

# BIAŁYSTOK LAW BOOKS

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Andrzej Jackiewicz

TERRITORIAL ORGANIZATION  
OF EUROPEAN STATES.  
FEDERALISM, REGIONALISM, UNITARISM



**Temida2**  
Białystok 2011

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**Editor-in-Chief:** Jerzy Banasiuk

**Cover design:** Jerzy Banasiuk

**Publisher:** Temida 2, Faculty of Law, University of Białystok

**Series Editor:** Izabela Kraśnicka

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ISBN: 978-83-62813-16-2

ISSN: 2083-9790

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## LIST OF ABBREVIATIONS

EEC	– European Economic Community
EU	– European Union
EUTreaty	– Treaty on European Union
FCC	– Federal Constitutional Court
FRG	– Federal Republic of Germany
GDP	– Gross Domestic Product
GDR	– German Democratic Republic
MP	– Member of Parliament
MSP	– Member of Scottish Parliament
NATO	– The North Atlantic Treaty Organization
NSDAP	– National Socialist German Workers’ Party
STV	– single transferable vote
UK	– United Kingdom of Great Britain and Northern Ireland
UN	– United Nations



# INTRODUCTION

This book is devoted to territorial structures of the contemporary European states perceived through the issues of federalism, regionalism and unitarism. Over recent decades in Europe we can observe two tendencies concerning the aforementioned issues. On the one hand, it is decentralisation of modern democratic states as well as overlapping actions of various political and ethnic movements seeking to gain its own political space: sovereignty, autonomy or independence within the framework of territorial self-government. On the other hand, we can notice a progressive European integration embracing increasingly broader circles, first within the framework of the European Communities, and in the framework of the European Union<sup>1</sup>.

The objective of this publication is presenting solutions concerning territorial systems in some selected European states: Switzerland, Germany, Italy, Spain, France, Poland and the United Kingdom. The selection of these states is justified by their rich experience in the historical evolution and the origins of their current solutions in the territorial structure, as well as the peculiarity of their modern constitutional solutions.

The first, introductory, part serves to present some basic terminology of the issues of territorial structures of contemporary states and to signal the characteristics of such constitutional forms as confederation, federation, regional state and unitary state. Also the notion of devolution, becoming part of the image of present day Europe

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1 M. Montanari, *Between European integration and regional autonomy: the case of Italy from an economic perspective*, *Constit Polit Econ* 2006, no. 17, p. 277–278, see also: J.M. Josselin, A. Marciano, *Unitary States and Peripheral Regions: A Model of Heterogeneous Spatial Clubs*, *International Review of Law and Economics* 1999, no. 19, p. 501 and next, Ch.B. Blankart, *The European Union: confederation, federation or association of compound states? A Hayekian approach to the theory of constitutions*, *Constitutional Political Economy* 2007, no. 18, p. 99–106. See also: A. Schade, *A research topic in education law and policy: The development of regionalism and federalism in Europe and their impact on educational policy and administration*, *European Journal for Education Law and Policy* 2000, no. 4, p. 35–39.

was taken into consideration. The book points at the special importance of the regional tier and local government to the organisation of the territorial system of modern democratic states.

Parts II and III are dedicated to two federal states: the Swiss Confederation, which is confederation but by historically justified name, and the Federal Republic of Germany, whose current form is a result of the territorial changes after World War II. Parts IV is about the United Kingdom of Great Britain and Northern Ireland, where the devolution in progress is an original solution not lending itself to an unequivocal classification. Parts V and VI present the Italian Republic and the Kingdom of Spain – the states constituting a transitional form between federation and unitary state, and simultaneously being an arena of vivid debates on the constitutional territorial transformations. Parts VII and VIII discuss unitary states: the French Republic, historically and presently recognised as a typical centralised state and the Republic of Poland, a still young democracy, which after the constitutional transformation implements the model of decentralised unitary state.

Particularly important from the point of view of the issues presented in the title were the constitutional solutions which determine the legal order of the states under discussion and make a testimony of assuming certain conceptions of territorial organisation and their evolution. As far as it was necessary for the presentation of a particular model, also normative acts of lower rank were used as auxiliary sources. Introducing successive states a uniform pattern was used: presenting a synthetic constitutional outline of forming the territory of the state under discussion, and discussing the structure of central authorities and their relations with the lower tiers of the territorial structure. The last subchapter of each part serves to briefly present solutions in local government.

*Andrzej Jackiewicz*