COURTS IN FEDERAL COUNTRIES: FEDERALISTS OR UNITARISTS?

INTERNATIONAL ROUNDTABLE SPONSORED BY THE FORUM OF FEDERATIONS
IN COLLABORATION WITH THE GOVERNMENT OF QUEBEC

MARCH 26-28, 2012
MONTREAL

With the financial support of the Government of Quebec, the Forum of Federations has begun a major comparative study on Courts and Judicial Systems in Federal Countries, utilizing the knowledge and framework established by the Forum's Global Dialogue series. The Global Dialogue brings together academics, experts and practitioners, and has led to nine volumes of comparative analysis on federalism; see http://www.forumfed.org/en/products/books.php. Following from this work, it became apparent that there is a need for research on the role of judicial power in relation to federalism.

This new project will examine the experiences and challenges of 13 federal countries, thus offering a mix of new and old, as well as common law and civil law federations at various levels of development: Australia, Belgium, Brazil, Canada, Ethiopia, Germany, India, Mexico, Nigeria, South Africa, Spain, Switzerland and the United States. A key objective is to analyze underlying trends, share experiences and identify good practices.

Leading experts from each country will prepare chapters for an edited volume. Each author will follow a template developed by the co-editors and present two case studies that will highlight how in practice their judicial systems have responded to the challenge of preserving and fostering a vibrant and well-balanced federal system. The volume will be edited by John Kincaid (Meyner Center for the Study of State and Local Government, Lafayette College) and Nicholas Aroney (TC Beirne School of Law, University of Queensland).

At the Montreal roundtable, the chapter authors will each present the broad lines of their chapter. This will be followed by commentaries from other academics/experts and discussion around the table. The roundtable will also host a Canadian roundtable. A number of additional participants from the Canadian academic world and government will be invited. The event is limited to around 35 participants (including those on the program) and will be off-the-record, the Chatham House rule applies. Simultaneous interpretation (English-French) will be available.
PROGRAM

Monday March 26

18.30 Opening reception and dinner – Château Champlain
  ▪ Key note: Professor Peter Russell, Professor Emeritus, University of Toronto

Tuesday March 27

9.00 Welcome and Opening Remarks
  ▪ Josée Bergeron, Secrétariat aux affaires intergouvernementales canadiennes, gouvernement du Québec
  ▪ Felix Knuepling, Forum of Federations

9.15 Roundtable Goals and Program
  ▪ John Kincaid, Lafayette College and Nicholas Aroney, University of Queensland (Editors)

9.30 Session 1: Post-Authoritarian Devolution Federal Arrangements – Spain and South Africa

Chair
  ▪ Leslie Seidle, Forum of Federations

Presenters
  ▪ Spain: Elisenda Casanas Adam, University of Edinburgh (20 min)
  ▪ South Africa: Nico Steytler, Community Law Centre, Cape Town (20 min)

Comparative reflections and discussion
  ▪ Nicholas Aroney, University of Queensland

11.00 Break

11.15 Session 2: Democratizing Latin Federations – Brazil and Mexico

Chair:
  ▪ Phillip Gonzalez, Forum of Federations

Presenters
  ▪ Brazil: Gilberto Rodrigues, Catholic University of Santos (20 min)
  ▪ Mexico: Jose Caballero, National Autonomous University of Mexico (20 min)

Comparative reflections and discussion
  ▪ Lawrence Graham, University of Texas at Austin

12.45 Lunch – Château Champlain
14.00  Session 3: Dominant Powers in their Respective Regions – Germany and the United States

Chair
- Felix Knuepling, Forum of Federations

Presenters
- Germany: Arthur Benz, Technische Universitaet Darmstadt (20 min)
- United States: Ilya Somin, George Mason University (20 min)

Comparative reflections and discussion
- John Kincaid, Lafayette College

15.30  Break

15.45  Session 4: Diverse African Federations with Authoritarian Proclivities – Ethiopia and Nigeria

Chair
- Élise Labrecque, Secrétariat aux affaires intergouvernementales canadiennes, gouvernement du Québec

Presenters
- Ethiopia: Hashim Tewfik, Addis Ababa University Institute of Federalism (20 min)
- Nigeria: Rotimi Suberu, Bennington College (20 min)

Comparative reflections and discussion
- Aaron Tesfaye, William Paterson University
- Philip Ostien, University of Jos

17.15  End of first day

19.30  Dinner
Decca 77, 1077 Drummond

Wednesday March 28

9.00  Session 5: Anglo-Parliamentary Federations: Australia and Canada

Chair
- Josée Bergeron, Secrétariat aux affaires intergouvernementales canadiennes, gouvernement du Québec

Presenters
- Australia: Nicholas Aroney, University of Queensland (20 min)
- Canada: Eugénie Brouillet, Université Laval (20 min)
Comparative reflections and discussion
  ▪ Peter Russell, Professor Emeritus, University of Toronto

10.30  Break

10.45  Concluding reflections on all country cases

Opening remarks
  ▪ John Kincaid, Lafayette College
  ▪ Nicholas Aroney, University of Queensland

12.00  Break

12.15- 14.00  International Authors Meeting (closed session)
  ▪ Working Lunch – Château Champlain

12:30 -13:45  Lunch – Château Champlain (for all participants)
Canadian Roundtable – Château Champlain

Chair
- Gerald Baier, University of British Columbia

14.15 – 14.30 Session 1: General Tendencies

14.30 – 15.30 Session 2: Specific Issues

15.30 Break

15.45 – 16.30 Session 3: General questions of significance

Concluding remarks
- Eugénie Brouillet, Université Laval
- Felix Knuepling, Forum of Federations