



Annual Conference of the International Association of Centres for Federal Studies (IACFS)

at the Institute of Federalism, Fribourg University

12 and 13 October 2017

Call for Papers

The Principle of Equality in Diverse States – Reconciling Autonomy with Equal Rights and Opportunities

The 2017 Annual Conference of the International Association of Centres for Federal Studies (IACFS) will deal with the challenge of guaranteeing the principle of equality in diverse states (societies), especially in countries which have adopted federal or decentralised systems or any other arrangement allowing for the accommodation of groups or territories with distinct identity. The main objective of the conference is to explore the different ways which states characterised by diversity use to reconcile autonomy with the principle of equality and constitutional guarantees of equal rights and opportunities of their citizens. While uniform states/homogenous societies states find it easy (at least in theory) to guarantee equal rights to all the geographic entities and all citizens of the country, the principle of equality raises several complex issues in states which guarantee autonomy rights to one, several or all (constituent) entities or with foresee specific regimes for distinct groups (e.g. national minorities).

These issues relate, among others, to the equality or inequality of regional units. Here, a great variety of models and situations can be distinguished. In some states, all regional units enjoy equal rights and shoulder equal responsibilities. This is what is called the *de jure* symmetrical relationship. *De facto* asymmetry of the regional units (in terms of geographical size, population, development, ethnic composition, etc.) can then lead to unequal representation of citizens and variations in power and influences of the units. In other states, the institutional setup provides for differentiation between regional units and asymmetric relationships, e.g. for unequal (but more proportionate) representation at the centre and/or special rights and privileges for one or more regions or groups and/or negotiated compromises on the division of power and resources. In all diverse states, some financial schemes exist



to balance economic, social and other disparities between regions. While some of these fiscal arrangements focus on the equality of the regional units and on the balance of their rights and responsibilities, some others are designed to guarantee equal rights and opportunities to all citizens living in different regions. Asymmetric arrangements, which nowadays have become common in different political systems, are designed to recognize and accommodate different kinds of diversity in order to promote internal cohesion and stability. However, such unequal relationship among the regional units raises a number of questions. How can special arrangements that privilege some regional units or groups over the others be justified? Does the principle of equality require that extra-rights are compensated by extra-duties? How and to what extent is it acceptable that the use of asymmetric powers leads to inequality between citizens of different regions (in terms of representation, access to power, veto rights, human rights, access to services, etc.)?

Furthermore, equality in diverse states (societies) can be examined from an individual perspective. While constitutions and international human rights conventions guarantee all persons equality and non-discrimination, diverse states (societies) often simultaneously provide for specific rights accommodating minorities or other groups. The constitutional or legal guarantee of territorial autonomy (e.g. in the fields of language, culture policies, education, health, social services and infrastructure) generally opens space for regional decision-making and for variations of policies, laws and services which potentially create tensions with the principle of equality. Both federal and decentralized states have opted for different ways of reconciling the guarantee of equal rights and opportunities to all citizens with the collective rights to autonomy. For some, autonomy is limited by the principle of equality. According to this approach, all citizens, independent of their residence and group belonging, enjoy the guarantee of equality before the law and equal access to public services. In such a system, the autonomy of regional units or groups in the field of legislation or service delivery is largely reduced and the need for fiscal equalization is typically very high. In order to respect the autonomy of certain groups or regional units, some states are willing to accept a certain degree of *de jure* and/or *de facto* inequality between citizens of different regional units or even within a unit. Such political systems only provide for national minimal standards (at least in their field of competence) and allow regional units or groups to adopt their own legislative regimes and to offer special services.

In all diverse states (societies), balancing equality and autonomy is a controversial and challenging task. On the one hand, a comprehensive implementation of equal rights and opportunities throughout the country cannot easily be reconciled with the guarantee of meaningful autonomy. If the principle of equality is fully applied, regional units tend to be reduced to the status of implementation agencies. The national guarantee of equal services in all the regions also limits the incentives of regional governments to function efficiently and to mobilize resources in order to better respond to the specific regional needs and to offer better services. On the other hand, the use of autonomy rights can be considered a risk to equality. It cannot only lead to unfair treatment of minorities within minorities, women or other groups; the very idea of some citizens of the same country enjoying more rights and better services than others can be seen as a violation of the principle of equality and as a threat to the unity and stability of the country.



Under the broad theme of the conference a number of issues could be examined:

- Theoretical and conceptual differences in the understanding of the principle of equality in federal, decentralized and unitary states;
- Conceptual and practical differences between the principle of equality (formal and substantial) and the principle of non-discrimination in diverse states (societies);
- Design, justification and controversies of symmetry or asymmetry in diverse states (societies);
- Equal and unequal representation of regional units in the institutions of central government;
- Case studies and comparative analysis of symmetric and asymmetric power and resource division;
- Fiscal arrangements, their approach to and effect on equality and autonomy;
- Autonomy and gender equality;
- Autonomy, the protection of minorities and the protection of minorities within minorities;
- The role of different actors within a state in guaranteeing the principle of equality;
- The role of courts in protecting equality and autonomy;
- Approaches to equality and sub-regional autonomy of regional units (e.g. local autonomy and their effect on equal or unequal access to services);
- Approaches of international organisations to equality and diversity.

The International Association of Centres for Federal Studies and the Institute of Federalism in Fribourg welcome papers on any of the topics mentioned above as well as on any other theme, case studies, comparative analysis or theoretical arguments linked to issues of equality in diverse states (societies).

Please send your Titles, Abstracts and Draft Papers to evamaria.belser@unifr.ch.

Deadlines:

Receipt of Titles and Abstracts (150 words)	end of May 2017
Receipt of Draft Papers	end of September 2017
Receipt of Final Papers	end of March 2018

EMB, Fribourg, 22 February 2017