



Constitution Brief

March 2019

About the author

Cheryl Saunders is a Laureate Professor Emeritus and member of the Constitution Transformation Network at the University of Melbourne, a Senior Technical Advisor to the Constitution Building Programme at International IDEA and a President Emeritus of the International Association of Constitutional Law. She has held visiting positions in law schools in many parts of the world and is an officer of the Order of Australia and a Chevalier dans l'Ordre National de la Legion d'Honneur of France.

About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

About MyConstitution

The MyConstitution project works towards a home-grown and well-informed constitutional culture as an integral part of democratic transition and sustainable peace in Myanmar. Based on demand by Myanmar stakeholders, expert advisory services are provided to those involved in constitution-building efforts. This series of Constitution Briefs is produced as part of this effort.

The MyConstitution project also provides opportunities for learning and dialogue on relevant constitutional issues based on the history of Myanmar and comparative experience.

Courts in Federal Countries

Cheryl Saunders

Introduction

This brief identifies some of the principal options for designing a judiciary in a federal system. While there are some general principles that apply to the judiciary in all federations, there are different ways of structuring a federal judiciary and allocating authority, or competence, to it. Each approach raises different issues for consideration and decision. The choices made can be informed by comparative experience but will depend on the context and preferences of each federation.

The brief begins by outlining the typical characteristics and key features of a federal system of government, before examining how the judicial branch of government might be organized. It focuses on the distinctive challenges presented by federalism for the design of a judiciary. In order to isolate the issues arising from a federal context, the brief therefore does not deal specifically with the other characteristics that every judiciary (federal or non-federal) should possess. These include independence, impartiality and legal expertise.

The paper identifies two sets of related questions that are relevant to consider when designing a federal judiciary: the structure of the courts and whether (and if so, how) the authority allocated to them should be divided along federal lines. Since at least some federations have a specialist court to deal with constitutional, including federal issues, the paper deals separately with the structure of the judiciary for the purposes of constitutional review. The first part of the brief is therefore confined to federal aspects of the organization of courts for the resolution of non-constitution-related legal problems. The second part identifies the principal options for constitutional review.

About federations

A federation involves at least two levels of government, each of which has a degree of autonomy that is protected by a federal constitution. The levels of government have different names in different federations. Because this brief is written to assist the debate in Myanmar, the central level of government is termed the union and the sub-state governments are called states and regions.

There are currently approximately 25 federations around the world. Each level of government typically exercises its constitutional authority in a way that directly affects the people or a section of the people. Each level of government is accountable to its own people for the performance of its constitutional responsibilities.

The opportunities presented by this multi-level structure are sometimes described in terms of ‘self-rule’ or ‘shared rule’. The states and regions in a federation have some authority to govern or ‘rule’ themselves, yet they are constituent parts of a single country, in which there is a union level of government through which government is said to be ‘shared’. The five key features of a federation follow from this understanding of what a federal form of government involves.

First, a written constitution is needed to establish the two levels of government and divide authority between them. The constitution must have a status that is superior to ordinary law to ensure both levels of government comply with the federal arrangements. The procedure used to change the constitution usually reflects the country’s federal structure in some way by requiring the consent of either a proportion of the states and regions or their people, or of a second chamber of the union legislature that has been created as a ‘federal’ house. Each state and region may have their own constitution as well, subject to the authority of the union constitution; otherwise they are subject only to the union constitution, which will make provision for the governance structures of each of the levels of government.

Second, the union and each of the states and regions must have governing institutions of their own, established by the union or the state and region constitutions. These include at least a legislature and an executive branch. Whether each order of government also has a judiciary varies between federations and is considered below.

Third, the constitution divides legislative and executive power between the levels of government. This may be done in different ways. One variation that is relevant for the present purposes lies between federations in which each level of government administers its own legislation and those in which states and regions administer much of the union legislation. A federal constitution may also divide judicial power between the levels of government.

Fourth, most federations have union institutions that enable states and regions to participate in decisions at the union level. Usually, a second chamber of the union legislature is designed for this purpose, representing the states and regions equally, or relative to their populations. The federal nature of the country may also be reflected in the composition of other union institutions, however, including the executive branch, the bureaucracy, the armed services or the judiciary. This may be achieved through state and region influence on the appointment process, through formal quotas for some or all states and regions, or through less formal understandings of the need for diversity in union institutions.

Finally, all federations require a mechanism to resolve disputes between levels of government regarding the exercise of power and other issues that arise in the course of operating a multi-level government within a single country. Dispute resolution may be a last resort, after consultation and cooperation have failed to resolve a disagreement, but it is necessary as a backstop. Usually, courts are used for this purpose. The choice between adopting a general court system and establishing a specialist constitutional court is examined at the end of this brief.

Implications of federation for design of the judiciary

The arrangements for the judiciary need to be understood against the background of this conception of federation and its principal features. The union constitution is likely to include a framework for the judiciary. If states and regions have their own constitutions and share authority over

Both [union and region/state] levels of government must have confidence in the court system

If states and regions have their own constitutions and share authority over the judiciary, arrangements for the judiciary at that level are likely to be included in state and region constitutions as well

the judiciary, arrangements for the judiciary at that level are likely to be included in state and region constitutions as well.

Two sets of connected issues arise in considering arrangements for the general judiciary in a federation (leaving aside, for the moment, adjudication on constitutional issues):

- Whether judicial (as well as legislative and executive) power is divided between the levels of government.
- Whether each level of government has its own court system or whether the courts are shared in some way.

These issues give rise to three approaches to organizing a court system, which are discussed in more detail in the following section:

Dual court systems: If each level of government has its own hierarchy of courts, judicial power will be divided between them. In this case, each level of government is likely to prefer that its own courts deal with issues arising under its own legislation or involving its own officials as parties. Disputes that involve parties from different states or regions are likely to be assigned to union courts.

Shared or integrated court systems: If courts are shared in a way that leaves control of lower courts to the states and regions and control of superior courts to the union, it will be necessary to divide judicial power by deciding which level of court decides which type of legal issue.

Single court hierarchy: If there is a single hierarchy of courts, it is likely to be under union control. In this case, judicial power is not divided but is treated as a single power to resolve legal disputes whatever the source of law and the issues at stake, and whoever the parties may be.

Whatever approach is used, both levels of government must have confidence in the court system. This means the courts are trusted to resolve disputes competently and fairly, so the outcomes are accepted by all parties, consistently with the rule of law. In some cases, institutions to ensure shared rule may be created to reinforce confidence: for example, selecting judges from each of the states and regions or requiring consultation with the states and regions on their appointment. How this is done differs between federations, as the examples below show.

Comparative options

There are many variations in the structure and regulatory authority of each of the three approaches to general court systems in federations (the arrangements for constitutional review are considered below) (see Table 1). Some federations use the same court system for constitutional review; others create a specialist court or tribunal for this purpose. The choice between the two is not necessarily affected by the design of the general court system.

Dual court systems

The *United States* is the classic example of this approach. Both the union and each of the states has its own court hierarchy, culminating in a Supreme Court. Union courts deal with issues identified by the constitution as matters for federal jurisdiction (article 3, section 2.1). State courts deal primarily with questions of state jurisdiction. Each level of government is responsible for appointing its own judges and establishing, financing and regulating its own courts, subject to its own constitution. The Supreme Court cannot hear appeals from state courts.

Different federations give each level of government a stake in all or part of the court system in different ways and to varying degrees

Australia also uses this approach, but with several important variations. Both the union and each of the states has its own court hierarchy, and exercises federal and state jurisdiction, respectively (sections 75, 76). The High Court of Australia is at the apex of the system; it has appellate jurisdiction from both union and state courts, which has a unifying effect on Australian law (section 73). In addition, the Australian Constitution allows federal jurisdiction to be conferred on state courts. This is common practice, particularly in relation to criminal law (section 77(iii)). As in the United States, each level of government is responsible for appointing its own judges and establishing, financing and regulating its own courts, subject to its own constitution. Unlike in the United States, however, the federal constitution has been interpreted to require states to maintain basic standards for their courts, in terms of institutional integrity.

Nigeria's dual court system again has significant variations, which give it some of the characteristics of a shared or integrated court system of the kind discussed below. Both the union and the states have their own court hierarchies in Nigeria, exercising federal and state judicial power, respectively. The highest union courts can hear appeals from the highest state courts, however, as in Australia. And appointments to all courts are made by the president or relevant governor on the recommendations of a federal body, the National Judicial Council, which comprises some state chief judges (Osieke 2006: 213–14).

Shared or integrated court systems

Germany is the classic example of this approach. Each state and region has its own hierarchy of courts, which comprise the lower courts in integrated hierarchies of courts; the higher levels are federal or union courts. All courts deal with all relevant cases, without distinguishing between federal or state jurisdiction. Ministers of justice of the states and regions are members of the federal parliamentary committee that appoints federal judges, which gives the states and regions some say in the composition of union courts (Oeter 2006: 149–50).

Canada also has a shared or integrated court system. Each state and province has its own lower court. The constitution also provides for 'superior courts' above the lower-level provincial courts, which deal with more serious matters and handle appeals. These courts are established by the states and regions, but their judges are appointed and paid by the union. There are some union courts as well—the Federal Court of Canada (which deals with selected areas of union law, including union administrative law) and the Tax Court. The Supreme Court of Canada is the highest court. There is no clear distinction between federal (or union) and provincial jurisdiction; most courts, apart from the Federal Court and the Tax Court, are able to hear cases that combine the two (Hueglin 2006: 115–16).

In *India's* integrated court system, each state and region establishes its own lower court; these are at the bottom of the hierarchy. The Supreme Court of India is at the top. In between are the high courts of each state. The president of India appoints high court judges in accordance with a process that, according to the constitution, requires consultation with the governor of the state, among others, but which in practice is controlled by the Supreme Court. The high courts, in turn, have considerable authority to establish and operate other courts within their respective states.

Table 1. Comparative characteristics of three types of court systems in federal-type countries

	Dual court system		Shared or integrated court system				Single court hierarchy	
	United States	Australia	Nigeria	Germany	Canada	India	South Africa	Myanmar
Design of union and states courts	Separate court hierarchies at the union and state levels.	Distinct but not entirely separate court hierarchies at both levels.	Integrated court hierarchy with lower and high courts at the state level, with appeals from state high courts to the Federal Court of Appeal and the Supreme Court of Nigeria at its apex.	The federal government administers the Constitutional Court and the supreme courts, while the states administer lower courts, with appeals to the supreme courts.	The Federal Supreme Court and some lower federal courts exist alongside provincial courts, the decisions of which are subject to appeal to the Supreme Court.	Integrated court hierarchy with lower and high courts at the state level, and the Supreme Court of India at its apex.	Entire hierarchy of courts lies under the authority of the union level government. Magistrates courts are at the lowest level, and the Constitutional Court at the apex.	Single court hierarchy.
Roles and responsibilities of union court(s)	Union courts exercise federal jurisdiction.	Union courts exercise federal jurisdiction. Top union court also exercises appellate state jurisdiction.	All courts deal with all relevant laws, with the exception of some matters that are allocated to certain federal courts. Appeals go from the highest state courts to the Federal Court of Appeal and then to the Supreme Court.	All courts deal with all relevant cases, without distinguishing between federal or state jurisdiction.	There are two union courts: the Federal Court of Canada (which deals with selected areas of union law) and the Tax Court. Other courts combine responsibility at the union and state levels.	Responsible for both union and state jurisdiction.	Responsible for both federal and provincial jurisdiction.	Union courts are responsible for both union and region/state jurisdiction.
Roles and responsibilities of state court(s)	State courts exercise state jurisdiction.	State courts exercise state jurisdiction and some federal jurisdiction.			State courts administer all laws except matters exclusively granted to designated federal courts, subject to appeal to the Supreme Court.	Lower and high state courts with state jurisdiction.	Responsible merely for provincial jurisdiction.	District courts, townships courts, court of the self-administered division or zone, and other courts constituted by law are under the supervision of the high court of the region or state (section 314), and responsible for regional/state jurisdiction.
Apex of the judicial system	Supreme Court (cannot hear appeals from state courts).	High Court of Australia.	The highest union court can hear appeals from the highest state courts.	Union Supreme Courts, Federal Constitutional Court on constitutional matters.	Supreme Court of Canada.	Supreme Court of India.	Supreme Court of Appeal; Constitutional Court.	Supreme Court of the Union (section 294).
Appointments to courts	Federal judges are nominated by the president and confirmed by the Senate. Each state determines the procedure for state judicial appointments.	Each level of government (legislative confirmation not needed) is responsible for appointing its own judges, subject to constitutional requirements.	Federal judges are nominated by the president, upon the recommendation of the National Judicial Council, and confirmed by the Senate. State judges are nominated by the respective governors upon the recommendation of the National Judicial Council and confirmed by the relevant state house of assembly.	Ministers of justice of the states and regions are members of the federal parliamentary committee that appoints federal judges; half of the constitutional court judges are appointed by the lower house, and the other half by the upper house. Each state determines the procedure for judicial appointment.	Judges are appointed to union courts by the governor-general, acting on union government advice. "Superior Courts" of the provinces are established by the states and regions, but their judges are appointed and paid by the Union. Provincial and territorial judges for other courts are appointed by the provincial and territorial governments, after consultation with the respective cabinet.	President formally appoints federal judges; in practice a collegium of the Supreme Court has an influential role. High court judges are formally appointed by the president of India in consultation with the governor of the state, among others. In practice, a collegium of the Supreme Court makes the decision. The lower courts in the hierarchy are established by the states and regions.	Union government appoints all judges, based on recommendations of the Judicial Service Commission, and for the Constitutional Court after consultation with leaders of the political parties represented in parliament. The relevant provincial premier must be included on the Judicial Services Commission when decisions about the high court of that province are taken.	The president submits nominations for the chief justice of the union and supreme court judges to the <i>Pyidaunsu Hluttaw</i> for approval (section 299). Appointments of the chief justice and judges of the high court of the region/ state are made by the president, in coordination with the chief justice of the union and the chief minister of the region or state concerned, and sent to the region or <i>State Hluttaw</i> for final approval (section 308).

Notes:

1. This chart offers an indicative typology. Every federation has distinctive court arrangements, which do not necessarily fit neatly into such categories.
2. For the mentioned examples of the dual court system, union court refers to the central (federal) government judiciary, and state courts refer to the sub-states' government judiciary.
3. For the mentioned examples of the shared or integrated court systems, each country has its own distinct federal characteristics and terms.
4. For the single court system examples, South Africa is a quasi-federal country and Myanmar is constituted as a union system (section 8).
5. Myanmar is not a federal country, but is included for comparative understanding. Myanmar judiciary system facts are drawn from the 2008 Constitution.

All federal systems
require a body to resolve
constitutional disputes
between the union and the
states and regions

Single court hierarchy

In *South Africa*, the union level of government controls the entire hierarchy of courts, from the magistrates courts at the lowest level to the Supreme Court of Appeal at the apex; the Constitutional Court is discussed in the next part. The entire court system falls within Union competence, however, subject to the provisions of the Constitution. The only sign of the country's federal character is the requirement that the relevant provincial premier is included on the Judicial Services Commission when decisions about the high court of that province are being taken (Murray 2006: 273–74).

General observations

Each level of government in a federal system has an interest in the quality and integrity of the courts. This is for the obvious reason that the role of courts in resolving legal disputes between parties makes it important for courts to be competent and trusted. In federal systems, each level of government has additional stakes in the quality and integrity of the courts. Courts also interpret and apply the laws of each level of government. They deal with disputes between citizens of different states and regarding the lawfulness of actions by the executive and administration of both levels of government. In addition, they may broker disputes between governments.

Different federations give each level of government a stake in all or part of the court system in different ways and to varying degrees. As the examples above show, the current approaches can be placed along a spectrum. At one end are dual court systems, in which each level of government has its own court hierarchy, although union courts are likely to deal with disputes between levels of government and, perhaps, other sensitive topics. At the other end of the spectrum, one level of government (usually the union) is responsible for the court system as a whole. In between are systems in which courts are shared, or integrated, usually on the basis that the states and regions are responsible for the lower courts and the union for the higher courts. Each of these approaches presents different challenges associated with ensuring that each level of government has sufficient 'buy-in' to the court system.

The interest of both levels of government in the integrity of the courts is generally secured by guarantees of judicial independence and a fair trial in the union constitution, sometimes complemented by guarantees in state and regional constitutions. This may also apply where state and regional courts deal with matters of particular interest to the union level, for example by interpreting and applying union laws or deciding on the validity of action taken to administer union laws, by states and regions or by the union itself. Germany's court system is structured in this way, and the union also has concurrent legislative power to make laws for 'court organization and procedure' (article 74(1)). Federations around the world use several mechanisms to recognize the stake that states and regions have in the composition and operation of union courts. These include empowering the federal chamber of the union legislature to approve appointments to key union courts, directly involving states or regions in appointing union judges, and requiring a proportion of union judges to be drawn from particular states or regions.

Constitutional review

All federal systems require a body to resolve constitutional disputes between the union and the states and regions. The body should be independent so that it is trusted by both levels of government. Usually, it has the authority to enforce the constitution against either the union or a state or region.

Some federations use the same court system for constitutional review; others create a specialist court or tribunal for this purpose

Legal disputes between levels of government in a federal system are typically resolved by a court, sometimes after less formal dispute resolution mechanisms have failed. Thus reviewing constitutional disputes between levels of government is an important aspect of constitutional review. Yet there are (rare) exceptions. For example in Switzerland, questions about whether the union level of government has exceeded its constitutional power can be resolved by referendum. In Ethiopia, such questions are left to be resolved by the lower chamber of the union parliament, the House of the Federation, which may be assisted by a Council of Constitutional Inquiry.

If dispute resolution is left to a court exercising constitutional review (sometimes also called constitutional control), two broad models are in use:

- Some federations use the general court system for this purpose. These federations tend to have common law legal systems, but not always. This arrangement is sometimes described as ‘diffuse’ review. Typically, in such a system, all or most courts can deal with constitutional questions of any kind; these courts also deal with a range of other legal questions. Australia, Canada, India, Malaysia and the United States all use variations of this model. In Australia, any court has jurisdiction to resolve a constitutional question, including between levels of government. Yet in India, only the high courts and the Supreme Court have the authority to interpret and apply the constitution, including in relation to questions of federalism. India also requires a special bench of at least five judges to decide a substantial question about constitutional interpretation (article 145(3)).
- Other federations (often those with civil law legal systems) establish a specialist constitutional court or tribunal to decide constitutional issues including those involving federalism. This arrangement is sometimes described as ‘centralized or concentrated’ review. Only the specialist court can address questions about the constitutional validity of legislation; this court has limited authority to resolve other legal matters. Germany, Austria, Spain and South Africa all use variations of this model. In South Africa, in a departure from the practice followed in other federations that use constitutional courts, other courts also can entertain constitutional questions and the Constitutional Court itself has a very wide jurisdiction.

It is common for judicial review to be carried out by general courts in common law legal systems and for specialist constitutional courts to be established in civil law legal systems. However, states in transition sometimes establish a new, specialist constitutional court to emphasize the importance of having judges interpreting the constitution who are not affected by assumptions and practices of the past. South Africa is an example of the latter.

There are many differences between these two approaches to constitutional review (Saunders 2018: 32). Where the *general court system* is used, the judicial practice and procedure used to handle constitutional disputes will generally be the same as that used for other types of legal disputes. Ordinary judges will be used. Ordinary rules about judicial appointment and tenure will apply. The same rules of access to the courts usually apply. The same rules about precedent, if any, will apply. Constitutional decisions will look much like any other judicial decision.

Where a specialist *constitutional court* is used for review, decisions about all these matters will need to be made. For instance, What are the

Federations around the world use several mechanisms to recognize the stake that states and regions have in the composition and operation of union courts

qualifications for appointment to the constitutional court? How are judges appointed? How do states and regions influence appointments? How long are judges' terms, and are they renewable? Who has access to the court in disputes about federalism? Does it matter whether questions are presented to the court in an abstract or concrete form? What is the relationship between the constitutional court and the rest of the court hierarchy?

There are many variations in how these questions are answered in different federal systems. For example, the German Federal Constitutional Court is distinct from the rest of the German court system. It comprises 16 judges, who are appointed for non-renewable 12-year terms in a process that involves both chambers of the Union Parliament, including the chamber in which state governments are represented (the Bundesrat). The judges have a mixture of judicial experience, legal practice, academic work and public service. The court's jurisdiction is largely confined to constitutional questions. Both the union and the states and regions can raise legal issues concerning federalism before the court (Oeter 2006: 149–50).

Where *states and regions have their own constitutions*, it is necessary to decide how disputes involving those constitutions will be resolved. Federal states use a variety of approaches, depending on the design of the judiciary and the choice between general and constitutional courts.

If the judiciary has a *dualist design and general courts conduct constitutional review*, the highest court in each court hierarchy will finally resolve questions arising under its constitution. For example, the US Supreme Court finally resolves questions arising under the federal constitution, but each of the supreme courts of the states resolves questions arising under state constitutions.

If the judiciary is *more integrated and general courts carry out constitutional review*, questions under all constitutions are likely to be resolved by the final, apex, court. For example, the High Court of Australia finally resolves all legal questions, including constitutional questions of any kind.

If the judiciary is *integrated but uses a specialist constitutional court*, separate specialist courts may be established to deal with questions arising under state and regional constitutions. For instance, Germany's federal constitutional court deals with federal constitutional questions, and each of the states and regions also has a constitutional court to deal with state constitutional questions.

Table 2. Two broad models of constitutional review in federal (or quasi-federal) countries

	General court system (Diffuse review)	Specialist constitutional court or tribunal (Centralized or concentrated review)
Roles and responsibilities of the court(s)	Courts are the same for any type of legal dispute, i.e., constitutional disputes are treated like any other category. General courts at any level might carry out constitutional review, but the apex court will be primarily responsible for finally resolving constitutional questions.	A constitutional court or tribunal has special authority to interpret the constitution and resolve constitutional disputes, but usually has limited or no authority to resolve other legal matters; South Africa is an exception in this regard.
Appointments and tenure of the court	Ordinary judges are used. Ordinary rules about judicial appointments and tenure apply. Sometimes a special bench of ordinary judges is required.	Judges are usually appointed to constitutional courts/tribunals using a different procedure than other courts and have different tenure lengths.
Examples	Australia, Canada, India, Malaysia, Nigeria, United States	Austria, Germany, South Africa, Spain

Note: South Africa has a unique combination of a diffused and centralized system. Constitutional matters are generally determined by lower courts before they reach the Constitutional Court. The Constitutional Court's jurisdiction is limited and specifically outlined, including in relation to constitutional amendments.

Disclaimer

International IDEA publications are independent of specific national or political interests. Views expressed in this publication do not necessarily represent the views of International IDEA, or those of its Board or Council members.

References to the names of countries and regions in this publication do not represent the official position of International IDEA with regard to the legal status or policy of the entities mentioned.

The views expressed in this Constitution Brief do not necessarily reflect those of the Ministry of Foreign Affairs of Norway or the Grand Duchy of Luxembourg.

Colophon

The electronic version of this publication is available under a Creative Commons Attribution-NonCommercial-ShareAlike 3.0 (CC BY-NC-SA 3.0) licence. You are free to copy, distribute and transmit the publication, and to remix and adapt it, provided it is only for non-commercial purposes, that you appropriately attribute the publication, and that you distribute it under an identical licence.

For more information visit the Creative Commons website:

<http://creativecommons.org/licenses/by-nc-sa/3.0/>

© 2019 International Institute for Democracy and Electoral Assistance

Contact us

International IDEA
Strömsborg
SE-103 34 Stockholm
Sweden
Email: info@idea.int
Website: <http://www.idea.int>

References and further readings

- N. Aroney, and J. Kincaid (eds), *Courts in Federal Countries: Federalists or Unitarists* (Toronto: University of Toronto Press, 2017)
- Chen, A. H. Y. and Harding, A., *Constitutional Courts in Asia: A Comparative Perspective* (Cambridge: Cambridge University Press, 2018)
- Dhavan, R. and Saxena, R., 'Republic of India', in K. Le Roy and C. Saunders (eds), *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2006)
- Hueglin, T. O., 'Canada', in K. Le Roy and C. Saunders (eds), *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2006)
- J. Kincaid and G. A. Tarr (eds), *Constitutional Origins, Structure and Change in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2005)
- K. Le Roy and C. Saunders (eds), *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2006)
- Murray, C., 'Republic of South Africa' in K. Le Roy and C. Saunders (eds), *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2006)
- Oeter, S., 'Federal Republic of Germany', in K. Le Roy and C. Saunders (eds), *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2006)
- Osieke, E., 'Federal Republic of Nigeria' in K. Le Roy and C. Saunders (eds), *Legislative, Executive and Judicial Governance in Federal Countries* (Montreal and Kingston: McGill-Queen's University Press, 2006)
- Saunders, C., 'Constitutional Review in Asia: A Comparative Perspective', in Chen, A. H. Y. and Harding, A., *Constitutional Courts in Asia: A Comparative Perspective* (Cambridge: Cambridge University Press, 2018)

Acknowledgements

This publication has been supported by the Government of Luxembourg and the Norwegian Ministry of Foreign Affairs.



GRAND DUCHY OF
LUXEMBOURG



Norwegian Embassy