
**International Conference on Federalism
Mont-Tremblant, October 1999**

Session 4E) IGR Roundtable: Structures of Intergovernmental Relations

SOME INITIAL THOUGHTS TO LAUNCH THE DISCUSSIONS

**By Uwe Leonardy
Former Head of the Constitutional Division,
Lower Saxon Mission to the Federation, Germany**

The primary purpose of the roundtables is to give all participants the opportunity of raising those issues that concern them most to the table and to have these issues discussed. There is no search for specific conclusions or results and thus there is also no need for a limited agenda.

In order to have a more or less comparable course of debate in the three roundtables on our topic, it might nonetheless be advisable to keep in mind the issues which Prof. Cameron suggested for our consideration at the end of his background paper. (It should have been distributed to every participant.) On the basis of these proposals the following questions could perhaps serve as some kind of a guideline in our discussions:

I

In the sharing of our practical experience on the status quo in the structures of IGR and their main problems, would it be correct to say

1. that the identification of the most pressing practical problem differs strongly between the long-standing and the younger (including the potential) federations? Is it true that while in the former it is the constantly growing number of IGR-institutions, which makes both management and transparency increasingly difficult, the latter are marked by more or less "unrelated IGR-processes" (David Cameron), which not only lack structural concepts but also sufficiently trained personnel capacities for institution-building?
2. that the most visible sum-total of recent accomplishments corresponds to that picture? Do we share the observation that in the "classical" federations both the avoidance of overlap and confusion as also the demands for a "lean state" have resulted in decisions aiming at concentration in numbers and in more hierarchy-accentuated organisation? Do the conceptual and personnel needs in the other group of federal states appear to develop a growing insight into the necessities of utilising organised (and in particular comparative) experience as the most outstanding achievement for their emerging IGR-structures?

3. that the shaping of not only organisational, but also of legal and in some cases even constitutional concepts for the participation of federated entities in the arenas of inter- and/or supranational decision-making has been the most important modern innovation in federal-type states all over the world? Have such structures in the supranational field approached equal perfection in the older and the younger federations alike? In that of international relations, are the aspirations in the younger ones even stronger than in some of the "established" ones? Have federal states thus given sufficient visible expression to the phenomenon of "perforated sovereignties" (Ivo Duchacek), which mirrors the world-wide processes of "glocalisation" (Tom Courchène) in both political consciousness and economic development?

II

In our evaluation of IGR-structures and their effects,

1. can it be judged in general terms, whether or not the relation between input-costs and output-value is an appropriate one? Or are the only statements possible here
 - that any renunciation of IGR altogether for financial reasons would make a federal system ungovernable and would, therefore, cause much higher costs than would even the most expensive IGR-structure and
 - that the need to balance costs and value reflects the problems referred to under I.1 above?
2. do similar observations apply to the evaluation of IGR-effectiveness in that the broader the range of services expected of the state by the citizen in a federation, the more intricate the IGR-structures will have to be? Does that in turn imply an equivalently high degree of discipline in organisation and of expertise in performance, thus reflecting the problems referred to under I.2 above?
3. is the most startling conflict of values perhaps that between efficiency and effectiveness of IGR on the one side and the demands of democratic transparency for accountability on the other? Will even the most efficient and effective IGR-structure in the end not tend to be detrimental to the political spirit of a federation and its potentials of convincing the electorate, if complacency is permitted to settle over the hardly disputable fact that in quantitative terms most decisions in IGR have to be arrived at behind closed doors? Assuming this, should federal systems then possibly provide for "windows into IGR-structures" (Uwe Leonardi), through which the general public can be informed or inform itself on what is at stake and which decisions or arrangements will be or have been made? Should the development of procedural and/or institutional devices to that effect not attract more attention in the practice of federations than it has hitherto done? Could such devices (as in some federal states they do already) consist in, e.g.,

- second chambers reflecting large parts of the IGR-processes (like the German Bundesrat)?
- increasing efforts for a dialogue between inter-executive and parliamentary committees (like in Australia)?
- the encouragement of co-operation in inter-parliamentary institutions (like in the European Union)?
- regular press releases and/or press conferences after meetings of politically important IGR-institutions?
- the official publication of their decisions and/or arrangements in due course (except only if this would be detrimental to necessary further negotiations)?
- possibly other appropriate steps and measures, for which the roundtable might in general terms recommend further investigation by the Forum?

III

Regarding "the emergence of serious competitors in the governance market place" (David Cameron), the fact that IGR in federations have to relate to powercentres above it, has already been referred to under 1.3 above. Is it correct that the most important field, in which they have or will have to do the same regarding such centres within and below it, would seem to be that of economic and social institutions? Does this perhaps apply all the more in the face of constantly growing processes of globalisation, which seem to make it all the more evident that the modern state would be rendered more and more powerless in the area of economic developments and their ensuing social effects, if it would not sufficiently care for structures and procedures of organized dialogue with the economic and social forces? Should models of such dialogue (such as the Economic and Social Council of the EU or the so-called former "Concerted Action" in Germany) be studied more carefully? As for federations, how can an appropriate rôle of their component parts within such models be secured?

So much for initial thoughts to launch our discussions. Needless to say, your moderator will be happy to welcome and include any contribution on other ideas which you may think to be more or additionally appropriate.