illegal immigrant is given the chance to leave voluntarily the country within an "appropriate" period ranging between 7 and 30 days, and that this possibility must be made known once the repatriation decision has been taken. But this is not at all a right: in case of risk of absconding or dangerous behavior of the subject, this kind concession may be omitted or anyway revoked at any moment, or be subject to precautionary measures, among which the incredible payment of caution money. The term is so drastic that one may think that in actual fact it will be just a theoretical case, as we cannot believe that somebody will get to the point of requiring from a "boat people" survivor on the Sicilian coast a payment at the Post Office while awaiting to start his journey back (with which means?).

After the edifying Art. 6, the following Art. 7 takes care to go back to the "aim" of the initiative that the Union's popular-suffrage body ended up voting: the use of coercive measures is authorized for expelling the third-country citizen who "resists removal" (having added "as a last resort" is deprived of any special meaning because the only practicable alternative is the voluntary departure that was mentioned above). The word "resistance" is clearly used in a different



sense than normally understood, that seems to imply an active behavior of opposition, while in the great majority of cases those measures will be applied to individuals who are not in a position to take the first jet and go back to the countries they have been driven to leave to survive. European legislators, very kind of them, found it suitable to add that "the coercive measures shall be proportional and shall not exceed reasonable force. Measures shall be implemented as provided for in the national legislation, in accordance with fundamental rights and with due respect for the dignity and physical integrity of the third-country national concerned". Opportunities are offered to eventual interventions by the Court of Justice (and perhaps by that of Strasbourg), but for sure they could have done better; the States' discretion in the use of force remains too large, no criteria are given but the very general ones of the respect of dignity and personal safety³. The expression "in accordance with fundamental rights" is highly inappropriate (fundamental rights are observed or are not infringed). Art. 8 takes care of offering some more precautions for the removal of minors, including that they "will be returned to a member of his/her family" or "adequate reception facilities in the state of return", on the functioning of which - in countries where State structures are almost non-existent - one can have strong reservations. The return decision (Art.9) is an act in written form and motivated in fact and in law, but information may be restricted "in order to safeguard national security, defence, public security and the prevention, investigation, detection and prosecution of criminal offences"; against the decision "effective remedies" are allowed (Art.13) "before a competent judicial or administrative authority or a competent body composed of members who are impartial" [sic], which can temporarily suspend its enforcement. Moreover, the concerned person can obtain legal advice, free of charge on request. During the period for voluntary departure granted in accordance with Article 7, family unity with family members present in the territory is maintained; minors are granted access to the basic education system, and emergency health care and essential treatment of illness is provided; this last sinister provision seems intended to avoid that a "full" treatment of illness be an obstacle to a speedy repatriation.

But the core of the new discipline is no doubt the regime of "detention... in order to prepare return" (Art.14 and following): the third-country national for whom there is the risk of absconding or who "avoids or hampers the preparation of return or the removal process" may be kept in detention by administrative or judicial order for a period which may not exceed six months. When detention has been ordered by administrative authorities, a judicial review is possible. But that already abnormal period may be extended by national legislation to as many as 18 months "in cases where regardless of all their reasonable efforts the removal operation is likely to last longer due to a lack of co-operation by the third-country national concerned, or due to delays in obtaining necessary documentation from third countries". In sum, one year and a half of privation of personal freedom which is carried out "as a rule" in specialized temporary-detention facilities but, if not possible, even in penitentiaries tout court. To put a limit to a prison-type detention, it is foreseen that illegal immigrants shall be separated from ordinary prisoners, and families shall be provided with separate accommodation (but this provision too may be derogated from in emergency situations). Competent NGOs and international bodies shall have the possibility to visit detention facilities, but visits may be subject to authorization; nothing is added on the subject of penitentiaries. Those are the norms that most visibly violate the principles of personal dignity and respect of private and family life, that the directive asserts not to trample on. It is indeed a regime of absolute privation of freedom, resembling in all aspects a state of detention, and in fact it can be carried out in penitentiaries for an abnormal and unreasonable period of time. The directive does not give any indication about the treatment regime, therefore leaves total discretion to the States, a very questionable choice because, while *pleno iure* prisoners are generally protected by well-defined norms (subject also to the screening of the Court of Strasbourg), for immigrants there looks to be no rule whatsoever. Thus, there is the risk of putting in jeopardy the fundamental principles of modern right, like that of the non-punishability of objectively non-offensive behaviors (offensive are those behaviors that willfully or culpably impair interests and goods of juridical third parties) or of situations of mere personal status. The immigrant is detained up to one year and a half together with individuals for whom the commission of a crime has been ascertained or is being ascertained, with no indication about his treatment as a citizen of States not belonging to the Union (one



could add: with a judgment of presumed dangerousness), in the fallacious hope that the threat of such a long state of detention (with no rules) will act as a deterrent for the many guiltless, distressed people arriving at the Union's borders. In fact, even before being a violation of several articles of the European Charter of human rights, of the Nice Charter⁴ and of many decisions passed on this matter by the two supra-national Courts, the regression we are witnessing seems to put at stake the "sacred" right to (and its related duty of) hospitality that constituted the core of the ancient "right of the peoples (*ius gentium*)", asserting that a stranger shall not be considered and treated as a criminal, as a "presumed enemy", with reference only to his status as non-citizen of the State where he happens to be. Precisely the same European Union that for decades has been promoting in the field of cooperation-to-development policies the respect of human rights, requiring the third-world countries asking for subsidies to underwrite the so-called human rights clauses, goes as far as considering the citizens of those countries (once they have crossed the EU frontiers) the same as dangerous criminals, only for the fact that they tried to flee from the very conditions that the EU proclaims it wants to combat to their roots. On the other hand, many member States have, because of their shameful colonial past, a "special responsibility", to quote Habermas, towards the citizens of their former possessions, a responsibility they cannot shake off by simply enclosing themselves into the entrenched territory of a "fortress Europe".

In conclusion, this is a very sad page in continental history, of which the Strasbourg Parliament has made itself an accomplice too easily, wringing only some marginal norms on legal advice for individuals subject to a return decision and detained as criminals⁵. The "living" European constitutional system has contemplated for a long time "a judge in Berlin": but in order for a significant amendment to this text from a jurisprudential point of view to really be in a position to impose itself, it looks absolutely necessary that beforehand there be a clear critical stand taken by all the liberal, democratic and guarantee-friendly forces of the old continent, which brings forward once again the fundamental values of the European project.

1 On these roots, see the double special issue of German law journal vol. 2 and 3/2005: Confronting memories: European "bitter experiences" and the constitutional process (C. Joerges, P. Blocker and C. Engert eds.), and European integration in the shadow of Europe's darker pasts (D. Augenstein ed.); in a nice Adornian style, see C. Joerges, Working through bitter experiences towards constitutionalism. A critique of the disregard for history in European constitutional theory, WP EUI, n.15/2005, and also Dario Castiglione's reply: Comment on Joerges: are those who forget the past doomed to repeat its mistakes?, both in Law and democracy in the post-national Union, Arena report, n.1/2006, E. O.Eriksen, C. Joerges and F. Rödl eds.

2 Consideration n. 20

3 The principle of non refoulment is confirmed in the case of refugees, albeit in general the norms on the right of asylum and on refugee rights are out of the directive's application domain

4 In the first place there is to mention Art. 1 of the Charter: the protection of personal dignity

5 Those improvements are not sufficient at all to overturn the directive's sense, that for illegal immigrants contemplates in essence repatriation decisions only, keeping them in a semi-detention state and expulsion with the use of force. Defence guarantees find unfortunately a very limited application space, although certainly their inclusion in the text has made a little more guarantee-friendly the Council's original proposal

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Bee Cristiano

The 'Institutionally Constructed' European Identity: Citizenship and Public Sphere Narrated by the Commission



in *Perspectives on European Politics and Society*, vol. 9, n. 4, December , 431-450

This paper develops from a series of studies conducted in the last years which have considered the construction of the European identity and of the European public space. The assumptions of the social constructivist approach to the study of the European integration process, which has recently led the research in this field, will constitute the theoretical background to be discussed in the first part of this paper. The main argument is that the EU is self-representing itself and its own identity referring explicitly to concepts such as the public sphere and the European citizenship, and to a broad set of policies in areas such as information and communication, culture, education etc. Particularly, the aim is to show how the definition of the EU's identity given by the European Commission has changed depending this on the different contexts faced by the integration process and by the functionality of the concept of identity in order to integrate more and better the European citizens. In the paper it will be argued that from a concept of identity based on imagined elements, as it emerged in the 1980s, the EU's has recently proposed a definition of EU's identity based on civic features and strictly linked to a wider concept of democracy.

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Greiçevci Labinot

The Case of Kosovo: From “International Statebuilding” to an “Internationally Supervised and Independent Country”

in *Europe en formation (L')*, n. 349-350, automne-hiver , 189-203

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349GREICEVCI.pdf>

Section C) Regional integration processes

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Belavusau Uladzislau

The Case of Laval in the Context of the Post-Enlargement EC Law Development

in *German Law Journal*, Vol.9, n.12 , 2279-2308

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Loic Azoulai

The Court of Justice and the social market economy: The emergence of an ideal and the conditions for its realization

in *Common Market Law Review*, vol. 45, issue 5 , 1355-1385

ABSTRACT: The reference to “social market economy” introduced in the Lisbon Treaty seems to fit with the political theory guiding the Court of Justice in its recent decisions in Viking and Laval. Through these judgments, the Court promotes the ideal of a European Community which integrates not only in economic but also in social terms. The article discusses the practical ways and the legal means by which it realizes this ideal. First, the Court first has to make clear



the relevance of EC internal market law in the field of collective labour action (industrial action). The Court uses both the Directive on posted workers and the Treaty-based rights to economic freedom. Second, the Court has to reconcile market and social elements of the European integration. It uses a model of balancing of economic and social objectives. However, at both these two stages, difficulties arise.

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Wieser Angela, Dzihic Vedran

The Crisis of Expectations – Europeanisation as “acquis démocratique” and its limits. The case of Bosnia-Herzegovina and Serbia

in Europe en formation (L'), n. 349-350, automne-hiver , 81-98

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349DZIHIC.pdf>

Section C) Regional integration processes

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Thorpe Chris

The Distinguishing Function of European Identity: Attitudes Towards and Visions of Europe and the European Union among Young Scottish Adults

in Perspectives on European Politics and Society, vol. 9, n. 4, December , 499-513

This paper brings Bourdieu's trilogy of theoretical concepts habitus, capital and field to bear on the concept of European identity. By employing a framework analysis of secondary qualitative data in the form of in-depth interviews undertaken with young Scottish adults, it is hypothesised that individuals with knowledge or experience of Europe and European culture are more likely to positively identify with Europe and the European Union than those with either little or no knowledge or experience at all. The results support the hypothesis and the argument is advanced that social groups who stand little or nothing to gain from identifying with Europe are indeed highly unlikely to do so. The author offers specific suggestions for future research.

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Bénassy-Quéré Agnès; Turkisch Edouard

The ECB Governing Council in an Enlarged Euro Area

in Journal of Common Market Studies, Volume 47, Number 1, January 2009 , pp. 25-53

We study the impact of rotating votes in the ECB Governing Council after EMU enlargement, based on national and euro-wide Taylor rules and on a convergence assumption. We find that the rotation system yields monetary policy decisions that are close both to full centralization and to a voting rule without rotations.

Section C) Regional integration processes



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Jacoby Wade, Jones Christopher

The EU Battle Groups in Sweden and the Czech Republic: What National Defense Reforms Tell Us about European Rapid Reaction Capabilities

in *European Security*, Volume 17, Numbers 2-3, June , 315-338

This article fills an important empirical gap concerning a key building block of the EU's Headline Goal 2010, the EU Battlegroups. It asks whether the Battlegroup concept has been robust enough to drive significant changes in two smaller EU member state militaries. We find that it has, though with important qualifications, in the Swedish case, but much less in the Czech case. We stress the importance of linkages between the Battlegroup concept and the prevailing defense reform ideas in each state. We argue that Battlegroup deployment would lead to even greater transformation but that European leaders currently have not faced powerful incentives to deploy the kinds of precise assets the Battlegroups provide. The article also addresses both the fiscal priorities that hamper military readiness and delay deployments and the substantial and enduring gap between word and deed for which EU military efforts have become known.

Section C) Regional integration processes

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Dryburgh Lynne

The EU as a Global Actor? EU Policy Towards Iran

in *European Security*, Volume 17, Numbers 2-3, June , 253-271

This paper explores EU policy towards Iran to challenge the common implicit or explicit notion that the EU's 'actorness' in the international system rests primarily, or solely, on its Pillar I external relations. Utilising criteria developed to examine the 'actorness' of the EU, the article explores this policy area to demonstrate that the EU's 'actorness' resulted not only from the 'Community' aspects of foreign policy, but also from its Common Foreign and Security Policy (CFSP).

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Anastasakis Othon

The EU's political conditionality in the Western Balkans: towards a more pragmatic approach

in *Southeast European and Black Sea Studies*, vol. 8, n. 4, Special Issue: Europe's Unfinished Transitions: The Convergence-Divergence Debate Revisited , 365-377

The article discusses the nature of the EU's political conditionality in the Western Balkans, and the effort of the EU to manage the diversity of bilateral agreements in a small space with a mixed record of compliance. The Western Balkan region reveals special trends in the EU's handling of the strategy of political conditionality, and some creeping contradictions and dangers are beginning to reveal the changing nature and the limits of conditionality. More specifically, the EU (a) is adding further, yet necessary, political conditions and criteria to weaker or more reluctant partners and emphasizes the 'journey' rather than the outcome of accession, affecting the credibility of the strategy; (b) is blending together normative, functional and realpolitik claims in the choice of its conditions, affecting the clarity of its intentions; (c) is pursuing, in some cases, a rigorous assessment of compliance and, in other cases, a more adaptable and pragmatic assessment, affecting the consistency of the process. These Western Balkan trends are bound to become



more pertinent in future cases, as the EU gets more involved with other more difficult states in its eastern and southern periphery, and where the carrot of membership will be either very distant or irrelevant.

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Carta Caterina

**The EU's International Image As Seen by the Commission's Diplomats
in *European Foreign Affairs Review*, Volume 13, Issue 4 , 473-491**

This article aims to present an overall portrait of the Union as an international actor, as stemming from the visions that officials working in the delegations of the European Commission hold. The analysis proposed draws on different sources. First, an analysis of speeches, declarations, official statements and informative materials published on some 80 websites of the delegations. These websites propose a standardized presentation of 'the EU as a global player', which can help us to define the official position of the European Commission on the issue. An unofficial picture of the EU as a global player stems from the analysis of 48 semi-structured interviews. Although there is relative similarity in the presentation of the EU's international image, these official and informal interpretations are not always interchangeable.

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Fuest Clemens

**The European Commission's proposal for a common consolidated corporate tax base
in *Oxford Review of Economic Policy*, Volume 24, Number 4 , 720-739**

The European Commission is currently preparing a proposal for a directive on the introduction of a common consolidated corporate tax base (CCCTB). This paper reviews the current state of the European Commission's preparation of the CCCTB proposal and discusses the implications for efficiency and fairness of the tax system. The analysis concludes that more evidence of significant economic benefits from introducing a CCCTB would be required to generate widespread support for the project.

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Leigh James

**The European Phoenix emerges in the Post-Globalization Era
in *World Affairs*, Vol. 12, n. 3, Autumn**

Throughout history empires and their civilisations have come and gone. However, as argued by JAMES LEIGH, Europe as a unique civilisation (and recurring empire) has stood the test of time, surviving all wars and perils of the past. From this background the European Union may, under the stewardship of its leading nations, take up a central position in the present post-globalisation world of superpower rivalry.



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Lowery David, Poppelaars Caelesta, Berkhout Joost

The European Union Interest System in Comparative Perspective: A Bridge Too Far?
in West European Politics, vol. 31, n. 6, november , 1231-1252

ABSTRACT: Can we meaningfully compare within a single theoretical framework the politics of interest representation in the European Union with its counterparts in the United States and other national political systems? We address this question by first considering several candidate explanations for the lack of broad-ranging comparative research on interest representation, focusing in the end on the problem of context. We then argue that much of the recent progress in the literature is a result more of segmentation of theoretical issues. The third section discusses how this successful strategy of segmentation has unfortunately raised new theoretical barriers to comparative analysis. This argument is explored by comparing work on organised interests in the EU with two other cases - the hyper-pluralistic interest politics of the United States and the neo-corporatist politics of the Netherlands.

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Haukkala Hiski

The European Union as a Regional Normative Hegemon: The Case of European Neighbourhood Policy
in Europe-Asia Studies, vol. 60, n. 9, November , 1601-1622

This article analyses the European Union's European Neighbourhood Policy in the context of the European Union as an actor employing normative power in international politics. The European Neighbourhood Policy can be seen as a substitute for the Union's enlargement that has previously been the main vehicle for the Union's normative power in Europe. By relinquishing enlargement, the EU is in danger of losing its capacity for effectively stabilising its nearest neighbours as well as losing its legitimacy and justification in their eyes. The article discusses whether the European Neighbourhood Policy can be seen as a fruitful way out of the Union's present conundrum. It concludes that at least in its present form the Neighbourhood Policy is far from a panacea. It suffers from a lack of legitimacy as a result of its inability to answer the neighbours' calls for full political and institutional belonging in Europe.

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Lavenex Sandra, Wichmann Nicole

The External Governance of EU Internal Security
in Journal of European Integration, Volume 31, Number 1 / January , 83-102

This article analyses the modes of governance through which the EU seeks to ensure the European Neighbourhood Policy (ENP) countries' participation in the realization of its internal security project. Although the EU, given the strong interdependence in these 'soft security' issues, has strong incentives to govern by conditionality in order to ensure the ENP countries' compliance, efforts to transfer policies by such hierarchical means encounter serious limitations as a result of lack of supranational competence and insufficient incentives that the EU can offer third countries to compensate



for adaptation costs. By comparing Justice and Home Affairs (JHA) issues with different degrees of communitarization and representing different constellations of interests in relations with ENP countries, we find that the EU increasingly focuses on the extension of internal transgovernmental networks as an alternative form of external governance. Although theoretically allowing for horizontal patterns of co-owned cooperation, the integrative potential of these networks is hampered by the lack of mutual trust and institutional incompatibilities in ENP countries. As a result, extended network governance becomes an attempt at unilateral policy-transfer by 'softer' means.

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della Cananea Giacinto

The Italian Constitutional Court and the European Court of Justice: From Separation to Interaction?
in *European public Law*, Volume 14 (2008) Issue 4 , 523-531

No abstract available

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European Economy News

The Lisbon Process: strengthening the delivery of reforms
in *European Economy News*, October 2008 – Issue 11

How can the EU help Member States design the reform policies necessary to achieve higher economic growth and more jobs? Is the Lisbon Strategy effectively helping Member States? These and other questions lay at the heart of a conference – ‘Strengthening delivery of Lisbon structural reforms in the Member States – held on 19 September in Rome.

In Rome on 19 September, key policy-makers and representatives from EU and international organisations discussed how to enhance the effectiveness of the Lisbon Strategy of structural European economic reform with a view to boosting jobs and economic growth inside the EU.

In his keynote speech, Marco Buti, acting Director- General for DG Economic and Financial Affairs, linked the critical importance of structural economic reform not only to the future prosperity of the EU in general but also to the euro area in particular.

Need to accelerate reforms

He explained that whilst EMU has been a great success, more economic reform in the euro area would have made it even more successful. Productivity and potential GDP growth would have been improved and the substantial and persistent differences in inflation and growth that exist across Member States could have been reduced.

Looking ahead, Buti argued, three long-term challenges – globalisation, climate change and an ageing population – are going to make it even more important that Member States, especially euro-area Member States, make extra efforts to enhance the flexibility of their economies by intensifying economic reforms. However, those extra reform efforts cannot be delayed; current economic difficulties mean that Member States already need to be enhancing their economic flexibility if they are to be able to hold off a downturn whilst containing the inflationary effects of record food and oil prices.

However, Buti told the audience, Member States’ extra reform efforts needed to be well selected. Reforms specifically tailored to Member States’ particular needs in meeting the current economic climate should be the priority. Broadly, such



reforms would target economic resilience and adjustment capacity.

An evidence-based approach to reform

Naturally, tailoring reforms to individual Member States requires a good knowledge of their current state of reform and the progress that they are making. Lorenzo Codogno, Director-General of Economic and Financial Analysis and Planning at Italy's Ministry of Economy and Finance, and Chairman of the Economic Policy Committee's Lisbon methodology working group (LIME), and Gert-Jan Koopman, Director of Economic Service and Structural Reforms at DG Economic and Financial Affairs, made presentations on the progress Member States and the Commission have made to strengthen the analytical underpinnings of policy recommendations made under the Lisbon Strategy. In particular, they outlined the LIME assessment framework, which is a consistent, evidence-based analytical approach that can be used to compare, in the context of the Lisbon Strategy, the performance of EU Member States in terms of GDP and 20 policy areas affecting growth.

This analytical framework helps Member States assess the links between national reform policies and growth performance, as well as the channels through which reforms influence growth. In so doing, the framework and its underlying tools can be used to determine priorities amongst the different policy challenges facing each Member State. The framework also makes it possible to assess the reform effort required to tackle challenges in each policy area as well as the characteristics of successfully designed reforms.

The Rome conference served to inform experts and observers about the progress made in developing the analytical framework and to discuss how to advance it further.

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Duke Simon

The Lisbon Treaty and EU's external relations after the Irish referendum

in *World Affairs*, Vol. 12, n. 3, Autumn

The European Union is in an impasse following Ireland's rejection of the Lisbon Treaty by a referendum. Parts of the Lisbon Treaty can and should be salvaged for sound, democratic reasons. It may be tempting to see this as essentially an internal Brussels problem, but SIMON DUKE makes the case that it is in fact a debate about the future of the EU on the world stage and is therefore of importance to a wider international audience.

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Papier Hans Jürgen

The Lisbon Treaty: The Irish 'No'.: Europe's New Realism: The Treaty of Lisbon

in *European Constitutional Law Review*, Volume 4 - Issue 03 , 421-428

Institutional reforms – The principle of democracy: the European Parliament and the national parliaments – Bypassing unpleasant national debates by taking the European route – Reinforcement of protection of the subsidiarity principle: most valuable reform – Doubts on the effectiveness – Crucial weakness: creeping transfers of competences still possible



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Bermann George A.

The Lisbon Treaty: The Irish 'No'.: National Parliaments and Subsidiarity
in *European Constitutional Law Review*, Volume 4 - Issue 03 , 453-459

Comparative perspective – Guardians of subsidiarity in United States? Not senators, not state legislators – Contrast with EU – EU parliaments do double duty – COSAC – Re-entry of federal courts on the scene – In EU: possible lessening of pressure on European Court – Insufficient time

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Louis Jean-Victor

The Lisbon Treaty: The Irish 'No'.: National Parliaments and the Principle of Subsidiarity – Legal Options and Practical Limits
in *European Constitutional Law Review*, Volume 4 - Issue 03 , 429-452

Winner: national parliaments or European Parliament? – Differences between Lisbon Treaty and Constitutional Treaty – Latent rivalry – Lisbon innovation – National parliaments now actors in the Union? – Early warning mechanism as solution of compromise – Dual system of the two protocols: yellow and orange cards – Review – Compliance – Interparliamentary co-operation – Complexity of COSAC's involvement – Link between proportionality and subsidiarity – Conception of representative democracy – Position of the Court of Justice

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Morth Ulrika

The Market Turn in EU Governance—The Emergence of Public–Private Collaboration
in *Governance*, Vol. 22, n. 1, January , 99-120

The question asked here is how the horizontal relationship between public and private actors, with the overall aim of delivering public service, is squared with the requirement of democratic accountability according to the traditional model of command and control. Empirical analysis of the European satellite navigation program (Galileo), the European Investment Bank and health, and the European Financial market (the Lamfalussy model) shows that efficiency is at the forefront of the collaborations. Democratic accountability is assumed to take place because there is a formal chain of delegation. However, the private actors are not part of that chain and their accountability is never addressed. The market turn in European Union governance has opened up for private authority and emphasis of output legitimacy. It has not opened up for democratic reforms according to the very authority system of governance. We are dealing with a governance turn and yet it is still government.



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Antonsich Marco

The Narration of Europe in 'National' and 'Post-national' Terms: Gauging the Gap between Normative Discourses and People's Views

in *European Journal of Social Theory*, Volume 11, No. 4, November 2008 , 505-522

Among scholars and intellectuals, Europe is often celebrated as a postnational space, i.e. a space built around cosmopolitan values rather than culturally and/or ethnically specific factors. This view is also often sketched in normative terms, being rarely based on what people actually think of this post-national Europe. The present article essays to fill this gap, by focusing on two post-national questions: is European identity constructed in the absence of an Other? Does Europe stand for the separation of the 'cultural' from the 'political'? Relying on qualitative information collected in four regional case studies in Western Europe, this article maintains that the 'postnational' view finds expression also among people. Yet, it coexists with a 'national' view, which continues to shape how people see themselves and the world, Europe included. The article argues that it is exactly in the interaction, at times contradictory, between these two views that the normative idea of Europe as a post-national space should be analysed.

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Scopelliti Alessandro

The Political Decision-Making Process in the Council of the European Union under the New Definition of a Qualified Majority

in *Politico (II)*, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: Il presente lavoro analizza gli effetti derivanti dall'introduzione della nuova definizione di maggioranza qualificata nel Consiglio dell'Unione Europea, così come prevista dal recente Trattato di Lisbona. La nuova regola di voto prevede che una decisione sia adottata da una maggioranza di almeno 15 Stati che rappresentino il 55% dei paesi membri ed il 65% della popolazione. In particolare, tali effetti sono studiati con riferimento ad una nuova misura del potere di voto di ogni Stato membro, ideata al fine di considerare sia il criterio relativo alla maggioranza dei paesi sia il criterio inerente alla maggioranza della popolazione. L'applicazione di questa nuova metodologia consente di evidenziare taluni risultati in parte sorprendenti rispetto alla discussione politica avvenuta in sede internazionale: infatti, nel confronto con le precedenti disposizioni del Trattato di Nizza, i maggiori Stati, quali la Germania, la Francia, il Regno Unito, l'Italia, pur sostenitori della nuova regola di voto nel Consiglio, subiscono come singoli una rilevante perdita del loro potere di voto, mentre gli Stati minori vedono aumentare significativamente il loro potere di voto, e ciò in virtù dell'abolizione del sistema di ponderazione dei voti. Al tempo stesso, però, la nuova definizione del Trattato di Lisbona produce un più forte incentivo, per i quattro maggiori Stati dell'Unione, a realizzare un gioco cooperativo, finalizzato ad ottenere l'approvazione di decisioni da parte del Consiglio: infatti, una coalizione formata da questi quattro paesi può sempre bloccare qualunque decisione in Consiglio e può anche promuovere l'adozione di atti con il supporto di altri 11 Stati aventi solo l'11.33% della popolazione. In questo modo, i quattro grandi Stati possono esercitare un ruolo propositivo e decisionale molto importante nel processo politico del Consiglio. Ma tale possibilità dipende in modo



cruciale dalla loro disponibilità a cooperare. Altrimenti, se essi operano in modo autonomo, il loro potere politico in un'Unione Europea allargata risulta sensibilmente ridotto rispetto al passato.

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Borras Susanna

The Politics of the Lisbon Strategy: The Changing Role of the Commission in West European Politics, vol. 32, n. 1, January, 97-118

ABSTRACT: This article examines the politics of the Lisbon strategy before and after its major watershed reform in 2005, with particular attention to the role of the European Commission. Operating in an ambiguous partial delegation of power, the Commission changed from performing a strong administrative role in the 2000-04 period to performing a political role after 2005. The institutional analysis of this article combines contextual factors and internal factors for explaining this variation. The findings reveal that although internal factors play an important part in explaining change, they are highly related to contextual factors. More precisely, the ability of the Commission to unfold actively its ideological and normative leverage and unfold specific forms of procedural leverage after 2005 is highly related to the member states' decision to clarify the formal division of tasks between them and the Commission. In other words, situations of procedural ambiguity are not necessarily to the advantage of the Commission, since it does not invariably have the ability to use this ambiguity in its favour.

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Atesoglu Guney Nursin

The Region-Building Practices of the EU in the Mediterranean: The EMP and ENP, What is Next? in European Security, Volume 17, Number 1, March, 123-139

In this paper, the focus will be on the EU's region-building practice in the Mediterranean via an evaluation of the successes and failures of the EMP, ENP and operations under the ESDP. With this aim in mind, some general approaches to region-building and how the Mediterranean is defined will be briefly examined. Drawing on the experiences of the Union on the ground, an assessment will be made as to what the next move of the Union in the Mediterranean will be in order for it to realise the aims stated in the Union's Security Document.

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Hepburn Eve

The Rise and Fall of a 'Europe of the Regions' in Regional and Federal Studies, Volume 18, Number 5, 537-555

This article explores the diverse ways in which parties operating in regional contexts have responded to, interpreted, and used the imagery of a 'Europe of the Regions' to advance their territorial demands. It is demonstrated that parties have not had consistent positions on Europe, rather, they have exhibited a cyclical quality, moving back and forth in response



to perceived opportunities for regional action in Europe. Whilst many parties were cautious of Europe in the late 1970s, by the early 1990s there was a convergence of regional party support for a 'Europe of the Regions'. This goal was advocated by minority nationalist and state-wide parties alike, causing the former to moderate their claims and the latter to strengthen their territorial demands. However, growing frustration with the apparent neglect of regional interests in the European project caused parties to revert back to earlier or more Euro-sceptical positions in the late 1990s, heralding the decline and fall of a Europe of the Regions.

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Lynch Peter, De Winter Lieven

The Shrinking Political Space of Minority Nationalist Parties in an Enlarged Europe of the Regions
in *Regional and Federal Studies*, Volume 18, Number 5 , 583-606

From the late 1980s, European integration has been seen to have benefits for minority nationalist parties in terms of setting the political agenda, reinforcing the role of regional governments and providing second-order electoral opportunities at European elections. However, recent EU enlargements have produced a negative environment for minority nationalist parties, evident in the loss of support and MEPs in the 2004 European election. This article examines the development of minority nationalist parties at the European level since 1979, and evaluates different potential explanations for the demise of the party family since 2004.

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Holslag Jonathan

The case for a single European development agency
in *Europe's World*, Issue 10, Autumn

The days when Europe's plethora of aid donors exerted significant influence in recipient countries are fading, says Jonathan Holslag. He proposes centralising the EU's development cooperation into one that would rival USAID and counterbalance the growing aid weight of China, Russia and Brazil.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21268/Default.aspx>

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Georgiadis George G.

The convergence-divergence debate revisited: framing the issues
in *Southeast European and Black Sea Studies*, vol. 8, n. 4, Special Issue: Europe's Unfinished Transitions: The Convergence-Divergence Debate Revisited , 313-323

No abstract available



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Bourcier De Carbon Philippe

The demographic implosion of the European Union and its geopolitical implications

in *World Affairs*, Vol. 12, n. 3, Autumn

PHILIPPE BOURCIER DE CARBON examines American post-war hegemonism and the fundamental ambiguities of European construction: from the will to independence (1957-73) to the growing submission to Anglo-Saxon tutelage (since 1973). The author then highlights the pervasive but often overlooked effects of the reversal of the age pyramid, leading to the rapid ageing of EU countries in the context of galloping immigration from poorer, more fecund and youthful nations.

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Caporaso James A.; Kim Min-hyung

The dual nature of European identity: subjective awareness and coherence

in *Journal of European Public Policy*, Volume 16 Issue 1 2009, 19 - 42

We conceptualize European identity as a dual concept (subjective awareness and coherence) that contains both perceptual and behavioral components. We provide a set of indicators for European identity and analyze the data to assess changes in European identity over the last 50 years. Our goal is to offer a conceptual framework and method of assessing identity in an empirically sensitive way. Our findings show that EU citizens have multiple identities of which EU identity is part and that there is strong evidence for the development of a coherent EU. We suggest that future research pay attention to a broader range of indicators than examined here.

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Rittberger Berthold

The historical origins of the EU's system of representation

in *Journal of European Public Policy*, Volume 16 Issue 1 2009, 43 - 61

Students of European integration have come to argue that the European Union (EU) is a system of 'compounded' or 'mixed' representation characterized by the presence of different forms and styles of political representation which reflect the ideas and strategic interests of various groups of actors and institutions. The EU's system of representation did not come about by fiat. Among the founders of Europe's first supranational community, the European Coal and Steel Community (ECSC), ideas about appropriate institutional mechanisms to represent different sets of interests were hotly contested. This article traces the origins of the EU's system of representation by sketching the answers given by the 'founding fathers' of the ECSC to questions about which interests should be represented in the nascent ECSC and how the representation of these interests should be institutionally manifested. It also takes issue with the current debate about the 'democratic challenge' faced by the EU's system of representation and offers a set of research questions which could help to advance the research agenda.



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Nicoll Alexander

The long, hard slog of strengthening Europe's defence capabilities

in *Europe's World*, Issue 10, Autumn

EU countries' armed forces have made some significant strides in reforming and streamlining themselves since Cold War days, says Alexander Nicoll. But he also charts the distance they have still to travel.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21276/Default.aspx>

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Warntjen Andreas, Hix Simon, Crombez Christophe

The party political make-up of EU legislative bodies

in *Journal of European Public Policy*, Volume 15 Issue 8 2008, 1243 - 1253

This research note provides an overview of the party political make-up of EU legislative bodies for the period 1979-2004 (Commission: 1979-2007) in terms of the left-right and pro-/anti-Europe dimensions. The various methods of measuring political positions are discussed and compared. Measures for the left-right dimension based on party manifestos and expert surveys are relatively strongly correlated for the time period. This is not the case for the pro-/anti-Europe dimension. The dataset is available via the homepage of the European Legislative Politics Research Group (www.elprg.eu).

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Ozdemir Durmus, Bayar Ali

The peace dividend effect of Turkish convergence to the EU: a multi-region dynamic CGE model analysis for Greece and Turkey

in *Defence and Peace Economics*, Volume 20 Issue 1 2009, 69 – 78

This paper examines the peace dividend effect of Turkish convergence to EU membership. By employing a multi-region dynamic CGE model, we examine the prospect for conflict resolution if Turkey becomes an EU member. The model allows us to analyse several scenarios that imply varying amounts of reduction of the military expenditure/GDP ratios. On the one hand, this change will cause a decrease in sectoral demand for military expenditures, while on the other hand, reallocation of the reduced expenditure on (i) education, (ii) tax decrease, and (iii) infrastructure, should have a huge growth impact. Our dynamic CGE simulation experiments emphasize the economic gain for all parties involved.

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Vaubel Roland

The political economy of labor market regulation by the European Union

in *Review of International Organizations (The)* , vol. 3, n. 4, december , 435-465

ABSTRACT: Since the introduction of qualified majority voting, at least 58 labor regulations have been imposed by the European Community/Union. Three types of explanations are considered: i) the asymmetry of the EC budgetary process, ii) regulatory collusion and iii) the strategy of raising rivals' costs. Collusion and the strategy of raising rivals' costs are compared in a two-country game-theoretic model with international capital mobility. The empirical analysis shows that the transition to qualified majority voting was not preceded by a striking tendency of competitive national deregulation. In all cases in which a directive was contested, the UK was among the contestants. Various indices show that the UK has the least regulated labor market. More generally, the anti-regulation coalition also includes Ireland, the Scandinavian countries and the Netherlands. There are examples showing that if the coalition is too small to block the regulation, its members prefer not to record their dissent officially. In most investigated cases, the European labor regulation is more restrictive than most but not all prior national regulations. The empirical analysis demonstrates that the strategy of raising rivals' costs plays an important role in EU labor regulation.

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Luther Kurt

Towards Stratarchy? European Integration and the Intra-party Power of Austrian MEPs and Delegation Leaders

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 253-272

This article examines the impact of Austrian membership of the European Union on the intra-party power of MEPs and EP delegation leaders. It provides a preliminary evaluation of the Austrian part of the first systematic crossnational study of politically "relevant" west European parties' organizational adaptation to European integration. The main data source is the Austrian part of that study's standardised postal questionnaire, administered by the author to selected party elites in 2004 and 2005. Those findings are complemented by insights derived from the in-depth semi-structured interviews with Austrian party elites which he conducted for the study during the same period. The paper concentrates on MEP and delegation leader selection; these actors' career paths before and after their EU-level role and on the degree of autonomy from their party which MEPs and delegation leaders enjoy when acting at the EU level. This involves considering ex ante and ex post accountability mechanisms to which they are subjected, as well as their levels of discretion. The article finds that MEPs and delegation leaders enjoy considerable autonomy from their party principals when operating at the EU-level, but few are able to convert this into broader intra-party power.

Section C) Regional integration processes

Subsection 6. The European unification process

Hix Simon

Towards a partisan theory of EU politics

in *Journal of European Public Policy* , Volume 15 Issue 8 2008 , 1254 - 1265

A decade ago parties were largely absent from research on and theories of EU politics. The role of parties is now a



central part of the research agenda, particularly in the area of EU legislative politics. The new research on parties in EU politics has made significant theoretical contributions, led to the collection and dissemination of new datasets, and employs some of the most advanced statistical methods in contemporary European political science. What is still missing, however, is a general theory of the role and impact of political parties, which helps to explain actors' behaviour in EU politics in a range of situations. This paper sketches some of the basic elements of what might be called a 'partisan theory of EU politics', starting from a discussion of how the policy and office incentives of national parties are shaped by the EU's 'upside-down polity'.

Section C) Regional integration processes

Subsection 6. The European unification process

Wenneras Pal

Towards an ever greener Union? Competence in the field of the environment and beyond
in **Common Market Law Review**, vol. 45, issue 6 , 1645-1685

ABSTRACT: It is well known that the European Court of Justice has played an active role in shaping EC environmental law. Community competence in the field of the environment was in fact established by the Court in the *Adbhu* case (Case 240/83), and recent case law indicates that the Court has not grown less bold. This article examines environmental case law from the last five years through the prism of competence (EC vs. EU competence, EC vs. Member State competence, and EC competence vs. international obligations). Several of the cases have implications beyond the field of the environment, not only because of the horizontal dimension of environmental protection, but also since the judgments may give more general indications as to the Community judiciary's position on distribution of powers and its affinity for teleological interpretations in order to ensure the effectiveness of Community law. Although the case law could be seen as an expression of a more general pursuit of an ever closer union, the author suggests that it above all reflects the importance which the Court awards environmental protection and a conviction that broad Community powers are necessary to ensure its effectiveness.

Section C) Regional integration processes

Subsection 6. The European unification process

Yang Xiepu

Transformation of the roles of social partners through EU governance
in **Asia Europe Journal**, Volume 6, Number 2 / June , 441-453

The EC/EU institution-building has changed the preferences, interests and ideas of the social partners, and thus attracted them into the "European social policy community". Under the "Community method", the traditional mode of EU governance, the social partners developed social dialogues, participated in the Tripartite Conferences and provided consultations for legislation. Along with the signing of the Maastricht Treaty, the social partners at the EU level have gained the right to participate directly into the legislating procedure recurring to social partnership. Under the Open Method of Coordination (OMC), the new mode of EU governance, the social partners, together with the civil society, are playing pivotal roles in the formulation, implementation, and overseeing EU policies. This paper intends to make a detailed analysis of the different roles played by the social partners under the three types of decision-making mechanisms, that is, the normal legislating procedure, the social partnership procedure and the OMC, thus trying to illustrate some of the characteristics of EU governance.



Section C) Regional integration processes

Subsection 6. The European unification process

Mariscal Berástegui Nicolás

Tratado de Lisboa: reforma institucional sin aliento constitucional

in *Cuadernos europeos de Deusto*, n.39 , 103-135

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Bartoloni M.E.

Un nuovo orientamento della Corte costituzionale sui rapporti tra ordinamento comunitario e ordinamento italiano?

in *Diritto dell'Unione europea*, Anno: 2008 – Fascicolo: 3 , 511

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Napolitano Giorgio

Una politica estera comune dell'Unione europea

in *Affari Esteri*, Anno XL, n. 160 , 721-723

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Banaszak Wroclaw Bogulaw

Ventajas e inconvenientes de la Carta de los Derechos Fundamentales de la Unión Europea

in *Persona y derecho*, n.58 , 19-44

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Duchesne Sophie

Waiting for a European Identity ... Reflections on the Process of Identification with Europe

in *Perspectives on European Politics and Society*, vol. 9, n. 4, December , 397-410



This paper questions the introduction, in the mid-1990s, of the concept of European identity for the analysis of citizens' attitudes towards European integration. It argues that this notion was imported from social psychology without appropriate theoretical adaptation to the political democratic nature of the social group that a European polity would be. As a consequence, the current notion of European identity does not contribute very much to an understanding of the long-standing national and social differences of citizens' attitude towards the EU. The paper argues that for the time being, the identification process with a work-in-progress European polity should be conceived following three principles: First, European identity refers to a democratic community, that is, a special kind of social group whose vocation is self government. Thus, the link between citizens matters as much as differentiation with the others. Second, European identity is very definitively a work in progress. Lastly, it is developing in industrial societies, characterised by growing individualism but also remaining strong national identities. Building on Tilly's concept of identity and major works on national identity, this paper suggests a concept of identification with Europe that acknowledges the complexity of competitive processes at stake in identity change.

Section C) Regional integration processes

Subsection 6. The European unification process

Höreth Marcus

**Warum sich der Europäische Gerichtshof einfach nicht stoppen lässt
in Recht und Politik**, 44. Jahrgang, Heft 4, 2008 , 195-198

No abstract available

Section C) Regional integration processes

Subsection 6. The European unification process

Barthalay Bernard

**What Freedom for Europe?
in Federalista (II)/Federalist (The)**, Anno L, n. 1 , 70-93

http://www.euraction.org/revfiles/1_08.pdf

Section C) Regional integration processes

Subsection 6. The European unification process

Spanning Reingard, Wallace Claire, Datler Georg

**What Leads Young People to Identify with Europe? An Exploration of the Impact of Exposure to Europe and
Political Engagement on European Identity among Young Europeans**
in Perspectives on European Politics and Society, vol. 9, n. 4, December , 480-498

The paper looks at young people's sense of being European in a number of European regions: Madrid and Bilbao, Vienna and Vorarlberg, Manchester and Edinburgh, Chemnitz and Bielefeld, Prague and Bratislava. We considered the ways in which 'exposure' to Europe through travel and speaking languages as well as cognitive mobilisation through discussing politics made young people aged 18-24 more European. However, the most important factor in differentiating ideas of Europe was the region itself with people in Central European regions (Austria, Germany, Czech and Slovak Republics) having much stronger European identification than those in peripheral regions (Spain and the UK). These



ideas are explored using both quantitative and qualitative data from the regions and the explanations advanced are framed in terms of a theory of 'entitativity' or people's identification with something beyond themselves.

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Subsection 6. The European unification process

Boehnke Klaus, Fuss Daniel

**What Part Does Europe Play in the Identity Building of Young European Adults?
in Perspectives on European Politics and Society**, vol. 9, n. 4, December , 466-479

With Inglehart's work on values and European identity as a starting point, and based on a representative survey of 18- to 24-year-olds from 10 cities in six European countries (Austria, Czech Republic, Germany, Slovakia, Spain, and the United Kingdom), the present paper analyses the meaning and relative importance of identification with Europe in comparison with other identification objects. Analyses of covariance and cluster analyses reveal that geo-political entities (like Europe, one's home country, one's region of residence, or one's birthplace) all draw similar ratings as to their importance for one's identity, and that this importance is low to at most medium high, with friends, partners, family, job and educational attainment of a much higher importance. In spite of the fact that the importance ratings for identification with geo-political entities are positively correlated with each other, they predict ethno-centrism differentially, identification with one's country being a positive, identification with Europe being a negative predictor of ethno-centrism (as revealed by multiple regression analyses). This finding leads the authors to theorize that on the Inglehartian continuum from survival values to self-expression values, national and European identity have dual meanings as expressions of value orientations, national identity overlapping in meaning with survival values, but also with European identity, and European identity overlapping in meaning with self-expression values, but also with national identity.

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Subsection 6. The European unification process

Fan Yongpeng

**What makes the European identity?
in Asia Europe Journal**, Volume 6, Number 2 / June , 413-425

This paper aims to find out the factors that affect the formation of European identity, by which the author means a self-identification of individual citizens of the EU member states with this supranational entity. Following a comprehensive and critical review of the main approaches which try to explain the formation of European identity, i.e. the essentialist, rational choice, functionalist, social-psychological, social-constructivist, and neo-institutionalist approaches, the author establishes his hypothesis: what matter most in the shaping of a European identity are the factors of rational choice and institutional construction. This hypothesis is being examined with statistical analyses on the Eurobarometer Trend File Database, as well as against historical experiences.

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Subsection 6. The European unification process

Hellstrom Johan

**Who leads, who follows? Re-examining the party-electorate linkages on European integration
in Journal of European Public Policy** , Volume 15 Issue 8 2008 , 1127 – 1144



This article re-examines and evaluates the link between electorates' opinions and national political parties' positions on European integration, i.e. the extent to which political parties lead and/or follow public opinion on this issue. Applying a method for causal modelling (Granger causality tests) to panel data concerning political parties' positions and voters' opinions in 15 countries from 1973 to 2003, I find (contrary to previous investigations of this relationship) that there is little empirical support for an electoral connection or reciprocal causation between party positions and electorates' opinion regarding European integration. Parties have an influence on voter opinions, but are at the same time unresponsive to changes in voter opinion.

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Subsection 6. The European unification process

Treib Oliver

Zwischen Parteipolitik und nationalen Interessen: Regierungs-Oppositions-Gegensätze im EU-Verfassungskonvent

in *Oesterreichische Zeitschrift für Politikwissenschaft* , 2008/3 , 337-356

Between Party Politics and National Interests: Government -Opposition Cleavages in the EU Convention

This article analyses the cleavages that structured the debates within the Convention on the Future of Europe. Taking the positions on the institutional rules governing EU social policy as an empirical example, it addresses the question of whether these positions were determined by party politics or national interests. The article also looks at how the delegates' different institutional backgrounds impacted on their positions. A statistical analysis of a new dataset on the positions of conventionists towards EU social policy expansion shows that overall, delegates' positions were determined by a mixture of party politics and national interests. At the same time, there are institutional effects separating representatives of government parties, who tended to stress national interests, from actors representing opposition parties, who acted more according to a party political logic. Different types of accountability vis-à-vis domestic voters may account for this variation.

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Subsection 6. The European unification process

Wittinger Michaela

„Europäische Satelliten“: Anmerkungen zum Europäischen Agentur(un)wesen und zur Vereinbarkeit Europäischer Agenturen mit dem Gemeinschaftsrecht

in *Europarecht*, Volume 43, Issue 5, 2008 , 609-627

No abstract available

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation

Boumellassa Houssein, Ramos Maria Priscilla

Accords bilatéraux: comment l'UE élargit ses horizons commerciaux



in *Lettre du CEPII*, N° 281 Septembre

En marge du processus de libéralisation multilatérale des 153 membres de l'OMC, les politiques commerciales n'ont cessé d'évoluer au niveau régional et bilatéral. L'Union européenne (UE), parallèlement à son engagement au sein du cycle de Doha, cherche à consolider ses relations commerciales avec certains partenaires, via des accords bilatéraux. L'UE négocie notamment avec deux groupes de pays : le MERCOSUR et l'ASEAN. Les termes de la négociation font de l'accord en vue avec le MERCOSUR une sorte de Doha miniature ; avec l'ASEAN, il s'agit de dépasser les propositions multilatérales, notamment dans le domaine des services. Des simulations effectuées avec le modèle MIRAGE permettent de préciser les enjeux de ces deux projets.

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Subsection 7. Inter-regional Cooperation

Lee Bernice, Mabey Nick

An EU-China pact is key to a global climate deal

in *Europe's World*, Issue 10, Autumn

Europe and China have much more in common on both energy security and the climate change issue than is generally realised, say Bernice Lee and Nick Mabey. They set out the elements of a close new partnership.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21261/Default.aspx>

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Subsection 7. Inter-regional Cooperation

Robles Alfred C.

An EU-ASEAN FTA: The EU's Failures as an International Actor

in *European Foreign Affairs Review*, Volume 13, Issue 4 , 541-560

The relative speed and ease with which the EU and ASEAN reached an agreement in 2007 to initiate negotiations for a free trade agreement may create the impression that this constituted a success for the EU's Asia strategy. In reality, the launching of negotiations represented a series of failures for the EU. By 2007, neither of the two conditions the EU had a few years before set for such negotiations (a convergence between EU and ASEAN regulations and the successful conclusion of WTO negotiations) had been fulfilled. Moreover, the EU was compelled to accept the ASEAN format for negotiations implying the participation of Myanmar, at a time when repression in Myanmar had intensified and the EU had renewed its sanctions against the latter.

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Subsection 7. Inter-regional Cooperation

Wiessala Georg

Asia-Europe and the emerging Global Knowledge Village

in *World Affairs*, Vol. 12, n. 3, Autumn

The growing economic, cultural and scientific might of Asia is forcing a reassessment of China, India and other Eastern



nations within the European Union and fostering the EU's will to engage these new powers by building frameworks for dialogue and cooperation. GEORG WIESSALA reviews the various notions that Europe and Asia have historically held about each other. The traditional political and economic relations are always in need of strong cultural counterparts which can help shape "knowhow based" cooperation and provide diplomacy with a "people to people" dimension, supplementing indepth intellectual communication.

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Korkmaz Visne

Constructing the Mediterranean in the Face of New Threats: Are the EU's Words Really New?

in European Security, Volume 17, Number 1, March , 141-160

Since the end of the Cold War, the discourses and practices of the EU towards the Mediterranean have emerged as an important area of study with regard to attempting to explain and analyse how Europe and the Mediterranean are reconstructed. This mutual reconstruction of two selves in the so-called Mediterranean relationship appears as a new type of praxis, a broadened self, following the model of European success in forming a regional security community. However, since the 9/11 terrorist attacks, the Mediterranean idea has been constructed by exploiting the new threats facing the West and Europeans. In this paper it is assumed that the discourse and practice of the EU in constructing the Mediterranean self can be seen as an extension of long-standing European policies of constructing Europe as an area of security. In the light of this evaluation, this paper focuses on the threat perceptions of the EU, the related power asymmetries in the Mediterranean relationship and the enduring asymmetry in the perception of the European and Mediterranean self in the face of 'new' insecurities.

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Subsection 7. Inter-regional Cooperation

Zhang Jun

EU in ASEM: its role in framing inter-regional cooperation with East Asian countries

in Asia Europe Journal, Volume 6, Number 2 / June , 487-505

This study is an institutional analysis that aims at answering the questions: What are the underlying rules or principles of the existing structure within ASEM? What will be the results of functioning of this mechanism? What do these results imply on the future relations of the two regions? The institutional structure of ASEM is based on four main principles: promoting regional integration, enhancing multilateralism inside and outside ASEM, decentralizing transnational cooperation and promoting issue-specific dialogue, and basing all activities, dialogues and discussions on willingness of members. As a consequence, the functioning of this mechanism leads to consolidation of multilateral structure in East Asia as well as to a promotion of knowledge-based policy discussion. The ASEM process have not realized a partnership among equals; rather it put the European members in an advantageous position vis-à-vis the Asian partners because Europeans are well-coordinated, able to mobilize more resource and equipped with various expertise.

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Subsection 7. Inter-regional Cooperation

Kirpalani Arjun Vishnu



India and the European Union: Trade and Investment trends

in *World Affairs*, Vol. 12, n. 3, Autumn

The European Union is the largest economy in the world. Its gross domestic product is larger than the United States' and its population is greater than that of North America. From its central location between Asia and the Americas, it has the potential to strengthen its links with Asian markets, especially India and China. From the Indian perspective offered by ARJUN VISHNU KIRPALANI these links could take the form of foreign direct investment by large European multinational corporations that see the potential of India as a supplier of global inputs—making their supply chain more cost effective—and as a country offering additional economic benefits

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Subsection 7. Inter-regional Cooperation

Rossetti Di Valdalbero Domenico, Aydemir Melis

La Méditerranée au cœur des politiques énergétiques et environnementales de l'UE?

in *Revue de l'Union européenne/Revue du Marché Commun et de l'Union européenne*, n. 522, octobre-novembre , 597-604

The Mediterranean is an emblematic region of several socioeconomic, environmental and energy-related challenges: population pressure from the South and preferred connection on the Africa-Europe migratory route; a sensitive point for the issues of "water and climate change"; and above all, key region for the European Union (EU) of the big energy issues of today and tomorrow. With nearly three quarters of the black gold imported into the EU passing through the Mediterranean, the Mare Nostrum acts like an oil hub. It also plays a major role for the supplies of natural gas, whether via gas pipelines or liquid natural gas tankers from Algeria, the Middle East or the Caspian sea. In fact, the South and the East of the Mediterranean display a considerable renewable energy potential, both in terms of solar and wind capacities. In short, the Union for the Mediterranean, an extension and consolidation of the Barcelona Process, is not only welcome as a response to the stability, peace and development challenges in the region, but also as an instrument for implementing the EU's emerging policy regarding energy and climate.

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Subsection 7. Inter-regional Cooperation

Lebullenger Joël, Perrin Stéphane

Les accords de partenariat économique: un nouveau modèle pour les relations commerciales avec les ACP

in *Revue de l'Union européenne/Revue du Marché Commun et de l'Union européenne*, n. 522, octobre-novembre , 605-617

Whilst the conclusion of economic partnership agreements (EPA) between the European Union and the countries of the African, Caribbean and Pacific group (ACP) seemed to be in jeopardy, several agreements were signed at the end of 2007 and the beginning of 2008. This revival of EPA negotiation means the end of a process started in 2002 is now in sight, process which should have ended, due to the pressure exerted by the WTO, on the 31st October 2007. However, there are still a number of uncertainties. On one hand, the agreements signed are mostly "stepping stone" agreements: thus the partners still have to agree on full ones that go beyond the mere trading of goods and which involve regional ACP integration. On the other hand, the impact of EPAs on ACP regional economies and integration is still a matter of controversy



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Subsection 7. Inter-regional Cooperation

Le Corre Philippe

Partnering China

in Europe's World, Issue 10, Autumn

China's growing economic strength is creating new competitive challenges, but rather than go head-to-head with this emerging power Philippe Le Corre argues that Europe and the US should jointly engage in a wider and more co-operative dialogue with China.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21258/Default.aspx>

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation

Claude Gérard

Pour un bon usage de l'Union pour la Méditerranée

in Politique internationale, n. 121, automne

Several months after the Paris summit of July 13 that marked the beginning of a Mediterranean Union, what is the state of this ambitious project? Was the idea, launched during the French presidential campaign, merely an electoral gambit? Or is it a coherent, consistent plan, designed to revive a ten-year-old European-Mediterranean partnership, constantly patched together with a string of additions and corrections until it broke down? What, concretely, does this project amount to, following several months of exchanges, negotiations, compromises and adjustments? And why did Nicolas Sarkozy make it one of the two key planks of his foreign policy? Is it a mere presidential desire to write his chapter of history, as did the founding fathers of the European Union, or is there some hidden strategic agenda of a quite different nature? Gérard Claude explores the underside of this vastly ambitious project.

http://www.politiqueinternationale.com/revue/article.php?id_revue=121&id=757&content=synopsis

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation

Lenzi Guido

Quale Unione per il Mediterraneo?

in Affari Esteri, Anno XL, n. 160, 805-814

No abstract available

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation



Soo Yuen Chong, Jung Hur

Small Hubs, Large Spokes and Overlapping Free Trade Agreements

in *World Economy*, Volume 31 Issue 12 , 1625 - 1665

The proliferation of overlapping free trade agreements (FTA) in recent years has led to pair-wise hub-and-spokes (HAS) throughout the world. Being avid subscribers to FTAs, many countries in the Asia-Pacific region, including the United States, Japan, Singapore, South Korea, Thailand and Australia, have become trade hubs to their partners who are in turn relegated to spoke status. In this paper, we question whether being a hub is welfare optimal for a small and open economy such as Singapore compared to membership in a single bilateral FTA or a multi-member free trade zone. Within this context, we use a computable general equilibrium model to examine the welfare implications of the triangular trade relationship of the United States, Singapore and Japan. This is facilitated by the Japan–Singapore Economic Partnership Agreement, the USA–Singapore Free Trade Agreement, and a hypothetical USA–Japan Economic Partnership Agreement. The analysis is extended to incorporate 'super-hub' effects, that is, the spoke countries could be trade hubs in other HAS systems. Our experiment reveals that hub status generates positive welfare gain and is the highest Singapore can get from the trade configurations considered. Meanwhile, Japan loses more than the USA when both are relegated to spoke status. These findings prove to be robust under different market structures and production technologies, deeper economic integration, 'super-hub' effects, as well as uncertainty in the key model parameters and the extent of trade liberalisation shocks.

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Subsection 7. Inter-regional Cooperation

Beckouche Pierre

The Mediterranean Union's first step must be a two-way energy deal

in *Europe's World*, Issue 10, Autumn

The aim of the new Union for the Mediterranean must be more than simply to provide a reliable source of oil and gas for Europe, says Pierre Beckouche. Europe and southern states have to create an industrial partnership that is a model for renewable energy efficiency.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21282/Default.aspx>

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation

Klimis Vogiatzoglou

The Triad in Southeast Asia: What Determines U.S., EU and Japanese FDI within AFTA?

in *ASEAN Economic Bulletin*, Volume 25, Number 2 , 140-160

By estimating three panel data models, the paper examines empirically the determinants of outward FDI of each Triad economy within the AFTA regional integration area over the 1995–2004 period. From the AFTA members' perspective, our econometric analysis provides information on the deterministic factors of inward FDI within AFTA originating from the United States, EU, and Japan. Our findings indicate that the FDI determinants and their relative importance differ to a considerable extent across the Triad. In general, however, international integration-related factors (such as the host country's degree of openness to the international economy and the importance of bilateral trade relations between the



home and host country) as well as market-related factors (such as the host country's market size and the host country's degree of intra-AFTA market accessibility) are found to be the most important location determinan

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation

De Haas Marcel

**Time for the EU and NATO to engage with the Shanghai Cooperation Organisation
in Europe's World**, Issue 10, Autumn

The Shanghai Cooperation Organisation groups China, Russia and all the key players in Central Asia. Marcel de Haas argues that the EU and NATO should work closely with it.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21259/Default.aspx>

Section C) Regional integration processes

Subsection 7. Inter-regional Cooperation

Cox Ronald W.

**Transnational Capital, the US State and Latin American Trade Agreements
in Third World Quarterly**, Volume 29 Issue 8 , 1527 - 1544

This paper examines the role of US-based transnational corporations in advancing trade, investment, regulatory and intellectual property rights provisions within NAFTA and DR-CAFTA. I explore the linkages between US firms, the US state and investment patterns in Mexico, Central America and the Dominican Republic in order to develop a framework for understanding the political economy of these regional trade agreements. I locate the timing of each of these agreements within the context of the goals of a transnational interest bloc that includes US-based transnational firms, US state officials and regional business interests and state bureaucracies in Latin America, with each trying to utilise regional agreements as a substitute for failed multilateral initiatives as well as a springboard for advancing a more aggressive set of protections for investors within bilateral investment treaties. In order to determine the extent to which transnational firms based in the USA have influenced these trade agreements, I explore three interrelated aspects of business influence: the extent to which transnational firms with investment interests in Mexico and Central America were involved in organisations that had regular access to key US policy makers; the historical development of a transnational interest bloc that has linked US firms and the US state to transnational capital and state bureaucracies in Mexico, Central America and the Dominican Republic; and the extent to which the same group of transnational firms has been attempting without success to advance a policy agenda in the WTO that incorporates many of the provisions of NAFTA and DR-CAFTA. The failure of this transnational interest bloc to effect substantial changes in WTO policies has led the bloc to rely on regional trade agreements to pursue its interests.

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Subsection 7. Inter-regional Cooperation

Wilkinson Paul

**Using Criminal Justice to Foster US-EU Cooperation on Counter-terrorism
in International Spectator (The)**, Vol. XLIII, n. 4, October-December , 7 - 17



No abstract available

Section D) Federalism as a political idea

Subsection 1. Federalism

Tatham Michael

Conceptualisation, Operationalisation, Cumulation? Exploring the Federalism Variable in European Politics Research

in *Politico (II)*, n. 219, anno LXXIII, settembre-dicembre

ABSTRACT: L'importanza del federalismo, tanto come variabile esplicativa quanto come strumento analitico necessario per promuovere la nostra comprensione dell'Unione Europea e degli Stati che la compongono, solleva il problema di identificare e definire il federalismo stesso per quello che è oggi. Il lavoro si propone innanzitutto di sollecitare l'attenzione sulla difficoltà di definire concettualmente e di rendere operative variabili come, appunto, il federalismo; intende inoltre promuovere l'utilizzo di metodi di ricerca chiari e replicabili, che rendano possibile l'aumento delle conoscenze attraverso l'affinamento degli strumenti analitici utilizzati. A questo scopo il lavoro sottolinea, in primo luogo, le sfide da affrontare, quando si intraprendono ricerche sul federalismo, allo scopo di rendere operative le variabili. Successivamente si approfondisce l'analisi della tipologia del federalismo sviluppata da Keman, con il proposito di migliorarla attraverso una critica costruttiva. Grazie alla natura chiara e replicabile di tale tipologia, il lavoro ne propone una versione più coerente ed efficiente, mettendo in rilievo i vantaggi di programmi di ricerca con le caratteristiche di quello elaborato da Keman, al fine di promuovere il progresso delle ricerche sociopolitiche. Il lavoro intende soprattutto mettere in evidenza come il fatto di disporre di concetti operativi e di fonti esplicite consenta di migliorare gli strumenti di ricerca e di favorire l'aumento delle conoscenze: due obiettivi fondamentali quando si effettuano ricerche nel campo delle scienze sociali.

Section D) Federalism as a political idea

Subsection 1. Federalism

Defending Federalism: Realizing Publius's Vision

in *Harvard Law Review*, Vol. 122 · December 2008 · No. 2 , 748-766

No abstract available

Section D) Federalism as a political idea

Subsection 1. Federalism

Eaton Kent

Federalism in Europe and Latin America. Conceptualization, causes and consequences

in *World Politics*, vol. 60, n. 4, july

ABSTRACT: Recent events in Europe and Latin America have triggered serious debate over federalism. In response, political scientists have turned to the new institutionalism literature in the attempt to understand both the causes and consequences of federal institutions. Continuing a long tradition in the scholarship on federalism, each of the books under review defines the term differently, reflecting a lack of conceptual agreement that may complicate the



development of more robust theories.

Despite these conceptual differences, and their focus on very different time periods, the four books under review are alike in the emphasis they place on bargaining between national and subnational politicians. While this interest in bargaining clearly demonstrates the continuing impact of William Riker's work, much of the new research challenges parts of the Rikerian framework. As a measure of their quality, these four books will significantly shape the course of the emerging literature on comparative federalism, but future work should pay greater attention to interests, ideas, and international factors.

Section D) Federalism as a political idea

Subsection 1. Federalism

Kleibrink Alexander

Federalism in the Balkans – Doomed to fail?

in Europe en formation (L'), n. 349-350, automne-hiver , 71-79

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349KLEIBRINK.pdf>

Section D) Federalism as a political idea

Subsection 2. Nationalism

Bender Matthew V.

'For More and Better Water, Choose Pipes!' Building Water and the Nation on Kilimanjaro, 1961-1985

in Journal of Southern African Studies, Volume 34, Issue 4, December , 841-859

In 1967, the government of Tanzania announced the Rural Water Supply Programme, an ambitious plan to provide piped water to the Chagga-speaking peoples of Mount Kilimanjaro. One of many development projects conceived during the period of Ujamaa socialism, its proponents claimed that it would fuel economic and social development by providing 'more and better water' to the people. This article contends that while projects such as the Rural Water Supply Programme were often couched in the values of Ujamaa, they also were crucial to the nation-building strategy of the majority party, the Tanzania African National Union (TANU). Political leaders, notably President Julius Nyerere, hoped to use water as a means of establishing a national presence inside rural communities in a way that would touch the daily lives of nearly everyone. This presence, in turn, would help to guide rural development, undermine 'traditional' forms of authority, and solidify the position of the national party in local affairs. On Kilimanjaro, the Rural Water Supply Programme promised to provide clean, reliable water to a growing population. At the same time, it challenged the centuries-old system of mifongo, or water furrows, and the clan-based societies that managed them. By introducing an alternative system controlled and managed not by locals but by government agencies, TANU in essence proposed a new understanding of water, as a 'national' resource rather than a local one. This article examines the development of pipeline systems under the Programme, and assesses the extent to which they both succeeded and failed in their objectives. In the process, it provides a unique window for analysing how local people interpreted and negotiated development projects of the period and, in turn, Ujamaa itself.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Remchukov Konstantin



Apologia for the Status Quo

in *Russian politics and law*, vol. 46, n. 5, September-October , 27-32

No abstract available

Section D) Federalism as a political idea

Subsection 2. Nationalism

Zabalo Julen

Basque nationalism's changing discourse on the nation

in *Social Identities*, Volume 14, Issue 6, November 2008 , 795-811

The discourse on the nation is one of the theoretical cores of all expressions of nationalism, but varies in its elaboration from one to another and even within one particular form of nationalism by virtue of the identifying aspects that can be used in each case, and of historical and spatial context. The article analyses the example of Basque nationalism, which, through time, has developed two great official discourses and a third non-official one related to space. In effect, given that neither of the official discourses is entirely political and territorial, contradictions arise among nationalists (in the case of all of its trends) and, in particular, in certain areas not presenting the more or less primordial and objective characteristics. At the same time, a second, more subjective, discourse, one that is extendable to all nationalists and reaffirms them in their national identity, has developed in order to overcome these contradictions.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Purdeková Andrea

Building a Nation in Rwanda? De-ethnicisation and its Discontents

in *Studies in Ethnicity and Nationalism* , vol. 8, n. 3, December , 502-523

Rwanda remains in the eastern camp of ethnic ideas and projects of a 'nation' inasmuch as it is dominated by cultural as opposed to civic/political elements. Although the Rwandan attempt remains exclusive internally, it does not affirm the validity of an idealised Kohnian dichotomy between 'exclusive' ethnic nationalism and 'inclusive' civic nationalism. To avoid the trap of a bi-polar and value-laden division, while preserving the useful insights of Kohn, the paper calls for a re-conceptualisation of nation-building projects along the continuum of their relative inclusiveness/exclusiveness, both internally (who shapes the 'idea of nation') and externally (the boundaries of nation).

Section D) Federalism as a political idea

Subsection 2. Nationalism

Nagle John

Challenging Ethno-National Division: New Social Movements in Belfast

in *Social Movement Studies*, Volume 7, Issue 3, December 2008 , 305-318

Literature on social movements in societies undergoing violent ethno-national conflict between two 'warring factions' has typically concentrated on civil rights, ethnic revivalists, peace and women's groups. This paper concentrates on two loose groupings - lesbian, bisexual, gay and transgender, and 'ban-the-bomb' - that have been ignored. I argue that in



the context of a 'divided city' like Belfast, the capital of Northern Ireland, these collective actors can be analysed as New Social Movements. Specifically, I look at how these new social movements have sought to experiment with forms of intercultural dialogue, expressive pluralistic communities which embrace unity through diversity and cosmopolitan, global identities which challenges the competitive, monolithic and divisive nationalisms which contribute to the sedimentation of violence and segregation of Irish Nationalists and British Unionists in the city.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Novotna Tereza

Civic and Ethnic Conceptions of Nationhood in the First Czechoslovak Republic: Emanuel Rádl's Theories of Nationalism

in Studies in Ethnicity and Nationalism , vol. 8, n. 3, December , 579-594

External forces are often seen as a source of the break-up of Czechoslovakia before World War II. This paper, however, argues that no less significant were the tensions between Czechs and Germans. One of the Czech thinkers who saw the fragility of Czechoslovakia was Emanuel Rádl. The author examines Rádl's concepts of nation and nationality, and introduces his idea of the contractual state. The author criticises certain incongruities in Rádl's theoretical suggestions. Nevertheless, she finds prescient Rádl's vision that the solution of the relation between Czechs and Germans would affect the entire Central European region.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Skuban William E.

Civic and Ethnic Conceptions of Nationhood on the Peruvian–Chilean Frontier, 1880–1930

in Studies in Ethnicity and Nationalism , vol. 8, n. 3, December , 386-407

Using Hans Kohn's classic distinction between the Western, political, or civic model of nationalism, and the Eastern, genealogical, or ethnic model, this article analyses the process of nationalism during perhaps the most contentious border dispute in South American history: the Peruvian–Chilean frontier after the War of the Pacific (1879–1883). This article argues that while Kohn's modular dichotomy remains analytically useful in isolating the principles arbitrarily used by Chilean and Peruvian political elites in their official national projects, it underestimates the ways in which various sectors of local society responded to, rejected, or renegotiated these projects.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Dardanelli Paolo, Ipperciel Donald

Communicative Nation and Multi-Nationalism

in Swiss Political Science Review - Schweizerische Zeitschrift für Politikwissenschaft - Revue suisse de science politique, Volume 14, Number 3, Fall 2008 , 551-577

No abstract available



Section D) Federalism as a political idea

Subsection 2. Nationalism

Smith Anthony D., Breuilly John, Grant Susan-Mary, Roshwald Aviel

Debate on Aviel Roshwald's 'The Endurance of Nationalism'

in *Nations and Nationalism*, Volume 14, Issue 4, October 2008 , 637-663

No abstract available

Section D) Federalism as a political idea

Subsection 2. Nationalism

Ruiz Cervantes Francisco José

El movimiento de la soberanía oaxaqueña

in *Metapolitica : revista trim. de teoría y ciencias de la política*, num. 62, noviembre - diciembre 2008

En nuestro país 1915 fue recordado por quienes lo vivieron y sobrevivieron como el año del hambre, debido a que miles de mexicanos murieron literalmente de inanición o fueron presas de epidemias que asolaban sus anatomías debilitadas por la escasez de alimentos. De las fiestas del Centenario ya nadie se acordaba, y fue en ese año en el que se condensó el quinquenio de abandono del agro, debido a que muchos hombres se fueron de buen grado o por la fuerza a la "bola", abandonando los campos de labranza. En ese año la lucha entre las facciones revolucionarias se resolvió a favor de la corriente constitucionalista. Si bien ni el zapatismo ni el villismo desaparecieron como corrientes militares, sí pasaron a la defensiva y quedaron separadas entre sí por muchos kilómetros de distancia. Para rematar, en el otoño Washington reconoció a Venustiano Carranza como titular de un gobierno de facto.

En el sureste de la República Mexicana fuerzas militares carrancistas, cuyos jefes se presentaban como "heraldos de la revolución", ocupaban importantes porciones de Tabasco, Yucatán, Quintana Roo y Chiapas, e incluso del Istmo de Tehuantepec. En medio de esa vorágine, al inicio del verano nació en territorio oaxaqueño el llamado "movimiento de la soberanía". Su existencia se dio a conocer el 3 de junio por medio de un decreto, el número 14, expedido por el gobernador interino del estado, licenciado José Inés Dávila Castañeda. En el primer artículo se expresaba el malestar por la situación nacional, y hacía una propuesta: "Entretanto se restablece en la República el orden constitucional, el Estado libre y Soberano de Oaxaca reasume su Soberanía" (Ruiz Cervantes, 1986, pp. 190-193).

Llegado a este punto se impone una revisión de antecedentes, porque en 1915 resultaba raro saber de un congreso estatal en funciones y de un gobernador, aunque interino, de extracción civil. Un poco de historia: cuando la corriente constitucionalista logró el triunfo militar en contra del régimen que encabezó Victoriano Huerta, en Oaxaca un movimiento opositor respaldado por los fusiles de las milicias zapotecas de la Sierra Juárez, expulsó de su cargo al gobernador Miguel Bolaños Cacho. De los firmantes del Plan de la Sierra (Ruiz Cervantes, 1986, pp. 188-189), el abogado Guillermo Meixueiro Hernández, descendiente de los líderes regionales que en 1876 encumbraron a Porfirio Díaz, había desempeñado la función de intermediario entre la región y los poderes estatal y federal hasta 1910, e incluso después, ya que fue integrante de la XXVI legislatura federal. Al contrario de lo podría suponerse, Meixueiro no fue el siguiente gobernador, sino el también abogado Francisco Canseco.

La nueva autoridad estableció relaciones con el llamado Primer Jefe, e incluso el gobernador Canseco fue invitado en octubre de 1914 para asistir a la ciudad de México a la junta de jefes revolucionarios, en donde por cierto fue abucheado y expulsado al vincularse con el felicismo. Un mes después, una fuerza constitucionalista al mando de Luis Jiménez Figueroa arribó a la capital de la entidad oaxaqueña, y a los pocos días los recién llegados depusieron



temporalmente al gobernador e intentaron crear una nueva administración gubernamental de corta duración. No obstante las disculpas que ofreció Carranza en ambos casos, para un sector de la opinión pública local quedó la idea de que el Primer Jefe alentaba esas agresiones contra el gobierno local (Ruiz Cervantes, 1984, pp. 14-15).

Section D) Federalism as a political idea

Subsection 2. Nationalism

Chang Kornel

Enforcing Transnational White Solidarity: Asian Migration and the Formation of the U.S.-Canadian Boundary in American Quarterly, vol. 60, n. 3, September , 671-696

“Enforcing Transnational White Solidarity” examines the struggle over Asian migration and labor trafficking in the Pacific Northwest, showing how it gave rise to a new emphasis on border policing and surveillance on the North American continent in the late nineteenth and early twentieth centuries. The transnational circulation of Asian merchants, contract laborers, and smugglers integrated disparate points in the Pacific into a complex web of networks, with their myriad of movements traversing multiple and intersecting imperial and national spaces, linking the North American West to Asia and the South Pacific. These ever thickening global connections kindled a countermovement to solidify national borders among Anglo-American settler societies in the Pacific Northwest, who together elaborated new forms of sovereignty in an attempt to exert control over the mobility of Asian migrants around the Pacific and across landed borders in North America, even as they integrated the Pacific Northwest into a larger world. This article reveals how this double movement transformed the U.S.-Canadian boundary from an imaginary abstraction to a social reality on the North American Pacific Rim. It argues that efforts at Asiatic exclusion codified immigration and boundary controls as rightful prerogatives of the nation-state, which in turn, reconstructed racial and national borders through its practical enforcement in Canada and the United States. By relocating the historical origins of the border from the southern to the northern boundary, the article demonstrates that this struggle was transnational in scope, involving contests over Asian migration that extended across the Pacific world. In doing so, it highlights the contested and contingent process of consolidating the territorial state, and considers the multiple and overlapping sites—local, national, and the imperial—that shaped and defined its historical development.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Fox Jon E.-Miller-Idriss Cynthia

Everyday nationhood in Ethnicities, Vol.8, n.4 , 536-563

No abstract available

Section D) Federalism as a political idea

Subsection 2. Nationalism

Malagodi Mara

Forging the Nepali Nation through Law: A Reflection on the Use of Western Legal Tools in a Himalayan Kingdom



in *Studies in Ethnicity and Nationalism* , vol. 8, n. 3, December , 433-452

The present article endeavours to analyse the use and scope of Western positivistic legal tools in the creation of the Nepali nation. It suggests a two-level analysis. First, a historical analysis of Nepal's political and legal developments is presented to investigate the rationale of using law as a social engineering and homogenising tool promoting an identifiably Nepali national identity. Second, the article focuses on the current debates concerning constitutional change in Nepal. The debates about the demise of the 1990 Constitution in 2007, and the election of a Constituent Assembly need to be investigated in the light of the growing politicisation of ethnicity in the country. The overarching demand for inclusion stems from the discontent of Nepal's ethno-linguistic, religious, and regional minorities with their historical subordination. Ultimately, the article aims to demonstrate that the Nepali experience is situated somewhere between the civic and ethnic models of nationalism Kohn enunciated.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Tachjian Vahé

Gender, nationalism, exclusion: the reintegration process of female survivors of the Armenian genocide

in *Nations and Nationalism*, Volume 15, Issue 1, January 2009 , 60-80

This essay focuses on the process of 'rebuilding' the Armenian nation in the newly constituted states of the Middle East (Syria, Lebanon, Palestine, and Iraq) in the immediate aftermath of World War I. These efforts were centred on the two largest sectors of the population to have survived the Catastrophe, orphans and familyless (or widowed) women. The essay examines the ideology of 'national reconstruction' and some of its internal contradictions. It pays particular attention to both Armenian women who married Muslims during the deportations and the children born of these marriages, as well as to Armenians who turned to prostitution to survive in the complex conditions prevailing in this period. The author makes use of extensive, previously neglected archival material: for example, correspondence by some of the principal actors, reports written during the process of locating and rounding up Armenian orphans, and documents that shed light on life within the walls of orphanages and women's shelters. The author assembled this archival material in Paris, Beirut, Aleppo, and Cairo, after surveying the contents of various archives.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Kostantaras Dean J.

Idealisations of self and nation in the thought of diaspora intellectuals

in *Nations and Nationalism*, Volume 14, Issue 4, October 2008 , 700-720

Diaspora intellectuals have often played prominent roles in the formation of national revival and independence movements. This article explores the factors that may help to explain this phenomenon through a survey of the literary responses of intellectuals from Eastern Europe, colonial Africa and Asia to their experiences in the capital cities of Western Europe over the early modern and modern era. These reactions, expressed through the writings of influential figures such as Adamantios Koraes and Leopold Senghor, reveal, in their thematic convergence, aspects of such encounters that have remained consistent over time. Portrayed throughout are the emotional hardships of talented individuals who found their status suddenly conditioned by the ideas associated with their places of origin in the host



society's imagination. Unwilling, for reasons explored below, to submit passively to these affronts, the individuals studied here threw their energies instead into ambitious projects of national re-imagination and rehabilitation. The article makes use, finally, of the rather visceral quality of the literature surrounding the experience of diaspora intellectuals to account for the complex weave of modern and traditional elements often exhibited in the new idealisations of self and nation that appear throughout their works.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Kretsedemas Philip

Immigration Enforcement and the Complication of National Sovereignty: Understanding Local Enforcement as an Exercise in Neoliberal Governance

in *American Quarterly*, vol. 60, n. 3, September , 553-573

This essay reviews the recent expansion of immigration laws that have been enacted by local and state governments to control unauthorized migration. Although these laws evoke a conventional, territorial paradigm of national sovereignty, I demonstrate that they are actually leading toward a more complex form of sovereignty that tolerates wide variations in the way that immigration laws are enforced in different parts of the United States. I also argue that it is a mistake to view these laws only through the lens of an immigration control agenda. Drawing on the writing of Aiwaha Ong and Giorgio Agamben, I observe that these laws have been shaped by neoliberal governing strategies that create exceptions to prior legal precedent as well as fostering a looser connection between territoriality, rights and legal status. My discussion explains how local enforcement laws have been shaped by these neoliberal priorities, which are more oriented toward the selective policing of an expanding migrant workforce than toward mass deportation of "illegals." As a result, immigration scholars and immigrant rights advocates should come to terms with the likelihood that these priorities will become the dominant, driving force behind future trajectories of local enforcement and other forms of immigration enforcement.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Gutiérrez David G., Hondagneu-Sotelo Pierrette

Introduction: Nation and Migration

in *American Quarterly*, vol. 60, n. 3, September , 503-521

No abstract available

Section D) Federalism as a political idea

Subsection 2. Nationalism

Muharremi Robert

Kosovo's Declaration of Independence: Self-Determination and Sovereignty Revisited

in *Review of Central & East European Law*, vol. 33, n. 4 , 401-435

In this article, the author analyzes the implications of Kosovo's declaration of independence on state sovereignty and the



principle of self-determination of peoples. He begins with an outline of the political process leading to the declaration of independence and the reactions of the international community thereto in which he also presents the various legal arguments raised for and against the lawfulness of Kosovo's secession from Serbia. The author continues with a discussion of whether the principle of self-determination of peoples does apply in the Kosovo case and whether the operation of this principle would justify a 'remedial secession'. Subsequently, he analyzes whether UN Security Council Resolution 1244 may be a legal barrier to Kosovo's independence to the extent that Serbia does not consent to such independence. Finally, in view of the extensive powers vested in the new international presence following Kosovo's declaration of independence, he discusses whether Kosovo fulfills the criteria of effective government and independence for being a state under general international law. The author concludes that international law remains controversial as to questions pertaining to conflicts between state sovereignty and self-determination of peoples and particularly to 'remedial secession', and that it is still too early to determine the impact of the Kosovo case on the development of international law.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Cattaruzza Amaël

La (re)construction du fait régional au Monténégro Productions et représentations territoriales entre héritage et idéologie

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 55-84

Avec la redéfinition des frontières internationales issues de l'éclatement de la Yougoslavie, de « nouvelles minorités » sont apparues au Monténégro dans un contexte de guerre et de radicalisation des discours nationaux. Le regroupement territorial de ces groupes minoritaires a rendu possible l'articulation de revendications nationales et territoriales qui se sont traduites sous forme d'ethno-régionalismes plus ou moins virulent, en particulier dans le cas des Musulmans du Sandžak, des Albanais d'Ulcinj et de Tuzi et des Croates des Bouches de Kotor. Une nouvelle situation s'instaure avec l'arrivée au pouvoir d'un gouvernement anti-Milošević au Monténégro en 1998 et la longue marche du pays vers l'indépendance. Celle-ci aboutit à une situation originale dans les Balkans, les minorités ayant très tôt adhéré au projet indépendantiste monténégrin. Cette oscillation entre ethno-régionalisme, caractérisé par des revendications autonomistes ou sécessionnistes, et régionalisme local, caractérisé par la défense d'intérêts locaux et par l'allégeance de facto au pouvoir central, est lisible dans les représentations régionales des populations monténégrines, appréhendées à travers la technique des cartes mentales.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Fournis Yann, Pasquier Romain

La politisation des identités régionales : perspectives ouest-européennes

in *Revue d'études comparatives Est-Ouest*, Vol. 39, n. 3, Octobre, Régionalisation et régionalismes d'Ouest en Est , 37-53

Le processus de politisation des identités régionales est une des figures marquantes de la question territoriale en Europe de l'Ouest. Cette dynamique bottom up s'incarne en particulier dans des organisations politiques – les partis régionaliste et nationaliste – dont les répertoires politiques sont structurés par la distinction ethnique et les revendications territoriales dans des États déjà existants. Ces dernières décennies, ces partis ont fortement gagné en influence au point de contraindre les élites politiques des plus grandes démocraties européennes à engager des



réformes dans le sens de la décentralisation. Pour comprendre ces évolutions, la science politique dispose de différentes grilles de lecture. La première, dans la lignée des travaux pionniers de Stein Rokkan, analyse la construction et les transformations du clivage territorial. La seconde cherche à replacer la politisation des identités régionales dans le cadre plus large de la recomposition de la figure de l'État-nation.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Glyptis Leda

Living up to the father: The national identity prescriptions of remembering Ataturk; his homes, his grave, his temple

in *National Identities*, vol. 10, n. 4, December , 353-372

Mustafa Kemal Ataturk's commemoration in Turkey often reminds Western observers of a personality cult. Looking at national identity-narratives emerging from the stage-management of his homes and final resting place, this article argues that 'Ataturk' has become shorthand for Turkish national identity and his commemoration represents, as a result, much more than a personality cult. Moreover, I show that although the sites in question provide the state with an excellent tool for national socialisation, they also reflect shared national assumptions and cherished symbols. Commemoration entails a sense of safety and protection, but also a warning against straying from Ataturk's path and legacy that have, after all, stood the test of time.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Judson Pieter M.

L'Autriche-Hongrie était-elle un empire ?

in *Annales: Histoire, Sciences Sociales*, 63 année, n. 3, mai-juin , 563-596

Nationalist propagandists and many historians continue to view Austria-Hungary as an empire in traditional terms. This reinforces traditional theories that view Eastern Europe as somehow backward, semi-oriental, and fundamentally different from a democratic and nationally constituted 'West'. A close analysis of constitutional structures and forms of citizenship suggests that following the Compromise of 1867 Austria-Hungary had little in common with other continental empires. In fact, it hardly constituted a single state at all, much less an empire. After 1867 Hungary became essentially a nation state, while Austria developed a pluralist political system within which there was no dominant nationality. This article examines the mutual constitution of the concept 'empire' by nationalists and by Habsburg loyalists, both in Austria-Hungary and retrospectively in the successor states, in order to diminish the power of nationalist narratives about the region.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Weise Julie M.

Mexican Nationalisms, Southern Racisms: Mexicans and Mexican Americans in the U.S. South, 1908-1939

in *American Quarterly*, vol. 60, n. 3, September , 749-777



The early twentieth century brought transformative Mexican migrations to places from Texas to Alaska, Michigan to California, and the South was no exception. Examining the case of Mexicans and Mexican Americans in the South from 1908 to 1939, this essay shows how international migration, in this case between the United States and Mexico, has shaped the racial ideologies of nations and societies at both ends of migration streams. It traces the arrival of Mexican immigrants to two Southern locations, New Orleans and the Mississippi Delta, and discusses their initial experiences of race and class there. It then focuses on the middle- and upper-class community surrounding Mexico's New Orleans consulate, as well as the self-appointed leadership among poor Mexican sharecroppers in Gunnison, Mississippi, to illuminate the distinctly Mexican strategies which Mexicans of all social classes pursued in their quest to attain and retain white status in the U.S. South.

In the early twentieth century U.S. South, there were no Mexican Americans who could call upon U.S. citizenship or claims to be "Caucasian" under the law, nor organizers drawing Mexicans into class-based politics. There, Mexicans' sole cultural and political claims took the form of Mexico-directed activism, through which the racial ideologies of both immigrants and Mexican government bureaucrats had a discernible impact upon the color line's shape and foundations. Conversely, it was in the South that Mexican government representatives most directly confronted the black-white eugenic binary of U.S. white supremacy, and did so without the support of U.S.-based institutions or groups. This article argues that during the decade following the Mexican revolution, Mexican immigrants and bureaucrats in the South emphasized Mexico's pre-revolutionary tradition of cultural whitening, avoiding the official post-revolutionary celebration of race-mixing, or *mestizaje*. In so doing, they successfully elided questions of eugenic race in their negotiation of the color line. They eventually secured Mexicans' acceptance as white, a trajectory more closely mirroring national trends for European, rather than Mexican immigrants in the same period.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Chatterjee Choi, Petrone Karen

Models of Selfhood and Subjectivity: The Soviet Case in Historical Perspective
in *Slavic Review*, vol. 67, n. 4, Winter , 967-985

In this essay Choi Chatterjee and Karen Petrone examine some of the paradigms of selfhood that western scholars have used to understand Soviet subjectivity. They start with an analysis of how racialized western discourses about the backward Russian national character were transformed into representations of the totalitarian Soviet self seen as a passive receptacle for the ideological excesses of the regime. Revisionist historians have argued against this model and have shown how the pragmatic Soviet subject both internalized and resisted the Soviet norms of selfhood. In the third wave, scholars have used the model of the normative self to plot the internal processes through which citizens attempted to align their souls with the demands of Stalinist ideology. Chatterjee and Petrone conclude with the scholars' analysis of the banal self, or the situation of Soviet selfhood in intimate and private spheres of existence that necessitated multiple negotiations and compromises with the theoretical norms of state-sponsored subjectivity.

Section D) Federalism as a political idea

Subsection 2. Nationalism

González Mariano

Nacionalismo y regionalismo, una técnica de poder.
in *Nueva Revista de Política Cultura y arte (Spagna)*, n.120



No abstract available

Section D) Federalism as a political idea

Subsection 2.Nationalism

Marez Curtis

Nation and Migration: Past and Future. Preface

in *American Quarterly*, vol. 60, n. 3, September , v-viii

No abstract available

Section D) Federalism as a political idea

Subsection 2.Nationalism

Petricusic Antonija

Nation-Building in Croatia and the Treatment of Minorities: Rights and Wrongs

in *Europe en formation (L')*, n. 349-350, automne-hiver , 135-145

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349PETRICUSIC.pdf>

Section D) Federalism as a political idea

Subsection 2.Nationalism

Torode Nicky

National Cultural Autonomy in the Russian Federation: Implementation and Impact

in *International Journal on Minority and Groups Rights*, Volume 15, Numbers 2-3 , 179-193

This article explores the meaning of national cultural autonomy both in the Soviet period and in the Russian Federation at the time of, and following, the adoption of the 1996 Federal Law on National Cultural Autonomy. The author examines the cartography of national cultural autonomies, that is the ethnic minority associations, set up since 1996 to understand the motivations by ethnic minority communities for establishing an autonomy, often in addition to pre-existing ethnic minority organizations and cultural institutions. For ethnic minority community leaders the autonomy model appeared attractive - the access to state powers and perceived provision of financial resources. The state saw an obvious benefit in autonomy as a means in regulating its relations with a plethora of ethnic organisations which had formed in the final days of the Soviet regime. Although the law marked a historic departure in the history of ethnic minorities by being the first law to name 'certain ethnic groups' as the beneficiaries of the promotion of their rights it has not been without its problems. This author suggests the inherent hierarchical structure prescribed within the law whereby only one federal autonomy could exist increased intra-ethnic rivalry rather than unifying ethnic organisations. It also inadvertently brought the Russian question to the fore, that is the place of ethnic Russians in a post-communist Russia who attempted to avail themselves of cultural autonomy. Despite the shortcomings of cultural autonomy both in theory and practice it has performed an essential role in opening up the debate on the national question in the Russian Federation.

Section D) Federalism as a political idea

Subsection 2.Nationalism



Mihelj Sabina

National media events. From displays of unity to enactments of division

in *European Journal of Cultural Studies*, Volume 11, No. 4, November 2008 , 471-488

Despite the conspicuous presence of nationhood and nationalism in existing studies of media events and rituals, explicit conceptualizations of the link between these media phenomena and nationhood remain scarce. Drawing on existing literature and research on the topic, this article proposes to shift attention away from ceremonial occasions primarily aimed at celebrating national unity, towards the more distressing events and mobilization marathons enacting partition and instituting divisions among nations, ethnicities, cultures, races or religions. It provides a series of propositions regarding the involvement of media events in the transformation of audiences into nations, and discusses two categories of media rituals that are linked closely to contemporary forms of national mobilization: rituals of partition and mobilization marathons. Given the disentanglement of nations and states and the multi-ethnic nature of modern states and media spaces, such media occasions ought to receive more sustained attention in the future.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Félix Adrián

New Americans or Diasporic Nationalists?: Mexican Migrant Responses to Naturalization and Implications for Political Participation

in *American Quarterly*, vol. 60, n. 3, September , 601-624

Drawing on ethnographic fieldwork and in-depth interviews in a citizenship class in Southern California, this paper analyzes Mexican immigrant responses to naturalization. Far from being a conduit for Americanization, the citizenship class emerges as a space where Mexican migrants make the naturalization process intelligible on their own cultural and political terms, positing it as a potentially empowering institution for the immigrant rights movement. Among respondents who were once reticent to seek U.S. citizenship, there seems to be a shift in consensus in favor of naturalization as a political tool to secure stability and community empowerment. Similarly, the newly eligible also share a sense of urgency to naturalize in an immigrant-hostile and increasingly precarious political environment. However, ethnic attachment to the homeland does not always wane over time or upon naturalization. The interview data suggests that naturalizers retain their Mexican ethnic identities and loyalties largely in response to the institutional discrimination they face throughout the process of political enfranchisement. Far from being an impediment to political participation, ethnic identification and attachment to the homeland post-naturalization may drive immigrant political participation across international boundaries.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Lucian N. Leustean

Orthodoxy and political myths in Balkan national identities

in *National Identities*, vol. 10, n. 4, December , 421-432

This article analyses the relationship between Balkan national identities and the region's dominant religion: Eastern



Orthodox Christianity. After examining the concept of 'symphonia' between Orthodoxy and politics that developed during the Byzantine Empire, this article argues that the political myths that have emerged from Orthodoxy are the most potent in the Balkan mythical imaginary. Political myths have a direct impact on contemporary politics developing a threefold structure: the sacralisation of politics; the perception of the nation as a divine manifestation; and, the construction of a divine realm on earth.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Baldacchino Godfrey

Pangs of nascent nationalism from the nationless state? Euro coins and undocumented migrants in Malta since 2004

in **Nations and Nationalism**, Volume 15, Issue 1, January 2009 , 148-165

This paper examines recent manifestations of the emergence of national identity amongst the citizens of Malta, now the smallest member state of the European Union. In this search, discrete events and 'things' are examined as symbolic paraphernalia, empirical phenomena that provide insights to overarching narratives about identity, nationalism and integration. The discussion and eventual decision on the choice of euro coin faces in Malta is proposed as one that illustrates a process of 'nascent nationalism'. Meanwhile, the arrival of boatloads of undocumented migrants on Malta's shores has also encouraged the evolution of a secular, national character in Malta. Such episodes, and others, ultimately reflect a need for symbols of national unity that remain largely absent in this 'nationless state' which continues to be gripped by a bipolar partisanship that spares almost no one.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Drakulic Slobodan

Premodern Croatian Nationalism?

in **Nationalism and Ethnic Politics**, Volume 14, Issue 4 October 2008 , 523-548

This paper examines three widespread views: that nationalism is a modern phenomenon with negligible premodern antecedents or none; that South Slav nationalisms have emerged in the late eighteenth to early nineteenth century; and that they arose in emulation of their West European forerunners. I argue that modern nationalism has appreciable antecedents suggestive of protonationalism or premodern nationalism; that such antecedents are found within and beyond Western Europe; and that premodern Croatian nationalism was not an offshoot of Western antecedents, but as autochthonous as any comparable social phenomena can be.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Galbreath David J.

Putin's Russia and the 'New Cold War': Interpreting Myth and Reality

in **Europe-Asia Studies**, vol. 60, n. 9, November , 1623-1630



No abstract available

Section D) Federalism as a political idea

Subsection 2.Nationalism

Chandra Sarika

Re-Producing a Nationalist Literature in the Age of Globalization: Reading (Im)migration in Julia Alvarez's *How the García Girls Lost Their Accents*

in *American Quarterly*, vol. 60, n. 3, September , 829-850

This essay examines the contradictions that develop within American literary studies as critics attempt to globalize the field. More specifically, the essay looks at immigrant/ethnic literary studies and how the concepts of immigration and immigrant literatures assist American literary studies in re-constructing a nationalist paradigm, even while attempting to "globalize" or update disciplinary practices. Via a reading of critical scholarship on Julia Alvarez's *How the García Girls Lost their Accents*, the essay analyzes the ways in which critics, driven by "globalization" anxiety, read the text in ways that recontain the global aspects of immigration within a dominant, US nationalist paradigm. Such readings work precisely to maintain the category of a US ethnic/immigrant literature. While the idea of immigration has long helped the United States to produce a national imaginary, and has also served as one of the major organizing categories for US literary studies, the concept is now shifted in order to accomplish the same purpose in the "new era" of globalization. The essay also offers possible ways in which to read both Alvarez's novel and others like it—ways that might better speak to historical, cultural and socio-economic conditions in which they are produced.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Mancini Susanna

Rethinking the boundaries of democratic secession: Liberalism, nationalism, and the right of minorities to self-determination

in *International Journal of Constitutional Law*, Vol.6, n.3-4 , 553-584

Whereas secession has been dealt with extensively in international law, in connection with the creation and recognition of states, it has received little attention as a possible tool in the constitutional protection of minority rights. This paper examines the more frequent uses and invocations of secession and assesses their potential adaptability as means of promoting minority group rights. It argues that international law and the international community have never provided coherent guidance for responding to nationalistic minority aspirations or, specifically, to secessionist challenges. At the same time, constitutional models regarding the management of national diversity have also failed to reconcile liberal democracy and nationalism. From a substantive point of view, there is probably no solution to such difficulties. Neither available model of "constitutional coexistence" nor of secession is likely, ultimately, to be satisfactory. Nonetheless, the adoption of an explicit constitutional procedural approach to secession provides the best means of averting the worst dangers and excesses.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Hunter Emma



Revisiting Ujamaa: Political Legitimacy and the Construction of Community in Post-Colonial Tanzania
in *Journal of Eastern African Studies* , Volume 2, Issue 3, November , 471-485

Tanzania's post-colonial social and economic policies, often referred to with the shorthand term of ujamaa and variously translated as 'familyhood' or 'African socialism', have attracted the attention of scholars since their inception. While the first analysts were interested in these policies primarily as strategies of development, historians have recently begun to focus on the importance of ujamaa and related political metaphors, particularly those of ujamaa na kujitegemea (ujamaa and self-reliance), wakupe (ticks) and mirija (straws) as a set of discursive strategies aimed at constructing state legitimacy in a post-colonial context. This article builds on these developments, but argues that focussing on discourse produced at the centre has its limitations. It is suggested here that attention to the use of ujamaa vocabulary on the periphery and by non-official actors in the months after the Arusha Declaration demonstrates that it could be employed to argue about social and economic morality in a way which necessarily engaged with a broader national discourse. It is also further argue, however, that there were limits to the power of nationalist discourses to construct political legitimacy rhetorically, and that discourse must be examined in interaction with the material challenges facing the post-colonial state. Methodologically, this approach has the potential to offer a richer view of political life in the post-colony.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Elling Rasmus Christian

State of Mind, State of Order: Reactions to Ethnic Unrest in the Islamic Republic of Iran
in *Studies in Ethnicity and Nationalism* , vol. 8, n. 3, December , 481-501

By analysing the symbols and language employed in official statements on two cases of ethnic minority unrest in Iran in 2005–6, the article shows how the Islamic Republic's ideologues and leaders are responding to threats against national security and to alternative definitions of identity. In this emerging discourse, religious and secular notions of patriotism and loyalty are interwoven and an Islamist/nationalist conceptualisation of Iranian nationhood is defended. This interesting process of paradoxical dynamics is an important part of the ongoing struggle to define the identity of Iran in a region boiling with political and cultural conflicts.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Ganguly Sumit

The Burden of History

in *Journal of Democracy* , Volume 19, Number 4, October , 26-31

The origins, structure and ideology of the Pakistani nationalist movement coupled with critical elite choices made in the early years of the republic in large part explain Pakistan's current problems of governance. The Pakistani nationalist movement was woven around the charismatic personality of Mohammed Ali Jinnah but lacked a firm organizational and institutional structure. More to the point, it had little or no internal democracy. Not surprisingly, in the aftermath of the creation of Pakistan, the leadership, especially after Jinnah's early demise, proved singularly incapable of coping with an ethnically and socially diverse state and inept at handling competing demands and priorities. As public order rapidly deteriorated, the military, with the tacit support of the elitist civil service, seized power. Once in power, the military came to relish its privileges and even when it relinquished power it remained primus inter pares. Long periods of military rule



led to the steady deterioration of fragile political institutions further undermining the prospects of democracy

Section D) Federalism as a political idea

Subsection 2. Nationalism

Kahn Robert A.

**The Danish Cartoon Controversy and the Exclusivist Turn in European Civic Nationalism
in *Studies in Ethnicity and Nationalism* , vol. 8, n. 3, December , 524-542**

The Danish cartoon controversy raises questions about the inclusiveness of Western European civic nationalism. The controversy highlighted a harsh, exclusivist brand of Danish civic nationalism that cast Muslim migrants as outsiders. The controversy also saw a broader group of cartoon supporters from across Europe fault Muslims for failing to respect liberal traditions of freedom of speech and secularism, traditions now explicitly labeled 'European'. However, others pushed the debate in a more open direction by defending the Jyllands Posten's freedom of expression in ethnically neutral terms and explicitly challenging the contrast between an enlightened Europe and an intolerant Muslim other.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Buff Rachel Ida

The Deportation Terror

in *American Quarterly* , vol. 60, n. 3, September , 523-551

This essay locates the recent wave of deportation raids carried out since 2005 by the Bureau of Immigration and Customs Enforcement (ICE) in their historical context as a racialized system of social control. The deportation terror imposed on immigrant communities by these raids is a crucial technology of the state. In the current historical moment, the word terror has been almost entirely defined by the homeland security state as a threat to the nation. A historical and comparative perspective on the experience of terror at the hands of this and other state formations now becomes particularly crucial.

The central comparison in this essay links the deportations of the early cold war period, 1945–1960, with the current moment, characterized by the detention and deportation of foreign-born people, predominantly men, from the Middle East, North and East Africa, South and Southeast Asia after 9/11, and the immigration raids that have constituted a direct governmental response to the immigrant rights mobilizations of 2006–07. In both periods the mass deportations of primarily Mexican laborers accompany constitutionally questionable detention and deportation of the foreign born for reasons defined by the state as “political.” Many political deportations target community leaders who represent foreign-born workers. These deportations render workers more vulnerable to exploitative work conditions and unconstitutional practices. In turn, the large sweeps focusing on immigrant workers have often been retribution for political organizing. The notion that these larger sweeps are market driven, rather than political, functions to define and divide foreign-born communities.

The deportation of particular foreign-born individuals for reasons of their ideology during the early cold war, or in the case of the “Special Registration” Program implemented in 2002, their birth place or religion, is a component of a racial regime governing entrance and exit. Operative since the creation of the Border Patrol in 1924 and the resulting criminalization of border crossing, this racial regime includes the deportation of foreign-born workers and their families as well as, in some cases, citizens who are members of racialized communities.



Section D) Federalism as a political idea

Subsection 2.Nationalism

Berwari Azad, Ambrosio Thomas

The Kurdistan Referendum Movement: Political Opportunity Structures and National Identity in Democratization, vol. 15, n. 5, December , 891-908

This article examines the lack of mass mobilization by Iraqi Kurds to establish an independent Kurdistan. It argues that while the outcome of an unofficial January 2005 referendum - in which 98 per cent of Kurds supported independence - was a clear expression of their will, the political opportunity structures within which the Kurdistan Referendum Movement operates are closed to the formation of a mass-based social movement. Utilizing data from a survey of Kurdish elites and activists, as well as follow-up interviews, this analysis provides insights into the future of democracy in Iraq and the value of political opportunity theory in understanding mass mobilization.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Rabow-Edling Susanna

The Relevance of Kohn's Dichotomy to the Russian Nineteenth-Century Concept of Nationalism in Studies in Ethnicity and Nationalism , vol. 8, n. 3, December , 560-578

This article challenges the common distinction between a Western and an Eastern type of nationalism with regard to Russian nationalism. Analysing the civic nationalism of the Decembrists and the cultural nationalism of the Slavophiles, it argues that the type of nationalism that appears in a specific country has more to do with timing than with place or social conditions. The article also suggests that intellectual thought should be studied in an international rather than a national context and that the world of ideas has to be granted a considerable degree of autonomy from socioeconomic conditions.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Fox Jon E., Miller-Idriss Cynthia

The 'here and now' of everyday nationhood in Ethnicities, Vol.8, n.4 , 573-576

No abstract available

Section D) Federalism as a political idea

Subsection 2.Nationalism

Smith Anthony

The limits of everyday nationhood in Ethnicities, Vol.8, n.4 , 563-573



No abstract available

Section D) Federalism as a political idea

Subsection 2. Nationalism

Tzanelli Rodanthi

The nation has two `voices'. Diforia and performativity in Athens 2004

in *European Journal of Cultural Studies*, Volume 11, No. 4, November 2008 , 489-508

This article explores the contemporary conditions of national self-presentation, inviting students of national identity to reconsider the nature of national self-narration through new conceptual tools. It is argued that contemporary nations have two `voices': one is addressed to their members, another speaks to the nation's external interlocutors. Both voices contribute to the performance of identity: for nations which are the product of colonial and `crypto-colonial' encounters, narration is characterized by a negotiation of the boundaries between private and public voices and slippage in utterance. The article introduces a new concept in the study of culture, `diforia', which accounts for both this split meaning of utterance and national performativity in public. The concept is mobilized to examine and deconstruct a recent case of Greek diforia enacted in the context of the opening and closing ceremonies of Athens 2004.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Lahoud Antoine L.

The role of cultural (architecture) factors in forging identity

in *National Identities*, vol. 10, n. 4, December , 389-398

A nation's architectural heritage is an important part of its identity, and a testament to its history. This article looks at the Lebanese house - a fine example of the relationship between architecture, identity and history. It describes the architectural development of Lebanese dwellings and the influence of both Muslim and Christian civilizations, which together produced this unique architectural phenomenon. The article also explains how the Lebanese house reflects the identity of the Lebanese community and nation, and how it illustrates the mosaic of different cultures and civilizations that have left their mark on Lebanon.

Section D) Federalism as a political idea

Subsection 2. Nationalism

Barshchevskii Mikhail

There Is No Such Thing as a Sovereign Civilization

in *Russian politics and law*, vol. 46, n. 5, September-October , 47-53

No abstract available

Section D) Federalism as a political idea



Subsection 2.Nationalism

Wallis Joanne

Transnationalism and the Development of the Deterritorialised Tongan Nation-State
in *Studies in Ethnicity and Nationalism* , vol. 8, n. 3, December , 408-432

The Kingdom of Tonga is commonly referred to as a 'small island developing state', and is consequently said to experience challenges that hinder its development. Yet significant levels of Tongan migration – and subsequent remittances – have led commentators to challenge this pessimistic view. In particular, Tonga has been characterised as a 'deterritorialised nation-state', whereby the 'state' remains the geographically bounded territory of Tonga; while the 'nation-state' consists of all Tongans, including those overseas. This article seeks to build on previous literature to provide a detailed consideration of how the deterritorialised Tongan nation-state works in relation to the different dimensions of Tongan life.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Briggs Laura, McCormick Gladys, Way J. T.

Transnationalism: A Category of Analysis
in *American Quarterly* , vol. 60, n. 3, September , 625-648

This essay argues that transnationalism is an indispensable term, bringing into sharp relief all the ways that scholarly disciplines have relied upon, and reified, the nation. Although some have charged that the concept is intellectually “soft,” this article contends that it does crucial work in undoing academic complicity with the ideological work of constructing the nation. Transnationalism is, we argue, a radical intervention with roots in anti-imperialist writers back to Fanon and Wallerstein, forward to the sharpest critics of neoliberalism. Drawing on work principally from Latin American and the United States, this article suggests that transnationalism need not be a concept that obviates our ability to think borders, walls, and militaries, but is precisely the conceptual apparatus that allows us to locate objects like the border wall in relation to transnational currents of globalization and its discontents.

In 1986, Joan Scott summarized a decade of feminist scholarship by arguing that gender refers to far more than sexed bodies (or even worse, female ones), but to entire symbolic systems and forms of social organization. In this piece, we suggest that the same is true of the nation—that it has organized knowledge, disciplines (Mexican History, American Literature), and forms of social organization (the entire bureaucratic apparatus associated with the Guatemalan economy). While the nation is anything but a transhistorical, natural, or autonomous entity, it has been politically usefully and academically expedient to proceed as if it were. “Gender” was the name Scott gave to the conceptual acid that could reveal the constructedness and utility of sex; “transnationalism” is the sign under which a critique of the nation has been underway.

Section D) Federalism as a political idea

Subsection 2.Nationalism

Rubio Laura

Una reevaluación del proyecto de nación del gobierno tibetano en el exilio
in *Foro Internacional*, VOLUMEN XLVIII - NÚMERO 3

This paper analyzes the relation between forced displacement and exile, with the rising of several nationalist discourses



in Tibetan refugee communities in Southern Asia. Focusing on the discourse of the Tibetan Government in exile and the fourteenth Dalai Lama -spiritual and political leader of the refugees- the author examines the different ways in which the power concept articulates in the struggle for political representation, and the several forms in which cultural and political legitimacy is contested and negotiated in force-displaced communities. This research reveals the difficulties of speaking about a pan-national project from an exile context

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Majocchi Alberto

Altiero Spinelli and the European Social-Economic Model

in *Federalista (II)/Federalist (The)*, Anno L, n. 1 , 51-69

http://www.euraction.org/revfiles/1_08.pdf

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Dulureanu Stefan

Grigore Gafencu, animatore del movimento federalista e portavoce dei popoli d'oltrecortina

in *Rivista di Studi Politici Internazionali*, Volume 75, n. 3, luglio-settembre , 372-380

Grigore Gafencu planned a federalist future for the European continent on May 1943, when he wrote the introduction of his book *Préliminaires de la guerre à l'Est*. He thought that the crisis of Europe could take to a healthy reaction and that European idea indeed would revive more powerful and more fertile. All European peoples should take part in that reaction. Nobody had to be excluded, because the basis for reconstructing Europe was the agreement and the participation of everybody.

Member of the Central Council of the European Union of Federalists (Uef) from 1947, he never participated in the discussions following the fall of the European Defence Community (Edc). For this reason, on 1956 he was elected president of the movement to avoiding the split. Good conciliator, he asked for the perfect agreement of everybody to organize a common fight for Europe. According to his dynamic and fighting view of an Europe, that was determined to claim its lost properties, the East should return free to building the Magna Europa together with the West. He approved the spinellian «nuovo corso» and the program of the European People Congress, but he didn't love their excessive formulations and their relentlessness against the word 'nation'. For him the supreme justification for a federation was the protection of legitimate national interests and he underlined that the big fight taking place behind the iron curtain was a fight for independence. As president of Uef, Gafencu regretted having to deal with the crisis of the movement. That crisis proved that the continent needed a single policy, issued from a politically organized Europe. It was also necessary to clarify the misunderstandings, because the federalist concept of Europe was not the same all over Europe. The Uef had to formulate rigorous ideas, but at the same time had to be tolerant with people. During the Hungarian revolution, Gafencu was an example of self-sacrifice's spirit: he was always present, he replayed to every call, he spoke in front of different publics to explain and to demonstrate that the love for freedom was reviving more powerful. After the events in Hungary, Poland, Middle East (Suez crisis), he proposed to the CC of Uef an international meeting to defining a European foreign policy. This initiative was his political testament. For the federalists of the East in exile, he embodied the indissoluble link between enslaved and free Europe and their will to be unified in a world free from every form of totalitarianism.



Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Habsburg von Otto, Picaper Jean-Paul

L'ame européenne

in *Politique internationale*, n. 121, automne

For the thirtieth anniversary of *Politique Internationale*, this venerable European, whose personal and family history is so enmeshed with the continent's, analyzes the state of the world. Otto von Habsburg casts his eye over all its current problems, deploring the institutional failures of the European Union, while observing with equanimity China's rise to power. But it is Russia that is the focus of his worries. In the workings of the Kremlin he sees signs of rampant totalitarianism reminiscent of the early years of Nazism. The Kremlin's aim is clearly to regain control over its former possessions, while implementing a mafia-style system at home giving those allied to the authorities control over economic and military affairs. Faced with this new danger from the East, he calls on more vigilance from the West. Against this troubling backdrop, Otto von Habsburg welcomes Nicolas Sarkozy's project for a Mediterranean Union, which he regards as one of the most important events of the 21st century.

http://www.politiqueinternationale.com/revue/article.php?id_revue=121&id=755&content=synopsis

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Perfetti Francesco

Luigi Einaudi, il Presidente che ha insegnato ad amare la libertà

in *Comunità Internazionale (La)*, vol. LXIII, n. 3, terzo trimestre

No abstract available

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Trumellini Luisa

Mario Albertini's Reflections on a Critical Reworking of Historical Materialism

in *Federalista (II)/Federalist (The)*, Anno L, n. 1, 13-50

http://www.euraction.org/revfiles/1_08.pdf

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Frank Jason

Publius and Political Imagination

in *Political Theory*, Volume 37, n. 1, February, 69-98



The Federalist is commonly read as an exemplar of political realism. However, alongside Publius' arguments against the enthusiastic imagination—its tendency to inflame the passions, betray the intellect, and subvert political authority—are formative appeals to the imagination's role in reconstituting the public authority shaken during the postrevolutionary years. This essay explores three central aspects of Publius' restorative appeal to the imagination: the appeal to the public veneration required for sustaining political authority across time; the strategies for shifting citizen loyalty from the state and local level to that of a newly energized federal government; and the rhetorical elicitation of the public's imagination in aestheticized portrayals of Providential nationality. These aspects of Publius' argument make up the core of The Federalist's aesthetics of (self) rule. In each instance, Publius invokes the imagination as a heteronomic support to navigate familiar dilemmas of democratic self-authorization.

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Sappino Sara

Riflettere su Senghor oggi

in *Rivista di Studi Politici Internazionali*, Volume 75, n. 3, luglio-settembre, 401-409

Vademecum of a personality who has deeply influenced black intellectuals, the article in its first part focuses on the cultural formation of Senghor, pointing out the connections between négritude, métissage and some aspects of scientific socialism in the perspective of la civilisation de l'universel.

Senghorian socialism has been at the crossroad of those elements. It was tested by the political responsibilities carried by him as President of Senegal (1960-1980).

The second part of the paper portrays some critical aspects of Senghor's mandate. Senegal has experienced, as other countries: the limits resulting from the africanisation of the nation-state Western tradition; the consequences of an economy basically based on monoculture for export – a legacy left by the French colonial administration –; the creation of a political class which gradually took the control of the production and of the public administration, with consequent spreading of corruption off. Bitter evidences of how incomplete the decolonisation process still is.

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Estes Todd

The Voices of Publius and the Strategies of Persuasion in The Federalist

in *Journal of the Early Republic*, Volume 28, Number 4, Winter, 523-558

No abstract available

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Gilbert Mark

The sovereign remedy of European unity: The progressive left and supranational government 1935–1945

in *International Politics*, Volume 46, Issue 1, January, 28-47

This article is about the role the concept of European unity played in the political discourse of Britain's progressive



intellectuals between Italy's invasion of Ethiopia and the end of World War II. It argues that the progressives saw European unity in a socialist federation as a way of staving off the disasters of war, the European hegemony of Nazi Germany, the restoration of 'small states' in post-war Europe and a damaging post-war rupture between the democracies and the USSR.

Full text available on-line: <http://www.palgrave-journals.com/ip/journal/v46/n1/pdf/ip200832a.pdf>

Section D) Federalism as a political idea

Subsection 3. Federalist authors, personalities and organizations

Veneruso Danilo

Winston Churchill dal nazionalimperialismo all'occidentalismo attraverso l'europeismo (1930-1957)

in *Rivista di Studi Politici Internazionali*, Volume 75, n. 3, luglio-settembre, 355-371

Winston Churchill supported British imperialism till February 1930 and that was the reason why he interlaced excellent relations with Mussolini, the founder and champion of integral colonialism. It was a great surprise for everybody when, in 1930, he supported the theory of the European union even in federal form, but he made clear that the United Kingdom should not take part in it. After taking a position against all forms of national imperialism, Churchill declared war to colonialism for damaging not only peoples of European civilisation, but also all extra-European peoples protected by the League of Nations. After the defeat of fascism, Churchill perceived the communist ideology and the expansionism of the Urss as the major threats against the European civilisation founded on Habeas corpus, and suggested to build a permanent alliance between the Euroatlantic peoples based on their common Christian values more than on armed forces.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Gerardi Giovanni

"Dover essere" e natura individuale degli Stati: il problema della guerra nella Filosofia del diritto di Hegel

in *Rivista di Storia della Filosofia*, Fascicolo 3, 2008

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Lektzian David, Souva Mark

A Comparative Theory Test of Democratic Peace Arguments, 1946—2000

in *Journal of Peace Research*, Volume 46, Number 1, January, 17-37

Multiple theories posit the existence of a dyadic democratic peace. The authors extend the logic of three theories of the democratic peace — informational, normative, and preferences — and find that they make different predictions with respect to the onset and escalation of disputes across the range of similar regime dyads. First, regarding dispute onset, the preferences argument, but not the normative and informational arguments, expects autocratic dyads of similar type to have less conflict onset than mixed dyads. Second, the normative argument expects democratic, but not non-democratic, dyads to be less likely to escalate their disputes, while the informational argument expects democracy



to have little impact, after conflict onset has been taken into account. The preferences argument expects all dyads of similar regime type to be less likely to escalate their disputes. Critical tests of these expectations are conducted by estimating a censored choice model of conflict onset and escalation, using multiple measures of interstate conflict. The authors find little support for a broader regime-similarity peace, and their findings on democratic dispute escalation favor the informational argument over the normative argument.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Knutsen Torbjørn L.

A Lost Generation? IR Scholarship before World War I

in International Politics , Volume 45, Issue 6, November , 650-674

The traditional understanding of the origins of international relations (IR) is on the ropes. The old vision of a discipline that was born under an idealist star and matured through a first 'Great Debate' is no longer credible. This article offers an alternative understanding: viz. that a scholarly study of IR emerged during the decades prior to World War I, that the emergence represents an international movement, and that it was occasioned by major changes in Great Power economic and political affairs. By posing a few simple questions — who were the first scholarly IR-authors? where and why they write? — this article identifies some of the formative forces that produced the first (now largely lost) generation of IR scholars. It proposes a historically grounded, alternative to our traditional (largely British and mythological) understanding of early IR scholarship.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Brown Alexander

Are There Any Global Egalitarian Rights?

in Human Rights Review , Volume 9, Number 4 / December, 2008 , 435-464

This article considers whether or not there are any global egalitarian rights through a critical examination of the political philosophy of Ronald Dworkin. Although Dworkin maintains that equal concern is the special and indispensable virtue of sovereigns and the hallmark of a fraternal political community, it is far from obvious whether the demands of equality stop at state borders. While some scholars in the field—most notably Thomas Pogge—posit the existence of negative rights in relation to social and economic inequalities at the global level, here I try to defend the existence of positive global egalitarian rights by appealing to Dworkin's own two principles of ethical individualism. I also set out the framework for a version of what I call global luck egalitarianism based on Dworkin's equality of resources and try to respond to David Miller's charge that comparative principles of justice do not apply at the global level.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Barbora Sanjay

Autonomous Districts and/or Ethnic Homelands: An Ethnographic Account of the Genesis of Political Violence in Assam (North-East India) Against the Normative Frame of the Indian Constitution

in International Journal on Minority and Groups Rights , Volume 15, Numbers 2-3 , 313-334



Autonomous arrangements have always been a matter of contention in Northeast India. In the federal unit of Assam, conflict and inter-ethnic tensions have been markers of a peculiar kind of constitutional politics that are unable to resolve competing claims for resources and power in a manner that prevents violent political mobilisation. This article examines the trajectory of political events in Karbi Anglong, the largest autonomous district in Assam, and traces the course of social and cultural changes that have affected politics in the district. The article also looks at possible ways out of the impasse created by constitutional political vocabularies in the said district.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Harz Benedikt C.

Conflicting Perceptions: Russia, the West and Kosovo

in Review of Central & East European Law, vol. 33, n. 4 , 491-518

The confrontation between the West and Russia over conflict resolution in breakaway states (Kosovo, Abkhazia, South Ossetia, etc.) has been, by and large, the result of dangerous geopolitical moves on the part of both sides after the collapse of the Soviet Union. The US tried to translate the unexpectedly quick victory in the Cold War into a policy aimed at making political use of this tectonic shift in world affairs. On the other hand, Russia—economically marginalized and fully dependent on foreign aid—was forced to stand by and swallow the bitter pill of being excluded from geopolitical decision making. This applies to international diplomacy in the Balkans in the 1990S and, especially, to the Kosovo question, which had already become heated by 1999. However, times have changed in this respect, and things have gotten worse. The Georgian-Ossetian conflict in the summer of 2008 shows that neither side is really interested in an irreversible settlement process in the regions concerned: Russia—for a long time humiliated by the West—acts with a hint of satisfaction in its voice and the West still denies reality by referring to the fairy tale of Kosovo as a sui generis case.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Nuzzo Luigi

Da Mazzini a Mancini: il principio di nazionalità tra politica e diritto

in Giornale di storia costituzionale, n. 14 - II sem. 2007 , 131-186

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Salin Pascal

Democrazia e libertà individuale

in Nuova Storia Contemporanea, a. XII, n. 5, settembre-ottobre

No abstract available



Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Henderson Errol

Disturbing the Peace: African Warfare, Political Inversion and the Universality of the Democratic Peace Thesis
in *British Journal of Political Science*, vol. 39, issue 1, January, 25-58

ABSTRACT: This article tests the applicability of the democratic peace thesis to sub-Saharan African states by examining a 'political inversion' thesis. This suggests that the domestic political framework of African states compels their leaders to engage in international conflict, contrary to what the democratic peace thesisists: namely, politically open African states are more likely to fight each other. This conclusion raises the issue of the universality of the democratic peace thesis; therefore, the extent to which the democratic peace is evident across other regions of the world is examined. Empirical analyses of state dyads 1950–2001 demonstrate that politically open African states are more likely to fight each other and, moreover, the democratic peace does not hold in any region outside the West. These findings support the political inversion thesis of African conflicts and challenge the suggestion that the spread of democracy will occasion international peace throughout the world.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Ali M. El-Agraa

EU 'economic and human rights' examined within the context of regional integration worldwide
in *Asia Europe Journal*, Volume 6, Number 2 / June, 391-399

There have recently been claims that 'regional integration' and the promotion of 'human rights' are intertwined. This has been the case even before the proclamation by the European Union (EU) in 2000 of its Charter of Fundamental Rights of the European Union; hence well in advance of the adoption in 2007 by the Association of South East Asian Nations (ASEAN) of its Charter of the Association of South East Asian Nations, in which they are categorically specified. Since the EU and ASEAN seem not only to be in the same boat on this issue, but also that ASEAN is essentially emulating the EU in this regard and generally, the aim of this essay is to tackle this subject with this perspective in mind. However, because both associations are regional integration schemes, in which practically every country in the world participates, it seems more appropriate to have the wider perspective by discussing human rights within the global context of regional integration.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Tortarolo Edoardo

Eighteenth-century Atlantic history old and new
in *History of European Ideas*, Volume 34, Issue 4, December, 369-374

In this paper the contribution of Robert R. Palmer to the now booming Atlantic history is put into perspective. It describes the main features of the political and historiographical context that inspired the writing of his book, *The Age of the Democratic Revolution* in the early 1950s (first volume published in 1959, second volume in 1964). It also argues that



the war experience Palmer had in the historical section of the Army Ground Forces has been important in reviving the interest for the transatlantic dimension in modern history that was central in his PhD dissertation. This paper shows how the liberal-tocquevillian approach that Palmer adopted to explain the multiple revolutions that shook North America and Europe in the last quarter of the 18th century earned him the attacks of the Marxist historians. In its last part this paper makes use of private letters to claim that in the 1970s and 1980s the Italian historian Franco Venturi revived the scholarly interest in Palmer's perspective despite methodological differences between his Settecento riformatore and Palmer's analysis. Settecento riformatore and The Age of the Democratic Revolution have contributed to the interest in a transatlantic approach to 18th-century history that is now pursued under the heading of "entangled histories".

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Farley Robert, Gortzak Yoav

Europe vs. the Pirates

in **Foreign Policy**, Issue 169, November / December

It may be a quixotic mission, but the European Union's naval expedition against Somalia's high-seas troublemakers could be its crucial first step toward becoming an independent military power.

http://www.foreignpolicy.com/story/cms.php?story_id=4566

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Lamont Michèle

European Studies in the United States: Current Challenges and Prospects for the Future

in **Revue Tocqueville - The Tocqueville Review**, VOL. XXIX No. 1

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Verga Marcello

European civilization and the "emulation of the nations": Histories of Europe from the Enlightenment to Guizot

in **History of European Ideas**, Volume 34, Issue 4, December , 353-360

This paper discusses the paradigms of European history and of European civilisation defined in the main histories of Europe written from the Enlightenment to Guizot.

Voltaire, Robertson, Gibbon, and Guizot consolidated a model of the history of Europe which has its origins in the fall of the western Roman Empire and the invasions of the Barbarians. The other main steps of this history were the Christianisation, the creation of a vital economic centre in western and northern Europe, the development of the cities, the rediscovery of Roman law, the creation of a complex system of states, the colonial expansion and again the birth of a society of "good manners".

A common civilisation which did not ignore the differences which existed between one country and another – the



“national characters”, discussed by David Hume in 1748. Instead the different national characters – the variety of Europe as Guizot wrote – represented an important element of the European civilisation.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Ante Arta

Exploring Social Capital, a Missing Link in the State-Building and Development Process in Kosovo in Europe en formation (L'), n. 349-350, automne-hiver , 205-222

Full text available on-line: <http://www.cife.eu/UserFiles/File/EEF/349/EEF349ANTE.pdf>

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Aalberts Tanja E., van Munster Rens

From Wendt to Kuhn: Reviving the 'Third Debate' in International Relations in International Politics , Volume 45, Issue 6, November , 720-746

Constructivism is often identified as the legitimate occupant of the middle ground between rationalism and reflectivism that emerged from the Third Debate in international relations (IR) theory. Indeed, the rationalist–constructivist debate is already being framed as the next dominant debate with the IR community. This paper evaluates the bridge-building project as initiated by Alexander Wendt, and takes issue with the via media as proposed by the so-called conventional constructivists. It is claimed that the rationalist–constructivist debate has been limited to a discussion of ontology, which has brought about a contradiction between ontology and epistemology. Returning to the pressing epistemological issues that were put on the table by reflectivist scholars, this article refocuses the current debate by taking up the Kuhnian link between substance and science. It elaborates a view of science as a communal practice built on intersubjective conventions and argumentative procedures. This leads to an alternative conception of the middle ground as a communicative space.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Larres Klaus

George W. Bush's Secretaries of State and Europe: Colin Powell and Condoleezza Rice in Journal of Transatlantic Studies , vol. 6, n. 3, December, Special Issue: The Us Secretaries of State and Transatlantic Relations , 201-216

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Lewis Peter

Growth Without Prosperity in Africa



in **Journal of Democracy**, Volume 19, Number 4, October , 95-109

There is a generally recognized link between governance, economic performance, and popular welfare in Africa. Authoritarian governments have generally failed to promote economic development or improvements in livelihoods. The trend toward democratization that swept the African continent in the early 1990s kindled hopes that political reform could lead to economic regeneration. However, a crucial paradox of growth without prosperity surrounds Africa's new democracies. While political liberalization bolsters economic policy reform and enhances some of the requisites for economic performance, these improvements do not seem to foster significant reductions in poverty or inequality. This paradox presents a basic challenge for Africa's new democracies. The paradox arises from the nature of patronage systems and institutions in countries undergoing political reform.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Faustmann Hubert

History in the Making? A New Drive for a Solution to the Cyprus Problem

in **Mediterranean Politics**, Volume 13, Issue 3, November , 453-458

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Caravita di Toritto Beniamino

Identità europea, identità nazionali, identità locali: il senso e la direzione di una scommessa

in **Federalismi**, Anno VI - N. 20

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Tower Sargent Lyman

Ideology and utopia: Karl Mannheim and Paul Ricoeur

in **Journal of Political Ideologies** , Volume 13, Number 3 / October , 263-273

Both Karl Mannheim and Paul Ricoeur wrote extensively on ideology and utopia and their relationship. Most scholarship on both of them stresses the importance of ideology and downplays the role of utopia. I argue that utopia is at least as important for both of them and make a case that it is actually more important. Mannheim argues that ideology needs to be 'unmasked' and rooted out. But he contends that utopia, even though it is potentially dangerous, is an essential part of what makes us human. And Ricoeur argues that while both ideology and utopia have important positive functions, utopia is one of the correctives to the problems raised by ideology.



Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Øksendal Lars Fredrik

In Search of a Greater Economic Entity: Norway and the Sterling Area Episode of the Early 1950s Reconsidered in Contemporary European History, vol. 17, n. 4, November, 523-544

In the early 1950s, Norway attempted to join the sterling area. This article argues that this futile attempt can be used as a point of departure for understanding the country's ambivalence towards multilateralism in the early post-war period. The attempt was triggered by the prospects of an early move to convertibility under conditions Norway believed to be premature. Norway saw closer association with Britain through the sterling area as a buffer against the negative effects of multilateralism and at the same time as a window of opportunity for becoming part of a larger market. Moreover, the author argues that both the perception of the costs of multilateralism and the positive view of Britain as a natural ally was deeply embedded in the prevailing economic thinking of Norwegian social democracy.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Chege Michael

Kenya: Back From the Brink?

in **Journal of Democracy**, Volume 19, Number 4, October, 125-139

Previously considered one of Africa's few emerging democracies with a growing market-economy, Kenya was rocked by the most violent inter-ethnic killings in her history following the December 2007 general elections. Far from being old-fashioned "tribal conflict" that is said to afflict Africa, the violence was in the first instance a reaction by supporters of the opposition Orange Democratic Movement to the disputed presidential election results in which their candidate, Raila Odinga, was declared to have lost. The violence turned into calculated attacks targeting the country's economically-dominant minority, the Kikuyu, to which the declared winner, Mwai Kibaki belongs. International mediation stopped the mayhem just as it was turning into a civil war. Kenyan could revitalize her democracy and economy by devising a new constitution and electoral system better suited to her ethnically pluralistic character.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Lurato Giovanna

Le tessere di un puzzle da ordinare: le evidenze empiriche e le conoscenze teoriche sul concetto di europeizzazione

in **Teoria Politica**, Vol. 24, Fascicolo 2

Pieces of puzzle:empirical evidence and theoretical knowledge of the concept of Europeanization - The development and consolidation of the European integration has produced a visible impact on the political systems of EU member-states. As a consequence, since the second half of the 1990's a growing 224 number of researchers has focused on the process of Europeanization that assumed the meaning of influence of European governance on national governance systems. The empirical and theoretical efforts have brought to important results. Currently, we have a wider and deeper understanding of the phenomenon, and a more powerful and complex conceptual and analytical framework for its study. Nevertheless, there is a lot of work to do. It is necessary to strengthen and put in a systematic and coherent



scheme what we know and to discovery what we do not know. The article aims at giving an account of the research concerning the EU influence on national political systems; it highlights well-established findings, disputed insights and unexplored aspects of such a process.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Krehoff Bernd

Legitimate Political Authority and Sovereignty: Why States Cannot be the Whole Story

in Res Publica, Volume 14, Number 4, December , 283-297

States are believed to be the paradigmatic instances of legitimate political authority. But is their prominence justified? The classic concept of state sovereignty predicts the danger of a fatal deadlock among conflicting authorities unless there is an ultimate authority within a given jurisdiction. This scenario is misguided because the notion of an ultimate authority is conceptually unclear. The exercise of authority is multidimensional and multiattributive, and to understand the relations among authorities we need to analyse this complexity into its different aspects. Instead of ultimate authorities we can have actors endowed with superior authority over others in one regard, but not necessarily in another. And this limited superiority is sufficient for resolving conflicts. There is no need for ultimate authorities. Having discarded the notion of sovereignty we can embrace a different conception of legitimate authority, one that is not interested in the pedigree of actors, but in their capacity to serve its subjects. If states wish to retain their central role in the domain of political authority, they will have to earn it.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Porter Bernard

L'Empire dans l'histoire britannique

in Revue d'histoire du XIXe siècle , numéro 37 , 127-143

De façon étonnante, l'histoire impériale était négligée dans la plupart des écoles et des universités britanniques, même quand l'Empire était à son apogée, et bien au-delà. Cependant, elle a connu une résurgence depuis les années 1980 : en partie pour des raisons politiques (le renouveau de l'« impérialisme » dans le monde, sous l'égide des États-Unis), et en partie en raison de l'influence de deux approches universitaires nouvelles : le « post-colonialisme » qui s'appuie surtout sur les « cultural studies », et la « nouvelle histoire impériale ». Il en a résulté une expansion considérable des aspects et des ramifications de l'impérialisme britannique que l'on étudie aujourd'hui, mais aussi l'émergence de nouveaux problèmes, sémantiques et théoriques en particulier. Ce renouveau ne semble pas avoir eu de conséquences sur une autre évolution, concomitante : certains auteurs à succès et même des hommes politiques travaillistes ont cherché à réhabiliter l'ancien Empire britannique, après des décennies de ce qu'ils considèrent avoir été une approche injuste.

The Empire in British History

Imperial history was strangely neglected in most British schools and universities even during the period when the Empire was at its height, and well into post-imperial times. Since the 1980s, however, it has seen a resurgence; partly for political reasons – the perceived revival of “imperialism” in the world under the Americans – and partly though the influence of two new academic approaches: “Post-Colonialism”, which is mainly “Cultural Studies” based; and the “New



Imperial History". The result has been an enormous expansion of the range of aspects and ramifications of British imperialism now studied; but also the emergence of some new problems, especially semantic and theoretical. Running parallel with this, but seemingly unaffected by it, has been a new attempt on the part of certain popular writers and even Labour politicians to rehabilitate the old British Empire, after decades of – as they see it – unfair obloquy.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Stroschein Sherrill

**Making or Breaking Kosovo: Applications of Dispersed State Control
in Perspectives on Politics**, vol. 6, issue 4, december , 655-674

ABSTRACT: In this article, I make a case for a dispersed state control model as an alternative to the territorial and hierarchical principles of the Weberian state. Rather than allocating governance powers in terms of territory, dispersed state controls are based on a functional principle, in which governance is allocated to various subunits by issue area or function. This examination is informed by recent debates in international relations theory on contractual and imperial network models of control, as well as work on non-territorial autonomy in the fields of nationalism and ethnic conflict. I examine the practical application of a dispersed control model in the context of the governance structure proposed for Kosovo, which declared independence from Serbia in February 2008. I conclude with an overview of the advantages of creative designs for states that move beyond territory and hierarchy, to deal with complex demographic and governing realities in regions such as the Balkans.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Croci Osvaldo

**Not a Zero-Sum Game: Atlanticism and Europeanism in Italian Foreign Policy
in International Spectator (The)**, Vol. XLIII, n. 4, October-December , 137-155

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

van der Vossen Bas

**On Legitimacy and Authority: A Response to Krehoff
in Res Publica**, Volume 14, Number 4, December , 299-302

In this paper I respond to Bernd Krehoff's article 'Legitimate Political Authority and Sovereignty: Why States Cannot Be the Whole Story'. I criticize Krehoff's use of Raz's theory of authority to evaluate the legitimacy of our political institutions. Krehoff argues that states cannot (always) claim exclusive authority and therefore cannot possess exclusive legitimacy. Although I agree with his conclusion, I argue that the questions of legitimacy and (Razian) authority are distinct and that we need to focus more on the former in order to really support and defend Krehoff's conclusions.



Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

McGregor JoAnn

Patrolling Kariba's Waters: State Authority, Fishing and the Border Economy

in *Journal of Southern African Studies*, Volume 34, Issue 4, December , 861-879

In 2001, as Zimbabwe's crisis deepened, the long-established conservationist regime governing Lake Kariba was increasingly incapacitated and sidelined. At the same time, unregulated economic activities were burgeoning in this marginal frontier, clustered around the productivity of the water and state border. This article examines the reconfiguration of state power and informalisation of livelihoods, as they are revealed in the activities and perspectives of Tonga fishermen in Binga District, whose fishing 'patrols' circumvented the lake's rules and whose knowledge of the waters provided opportunities for a stake in other more lucrative trades. These Tonga fishers were the descendants of those displaced by the Kariba Dam and defended their activities in terms of the economics of survival and their identity as 'river people' with historic rights to the lake, as they had borne the costs of its creation. Their ability to etch out new informal economic spaces in a time of austerity and inflation was not about the emergence of spaces outside state power, but indicated a re-crafting of the role and nature of the state. Although fishermen's accounts of their everyday life cast state agents as simply one relatively minor component of a network of adversaries that also included poachers, thieves and wildlife, state power was thoroughly implicated in the configuration of risk on the lake and structured the violence and lack of protection intrinsic to illegal activity. The mythologised figure of the crocodile, which featured so prominently in fishermen's stories of the dangers of the water, thus could stand as a metaphor for the state itself, embodying past conservationist priorities and Tonga fishers' marginality, enmeshed with older ideas about power.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Suksi Markku

Personal Autonomy as Institutional Form - Focus on Europe Against the Background of Article 27 of the ICCPR

in *International Journal on Minority and Groups Rights*, Volume 15, Numbers 2-3 , 157-178

For an attempt to establish an institutional content for personal autonomy, it is submitted that the reference to 'community' in Article 27 of the CCPR implies a certain form of organization. Persons who belong to minorities shall have the complete freedom to organize themselves in associations of various kinds in order to pursue common aims. The notion of 'association' includes, on the top of regular membership associations, a broader spectrum of private law entities, but the main point is that there shall be a freedom for a minority in the creation of non-governmental organizations, leading to personal autonomy as an organizational form. It is hence not necessarily so that all forms of autonomy are created on the basis of special legislation, endowing the autonomous character for the minority institution from top-down. A bottom-up creation of minority institutions can actually involve a right to personal autonomy.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Schmidt Brian C.

Political Science and the American Empire: A Disciplinary History of the 'Politics' Section and the Discourse of



Imperialism and Colonialism

in **International Politics** , Volume 45, Issue 6, November , 675-687

The article reconstructs the early 20th century conversation among American political scientists about colonialism, imperialism, and empire. This account of the early disciplinary history of the sub-field of International Relations challenges the conventional claims that the field was not established until the end of World War I and that the subsequent period was characterized by idealism. The principal focus is on the contributions of Paul S. Reinsch who was a central figure in carving out a discrete discourse about international politics. Reinsch's work is a testimony to vibrant conversation about international politics that was taking place well before the conclusion of the Great War. This conversation focused on the topics of imperialism and colonialism, and formed the nucleus of the Politics section of the American Political Science Association.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Lemke Douglas

Power Politics and Wars without States

in **American Journal of Political Science**, Vol. 52, Issue 4 , 774-786

In order to evaluate the applicability of power politics theories of war and international stability to interactions among nonstate actors, I test hypotheses from power transition theory and from neorealist arguments about systemic polarity against the behavior of 20 state and nonstate actors in nineteenth-century South America. I find considerable support for two of the three hypotheses tested and conclude that existing IR theory has more explanatory power within the empirical domain of nonstate relations than critics of such theory claim.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Jones Branwen Gruffydd

Race in the Ontology of International Order

in **Political Studies**, Volume 56, Issue 4, December , 907-927

The current world order is characterised by profound global inequality, depicted through reference to the developed and developing world. The racialised character of global inequalities in power is rarely acknowledged, however. Explicit racial discourse has been removed from the institutional form of the modern world order, and this apparent transcendence of race is mirrored in the lack of attention to race within mainstream scholarship in International Relations (IR). This is in part because of the empiricist assumptions underlying much IR scholarship, which reflect the non-racialised appearance of the modern world order. While the question of race has been exposed by critical strands of IR scholarship, such critiques have focused largely on discursive dimensions of race. This article argues that critical analysis of global racism and racial oppression must go beyond the limits of discursive critique. It is necessary to grasp the non-discursive dimensions of racial power, in order to explain the reproduction of racial inequality by an international order formally committed to racial equality. This, in turn, requires an expanded theory of social ontology. Critical realism develops a theory of social ontology which provides a basis for differentiating between various dimensions of racial oppression. The critical realist theory of social ontology highlights the significance of the relations structuring societal interaction with nature, which are fundamental in determining distributions of social power within society. A survey of the



long global history of colonialism reveals that the relations structuring societal interaction with nature on a global scale have been built upon a basis of racialised dispossession. The article argues that the racialised structures of social power produced through centuries of colonial dispossession remain entrenched, despite the formal transcendence of racism in modern institutions of international order. Thus a realist ontology provides the basis for revealing the endurance of race in the structures of international order.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Parolari Paola

Reati culturalmente motivati. Una nuova sfida del multiculturalismo ai diritti fondamentali
in *Ragion Pratica*, numero 2, dicembre 2008 , 529-558

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Tavares, R.

Resolving the Kashmir Conflict: Pakistan, India, Kashmiris and Religious Militants
in *Asian Journal of Political Science*, Volume 16 Issue 3 , 276 - 302

This article introduces a conflict resolution framework to address the Kashmir¹ conflict. Firstly, Kashmir is mapped out as a multi-dimensional dispute between various parties: besides the interstate dispute between India and Pakistan, Kashmir is also an armed conflict both between India and the Kashmiris over the right of self-determination and between India and the religious militants who are waging a jihad to create a theocratic state. Secondly, in order to understand the complexity of Kashmir, I introduce an original framework based upon six levels of sovereignty that helps us in underscoring the implications of the bargaining process between India, Pakistan and Kashmir. Based on this, I propose a roadmap for peace, which comprises three successive steps: confidence-building measures, restoration of the asymmetric original status of Jammu and Kashmir and, finally, shared sovereignty (partial or total condominium) between India and Pakistan.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Mansfield Nick

Sovereignty as its Own Question: Derrida's Rogues
in *Contemporary Political Theory*, Vol. 7, n. 4, November , 361–375

This paper attempts to provide, through a reading of Derrida's Rogues, an account of the political phenomenon where regimes of sovereignty are resisted in the name of the very values — freedom, democracy and human rights, for example — they purport to stand for. To Derrida, sovereignty must simultaneously conform to a logic of both self-identity and of unconditionality. However, the unconditionality that makes sovereignty possible will always threaten and exceed it, something that other accounts like Agamben's try implicitly to deny. In the end, for Derrida, our present political challenge is to recognize, and even affirm, the way the unconditionality of sovereignty is turned against itself.



Sovereignty, then, is most effectively dealt with not by imagining a world in which it will no longer occur, nor by simple opposition, but by committing to the very logic of sovereignty itself.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Blair Jacob

Tensions in a Certain Conception of Just War as Law Enforcement

in **Res Publica**, Volume 14, Number 4, December , 303-311

Many just war theorists (call them traditionalists) claim that just as people have a right to personal self-defense, so nations have a right to national-defense against an aggressive military invasion. David Rodin claims that the traditionalist is unable to justify most defensive wars against aggression. For most aggressive states only commit conditional aggression in that they threaten to kill or maim the citizens of the nation they are invading only if those citizens resist the occupation. Most wars, then, claimed to be justified by the traditionalist fail to meet the proportionality criterion. Thus, a just war, for Rodin, is best conceived of as a punitive war of law enforcement, not as a war of national-defense. I argue that Rodin does not have a case against the traditionalist. If national-defense is a disproportionate response to conditional aggression, then punitive war is a disproportionate response as well. Furthermore, the belief that punitive war is a proportionate response to conditional aggression underscores the traditionalist's view that self-determination, cultural identity and the like are of sufficient value to defend by means of lethal force. I end the paper by very briefly sketching an account, different from that of Rodin's, of how individual nations can be justified in waging wars of law enforcement.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Resnick Danielle

The Benefits of Frame Resonance Disputes for Transnational Movements: The Case of Botswana's Central Kalahari Game Reserve

in **Social Movement Studies**, Volume 8, Issue 1, January 2009 , 55-72

Internal rifts over framing and tactics often hinder groups from mobilizing the degree of support and resources necessary to achieve their stated goals. As a result of disparities in political culture and ideology, the existence of such rifts may be especially frequent and disabling for forms of transnational collective action. However, using the case of the transnational movement lobbying on behalf of Botswana's minority groups, particularly the indigenous San, this paper argues that frame resonance disputes can sometimes facilitate the achievement of a movement's immediate goals. This is for two main reasons. First, by appealing to different audiences, the movement can gain complementary and reinforcing forms of legitimacy and support. Second, states and their societies may possess different points of vulnerability, which can be more effectively targeted through the simultaneous use of multiple frames. By helping minority groups receive legal entitlement to their ancestral lands and opening a debate about the nature of Botswana's democracy, the transnational movement campaigning for the return of the Central Kalahari Game Reserve underscores the benefits of frame resonance disputes.

Section D) Federalism as a political idea



Subsection 4. Various/Miscellaneous

Zuquete José Pedro

The European extreme-right and Islam: New directions?

in *Journal of Political Ideologies* , Volume 13, Number 3 / October , 321-344

In particular since the turn of the millennium, social scientists have identified anti-Muslim sentiment as a key feature of the European extreme-right. This article will discuss the history and validity of the term 'Islamophobia', and will probe into the development of the theme of 'Eurabia' in extreme-right wing ideology. The author will analyze the manner in which visions of a Muslim settlement and 'takeover' of Europe have the potential to create a cross-national reconfiguration of extreme-right ideology, a thematic shift, and a movement toward convergence between different sides of the ideological spectrum. The author argues that this ideology is not static, and that its potential new direction challenges significant assumptions of the current literature on the extreme-right.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Varsamopoulou Evy

The Idea of Europe and the Ideal of Cosmopolitanism in the Work of Julia Kristeva

in *Theory, Culture & Society* , Volume 26, n. 1, January , 24-44

This article puts forward a critical investigation and comparative assessment of Julia Kristeva's political writing on Europe and cosmopolitanism. Kristeva's reflections on the status of the stranger in the European religious and secular traditions, and her persistent argument on the need to constructively reformulate what is most conducive to a present and future cosmopolitanism from within those traditions and discourses, have already been recognized. What this article addresses is the need for a constructive critical dialogue with the themes and arguments of Kristeva's writing on these issues in the context of recent writing on cosmopolitanism. The article is concerned with ethical cosmopolitanism, as Kristeva's thought mostly bears on the subjective, interpersonal and communal dimensions of cosmopolitanism. Two main problems are identified that crucially undermine Kristeva's thinking on Europe. First, Kristeva's views on the present and future of Europe repeatedly confine the idea of Europe to the representation of a very particular history of French modernity that is only tempered by occasional, comparative yet complementary, references to the USA. The second problem concerns the use of psychoanalytic theories of questionable validity to support cultural analyses and theoretical propositions of dubious value for a cosmopolitan ethos or politics.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Fukuyama Francis

The Latin American Experience

in *Journal of Democracy* , Volume 19, Number 4, October , 69-79

"The Latin American Experience" argues that democratic stability requires policies that limit the society's degree of substantive economic and social inequality. A case in point is Latin America, long recognized as having one of the world's most unequal distributions of income and wealth. Observing growth patterns over the long run reveal that while the region has been capable of sustaining impressive growth for periods of a generation or more, they are almost always interrupted by political crisis and instability driven ultimately by a "fight for shares" on the part of excluded social groups.



The solution to this problem lies not just in continuing economic growth, but in sustainable social policies targeted at the poor. While populist leaders have been putting poorly designed policies in place, Latin America has also seen the emergence of well-designed anti-poverty programs like conditional cash transfers that have for the first time demonstrably lessened the degree of economic inequality.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Christie James

The Open Conspiracy of Herbert George Wells at 80: An Anniversary Tribute in Federalist Debate (The), Year XXI, n. 3, November , 32-36

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Worth Owen

The Poverty and Potential of Gramscian Thought in International Relations in International Politics , Volume 45, Issue 6, November , 633-649

Neo-Gramscian theory has become a widely used approach within the discipline of International Relations. Inspired by Robert Cox's insights into the contribution of the Italian socialist Antonio Gramsci to issues such as hegemony, power, class and production, Gramscian theory has become an increasingly popular approach to examining the character of world order among students and scholars alike. However, such theories have often relied too much upon Cox's own development of Gramscian thought, while overlooking other developments from other disciplines of the social sciences. This article overviews the progress of Gramscian theory in International Relations and argues that while certain achievements have been made towards transferring Gramsci's ideas to the global arena, much has tended to slip back towards structural Marxist accounts of class and state. In response, it is argued that a fresh account towards Gramscian theory is required — one that engages far more with approaches developed outside the Coxian dominated field of International Relations.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Jachec Nancy

The Société Européenne de Culture's Dialogue Est-Ouest 1956: Confronting the 'European Problem' in History of European Ideas, Volume 34, Issue 4, December , 558-569

This essay, which is part of an ongoing monographic study of the Société Européenne de Culture, looks at the SEC's relationship with Europe's communist intelligentsia during the first phase of the Cold War. European intellectual life during this period is generally associated with the Congress for Cultural Freedom. Yet the SEC, the membership of which included some of Europe's most eminent figures, ranging from Camus and Jaspers, to Adorno and Merleau-Ponty, to Lukács and Sartre, can be seen as having provided a reference point particularly for the European left, not least because of its unique openness to communist participation. Giving special attention to the Dialogue



Est-Ouest (Venice, March 1956), one of the earliest encounters between Europe's eastern and western intellectuals since before the war, this essay considers how the SEC's engagement with contemporary Marxist theory there not only embedded the dialectic as the SEC's operational method. It also provided an early indication of that institution's imminent shift from a preoccupation with universal values to an awareness of cultural difference and diversity, as a result of the critique of current western liberal ideology and its cultures, undertaken by the SEC in light of the Thaw.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Maass Matthias

The elusive definition of the small state

in International Politics , Volume 46, Issue 1, January , 65-83

The small state has so far escaped a consensus definition because 'the' small state has in fact been conceived of very differently. Different studies of 'the' small state have characterized it quite distinctly. In fact, there is substantial disagreement even over what type of criteria, quantifiable or qualitative, are most appropriate to characterize the small state. However, I argue that such fundamental disagreement over what makes a state small has actually benefited the area of small states studies by providing it with conceptual flexibility to match different research designs as well as the quite substantial variations among actual small states in the world. In short, in the discipline of international relations as well as in reality, more than one definition of the small state does and should exist.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Kassimeris Christos

The foreign policy of small powers

in International Politics , Volume 46, Issue 1, January , 84-101

The purpose of this paper is to redress the relative shortage of small power studies, expand the theoretical understanding pertaining to this peculiar type of states and reassert the term 'small power' in the relevant literature. The field of international relations (IR) that is devoted to small powers is limited, at least when compared to the material available for larger powers, as small powers were seemingly neglected during the Cold War era. However, small powers today have increased in numbers, as has their impact on the international system; hence, it is imperative that all pertinent definitions and attributes of small powers are examined in order to challenge the consistency and credibility of the term 'small state' over 'small power', as different connotations apply in either case.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Franzinetti Guido

The idea and the reality of Eastern Europe in the eighteenth-century

in History of European Ideas, Volume 34, Issue 4, December , 361-368

This paper would like to discuss some aspects of current trends in studies on eighteenth-century Eastern Europe. In the first part it addresses recent approaches devoted to the reconstruction of the conceptualization of Eastern Europe at the



time of the Enlightenment, which have often been inspired by the work of Edward Said and Martin Bernal. These include Larry Woolf's *Inventing Eastern Europe* (1994). Michael Confino has provided a detailed critique of Woolf's approach. It can be argued that Woolf is in fact projecting Cold War divisions back into the eighteenth century.

The article argues in favour of a less "Orientalising" approach to the history of Eastern Europe, by providing an alternative overview of the historical dimensions of the eastern (and northern) regions of Europe in the eighteenth century. Eastern Europe was inextricably connected to its western European neighbours. Without Eastern Europe, European history is incomplete and incomprehensible.

In the third part the article argues that the interpretative framework of the "first crisis of the Old Regime", which Franco Venturi outlined in his *Settecento riformatore* in the 19870s and 1980s represented a subtle rejection of the East/West dichotomy, and in fact foreshadowed the eventual reunification of Europe after the end of the Cold War.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Benzoni Maria Matilde

The idea of Europe and the "Dispute of the New World": Some reflections between history and historiography in *History of European Ideas*, Volume 34, Issue 4, December , 375-382

This paper would like to contribute to the discussion on the formation of the idea of Europe and contextually shaping of the debate on the New World in early modern and modern history. Following an important Italian historiographic tradition, the paper discusses the eighteenth-century within a wider objective and subjective historical development. The first part of the paper focuses on the Eurocentric realigning of the relations in the Atlantic world. It argues that this realignment remains basically a middle period phenomenon. The resistance by the Anglo and Hispano-American colonies to the "reforms" and the internationalisation of the crisis of American Empires actually caused a real caesura in the political history of the Atlantic.

The second part of the paper focuses on the impact of the Eurocentric reorganisation of European/American relations on collective consciousness, political ideologies and historical discourses on both sides of the Atlantic. It argues that this impact was much more lasting and profound.

The paper focuses finally on the anti-Eurocentrism matured in the Americas in the late eighteenth-century. It argues that this attitude declines to present the European cultural and ideological heritage, on the basis of an age-long American experience that historiography presents by now as multiethnic, multicultural and métisse. The paper suggests in particular that this American anti-Eurocentrism can be considered to some extent prototypical of a phenomenon destined to develop in nineteenth and twentieth century in the framework of the apogee, crisis and decline of Europe in the international world system and international world society.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Albertone Manuela

The idea of Europe in the eighteenth century in history and historiography in *History of European Ideas*, Volume 34, Issue 4, December , 349-352

No abstract available



Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Schwarz Rolf

The political economy of state-formation in the Arab Middle East: Rentier states, economic reform, and democratization

in *Review of International Political Economy*, Volume 15, Issue 4 2008 , 599 - 621

This article argues that rentier states stand in contrast to states that have to rely on domestic resource extraction. They display a particular path to state-formation that by and large defies the European path of state-formation: natural resource dependence (mainly oil dependence) has created weak states that are autonomous from societal demands and that do not rely on domestic taxation. State-formation has not been accompanied by political accountability, transparency, or what Charles Tilly has termed the 'civilianisation of government'. In rentier states the expenditure side of public revenues is most clearly linked to a state-building agenda of creating societal peace and political acquiescence. On a theoretical level, this article offers a new reading of state-formation based on the form and the performance of the state. Focusing on a functional understanding of statehood, it thereby highlight where Arab states are strong (security function and in times of oil booms, welfare function) and where they are weak (representation function, and in times of fiscal crisis, welfare function).

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Thivet Delphine

Thomas Hobbes: a Philosopher of War or Peace?

in *British Journal for the History of Philosophy*, Volume 16, Issue 4, November 2008 , 701-721

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Pham J. Peter

What Is in the National Interest? Hans Morgenthau's Realist Vision and American Foreign Policy

in *American Foreign Policy Interests*, Vol. 30, Issue 5 , 256-265

To answer that question this analysis examines the work of the political realist thinker Hans J. Morgenthau who transformed the study of international relations with his analysis of this question. As this analysis turns to Morgenthau, a founder of the National Committee and the chief theorist of the national interest, to define the complexities of the term, Morgenthau read the writings of the founders of America—the Federalists—for an explication of what has become the most important term in the lexicon of international relations. As relayed in this analysis, Morgenthau distilled three precepts underlying the founders' conception of America's interest in foreign affairs and nine rules that govern the art of diplomacy. They are identified and explained here in an analysis that shows, among other things, the durability of Morgenthau's thought.

Section D) Federalism as a political idea



Subsection 4. Various/Miscellaneous

Shen Dingli

Why China sees the EU as a counterweight to America

in **Europe's World**, Issue 10, Autumn

China is keeping a careful watch on EU integration and the development of its security and defence policy. Dingli Shen says the ESDP is already earning Beijing's general approval, and explains that because China seeks a multipolar world rather than one dominated by the United States it views the EU as a means to achieve it.

<http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21260/Default.aspx>

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Kapstein Ethan B., Converse Nathan

Why Democracies Fail

in **Journal of Democracy**, Volume 19, Number 4, October , 57-68

Based on a new data set of democratizations occurring between 1960 and 2004, this paper explores the reasons for reversals in young democracies. Adverse initial conditions including poverty, inequality, and ethnic fragmentation are associated with the failure of democracy, but the relationship is not deterministic. Likewise, numerous young democracies have survived in spite of disastrous economic performance. Political institutions play a key role in preventing a return to authoritarianism, but the effectiveness of constraints on executive power appears more important than whether the regime is parliamentary or presidential in structure. These findings suggest a need for greater coordination between democracy promotion assistance and aid intended to foster economic development.

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Hughes - Warrington Marnie

World and Global History

in **Historical Journal (The)**, Volume 51, Issue 03, September , 753-761

No abstract available

Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Hughes - Warrington Marnie

World and Global History

in **Historical Journal (The)**, Volume 51, Issue 03, September , 753-761

No abstract available



Section D) Federalism as a political idea

Subsection 4. Various/Miscellaneous

Weinstein Ben

'Local Self-Government Is True Socialism': Joshua Toulmin Smith, the State and Character Formation in *English Historical Review* (The), Volume 123, Number 504, October , 1193-1228

The historiography of the 'Victorian revolution in government' has characterized Joshua Toulmin Smith as a promoter of individualism, 'enterprise values', and anti-statism. Where Edwin Chadwick has been described as an early theorist of the welfare state, Smith has been seen as Chadwick's foil: a supreme champion of the Victorian laissez-faire state. Smith's strong advocacy of 'local-self government' in works such as *Local Self Government and Centralization* has been held up as proof of this. The following essay argues that Smith's advocacy of local self-government proceeded neither from a belief in the merits of 'individualism' nor from a mere anti-statist disposition. Rather, Smith's view of the advantages of local self-government was profoundly communitarian and statist. As the following essay demonstrates, Smith was hostile to political economy and severely critical of most forms of human competition. In place of the laws of political economy, Smith's advocacy of local self-government was underpinned by his engagements with Combean phrenology and 'philosophical necessarianism'. Ultimately, Smith desired to empower human agency over social circumstance, and he felt that local government was the forum best able to do this. At the same time, Smith's opposition to state 'centralization' was not a rejection of the 'the state' per se, but rather an articulation of the 'Country' critique of state imbalance and corruption.