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DEBATE



Regional legislatures and national lawmaking

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ABSTRACT

Recent work has noted the supposedly ‘exceptional’ constitutional authority of sub-national legislatures in Mexico to introduce legislative initiatives into the national congress. Rather than a mechanism unique to Mexico, however, this debate article notes other states’ constitutions with similar provisions, drawing on data from the Comparative Constitutions Project, as well as a new dataset on lawmaking in the Russian Federation. The article calls for a new collaborative research agenda to explore the involvement of sub-national legislatures in national-level lawmaking.

KEYWORDS Sub-national legislatures; lawmaking; constitutions; Mexico; Russia

When we think of bill initiation in national legislatures, we naturally think of federal actors as the protagonists. A recent article in this journal challenges this picture. Ugues, Vidal, and Bowler (2017) analyse the national lawmaking activity of *sub-national legislatures* in modern-day Mexico. Beyond describing the frequency, substance, timing, and fates of initiatives introduced by regional assemblies into the national congress, the authors also look at ‘which factors affect the probability of presenting a state-led initiative’ (Ugues et al., 2017, p. 594). The article is, therefore, a very welcome development in a field that ‘has traditionally restricted attention to national assemblies’ (Downs, 2014, p. 609).

How widespread is this constitutional authority of sub-national legislatures to introduce bills into national legislatures? Ugues et al. (2017, p. 594, 596) claim that the authority to introduce bills into the federal congress is ‘a right featured exclusively by subnational governments in Mexico’ – ‘this important lawmaking role is unique to Mexico’.¹

They are wrong. Contrary to this claim of Mexican exceptionalism, there is evidence that this ‘peculiar mechanism of federal lawmaking’ (Ugues et al., 2017, p. 595) is found in other states. In the Russian Federation, for example, article 104.1 of the 1993 Constitution states that ‘legislative (representative) bodies of the subjects of the Russian Federation’ have the ‘power to

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initiate legislation' in the State Duma – the lower chamber of the Federal Assembly.²

Russian sub-national legislatures make great use of this constitutional authority. [Figure 1](#) presents data on the number of bills introduced by regional parliaments into the State Duma by year. This activity compares favourably to other actors with the right of Duma bill introduction. Between the State Duma's spring sessions of 2012 and 2015, Russian regional legislatures were second only to Duma deputies regarding the total number of initiative introductions, surpassing even the government (Noble & Schulmann, 2018, p. 59). This is even more surprising in light of the fact that the vast majority of these regional initiatives failed to become laws. For example, in 2012, although regional assemblies introduced 326 bills, in the same year only 20 bills sponsored by regional assemblies became laws.³

Which other states include such a provision? The Comparative Constitutions Project (CCP) – an initiative to collect, structure for comparison, and analyse features of constitutional texts – provides a unique dataset, which can be used as a first step in gauging the geographical and temporal distribution of constitutional features. Variable 263 of the dataset contains information supplied by country experts in response to the question, 'Who does the constitution specify can initiate general legislation?'. Response 96 is



Figure 1. Total number of bills introduced by Russian regional legislatures into the State Duma by year. Notes: The data presented in this figure are taken from an original dataset (compiled by the author) of initiatives submitted into the Russian State Duma by regional assemblies (legislatures of federal subjects). The author would like to thank Marsel Salikhov for help in compiling this dataset, which draws on information from the State Duma's online lawmaking archive, <http://asozd2.duma.gov.ru>.

‘other’, with experts requested to supply further details in the comments section (the ‘leg_in_comments’ variable). Of the 15,567 country-years in the dataset, 2,766 include information on ‘other’ sponsors of legislative initiatives in national legislatures (beyond the categories of heads of state, government, members of the upper and lower chambers, and so on). Of these 2,766 entries, 316 include references to sub-national bodies. [Figure 2](#) shows the 13 countries that are coded as providing constitutional authority for sub-national assemblies to introduce legislation into their respective national legislatures (further details in [Table 1](#)). For example, the Ali Mejlis (Supreme Assembly) of the Nakhichevan Autonomous Republic of Azerbaijan has the authority to introduce bills to the Milli Mejlis (National Assembly) of Azerbaijan; regional congresses in Peru had the authority to submit bills to the Congress of Peru; and the Assembly of People’s Deputies of the Gorno-Badakhshan Autonomous Region of Tajikistan has the authority to introduce bills to the Majlisi Oli (Supreme Assembly) of Tajikistan. Rather than being restricted to Mexico, therefore, this constitutional provision is present across a range of countries over space and time.

There are clear problems, however, with the CCP data. Most obviously, certain country cases are incorrectly excluded, including the Russian Federation and Spain. Such omissions and other inaccuracies are, of course, difficult to avoid completely in ambitious data-collection exercises such as the CCP.

However, this first-step analysis does underscore a clear lacuna: an accurate and complete record of sub-national legislatures’ authority to introduce



Figure 2. Countries (in dark grey) with constitutions (historic or current) giving sub-national legislatures (or local representative bodies) the authority to introduce legislative bills into national legislatures. Notes: The information used to prepare this map is taken from the Comparative Constitutions Project dataset (Elkins, Ginsburg, & Melton, 2014). Areas shaded on the map relate to contemporary state boundaries. Thus, the historic territory of the former state of Yugoslavia is not shaded dark grey, but Serbia is. See [Table 1](#) for more details.

Table 1. Countries with constitutions giving sub-national legislatures (or local representative bodies) the authority to introduce legislative bills into national legislatures, with constitution years and respective descriptions from the dataset of the Comparative Constitutions Project.

Country	Years	Description in CCP dataset
Azerbaijan	1995– 2013	'ali mejlis of nakhichevan republic'
Czech Republic	2001– 2008	'representative bodies of higher self-governing regions' ('representative body of a higher territorial self-administrative unit')
El Salvador	1983– 2013	'municipal councils'
Ethiopia	1987– 1990	'subsidiary unit legislatures'
Georgia	2002– 2004	'supreme representative bodies of abkhaz and adjara autonomous republics'
Mexico	1857– 2013	'subsidiary unit legislatures' ('legislatures of states')
Moldova	2003– 2013	'autonomous territorial unit of gagauzia' ('peoples [<i>sic</i>] assembly of the autonomous territory unit of gagauzia')
Myanmar (Burma)	1974– 1987	'local people's councils'
Nicaragua	1995– 2006	'autonomous regional councils; municipal councils'
Peru	1920– 1932	'regional congresses'
Portugal	1976– 2013	'legislative assemblies of autonomous regions with respect to their region'
Tajikistan	1994– 2013	'the majilisi of people's deputies of the gorno-badakhshan autonomous oblast'
Yugoslavia (Serbia)	1974– 2013	'assemblies of subsidiary units' ('assembly of either serbia or montenegro', 'subsidiary unit legislatures')

Notes: The information used to prepare this table is taken from the Comparative Constitutions Project dataset (Elkins et al., 2014).

national-level legislative initiatives. Such a dataset would be of interest to scholars working in a variety of fields, including federalism, constitutional law, and comparative lawmaking processes.

Notes

1. Just before the latter statement they note, however, that a 'federal lawmaking role for subnational governments also exists in Spain, where the Spanish autonomous communities have similar rights' (Ugues et al., 2017, p. 596). Although not mentioned in the article, the authors differentiate the Spanish and Mexican cases regarding whether sub-national assemblies can introduce initiatives directly to the national parliament or not (personal communication with the corresponding author, 21 November 2017).
2. An English-language version of the 1993 Russia Constitution is available here: <http://www.constitution.ru/en/10003000-01.htm>.
3. Author's own calculation from a dataset compiled by the author, drawn from information on the State Duma's online law-making archive (available here: <http://api.duma.gov.ru/>).

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Disclosure statement

No potential conflict of interest was reported by the author.

Biographical note

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