Discussion Draft – For Limited Distribution at New York University Law School Global Fellow Forum, March 6 2007
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Local public entrepreneurship and local self-government. The rule of law and the role of the judiciary. The aftermath of global competition among local governments?

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Abstract

Local public entrepreneurship is a concept which encompasses a variety of activities carried out by local governments to foster local economic development. The first part of this paper puts forward local public entrepreneurship as a windfall of the right to local self-government. In the second part two cases are presented - one from EU and one from US - where local public entrepreneurship is playing a major role. However, in the EU the ECJ jurisprudence is discouraging local governments to engage in such activities thereby undermining the right to local self-government. By contrast, the US legal system actively encourages a high level of local public entrepreneurship for the production of urban services and infrastructure. The third and conclusive part of the paper addresses the implications of globalization for local development and questions whether normative action to regulate local public entrepreneurship shall be taken at the international law.

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This working paper contains just preliminary thoughts for a freshly started research project. Hence I do not offer exhaustive footnotes in this preliminary version. I wish to thank professor Joseph Weiler for housing my research activities at the NYU Jean Monnet Center and professors Clayton Gillette and Roderick Hills for the enlightening advice that helped me starting this completely new project. Any shortcomings is obviously attributable to the writer of this paper.