

From the “Southern matter” to the “Northern matter”: the regional government looks for identity (p. 11)

Gianluca Gardini

Retracing the evolution of the Italian regionalism, the unclear feature of the Regions becomes evident. This uncertainty is also present in the articles of the Italian Constitution related to the Regions: indeed, while the articles 5 and 114 of the Constitution improve the political role of the Regions, the whole Title V of the Constitution characterizes them as administrative authorities. During the years, the Regions progressively shifted from a political authority model, to which is entitled the task of organizing the administrative functions at the local level, to an administrative model, where Regions hold the most part of the functions originally entitled to local authorities. The maintaining of the separation between the rich Northern part and the poor Southern part of Italy, while many decades ago caused the birth of the Regions as a way to ensure the interests of the South territories, in the contemporary political debate has become instrumental to the federalist issues of the North territories, in order to reallocate the resources among the different areas.

A “plan” for the Regions (p. 47)

Andrea Morrone

The essay argues that the crisis of the Italian regionalism depends on the lack of a common plan for the Regions. Two things are necessary in order to realize this plan: a Parliament of the Regions, and a regional government capable to organize a local system which integrates public and private issues.

The unstable framework of the legislative powers’ allocation (p. 63)

Francesco Bilancia

The essay deals with the several difficulties occurring in the implementation of the new Title V, Part II of the Italian Constitution, even after the publication of the Law 131/2003. In particular, the essay enlightens two weaknesses of the reform (introduced by the Constitutional Statute 3/2001): the first one is due to the unclear allocation criteria of the ruling and legisla-

tive powers between State and Regions, purely based on a list of items; the second one is due to the permanent lack of evolution of the parliamentary institutions (with particular reference to the Italian bicameralism). These conditions entailed that a main role of compensation and closure of the system was assumed by the Constitutional Court. Finally, the essay focuses on the former constitutional reform regarding the statutory autonomy and the governance of the Regions, introduced by the Constitutional Statute 1/1999, noting the two main critical aspects of it: first, the inclusion of pre-tentious (but with no appreciable legal effects) programmatic provisions in the regional Statutes; secondly, the simplistic interpretation of “autonomy” given by Regions themselves in choosing their government model, which has often brought to a supine acceptance of the model provided by the Constitutional Statute 1/1999.

Regional-local system and financing of the territorial authorities (p. 81)

Stefano Civitarese Matteucci

This article deals with the model of governmental relationship between State, Regions and local authorities, putting in evidence how the Constitutional reform of 2001 has not changed the traditional “triangular” model – in which the State has direct relationships both with Regions and local authorities. We cannot speak about a proper regional community, or about a regional-local system, based on a Regions’ leading role. At the same time, the way in which fiscal federalism has been implemented confirms this issue, since every aspect of local tax charging power is reserved to State legislation.

The Regions and the system of the intergovernmental Conferences: considerations about feasible reforms (p. 93)

Claudia Tubertini

It is a long time since the need to reform of the Italian intergovernmental Conferences’ system became evident. As a matter of fact, the political and institutional strengthening of the Regions has made clear the need to explore new patterns in order to make these coalition group work out. These changements should both ensure functionality and propel the Government

to involve the regional and local authorities, overcoming the failure of an agreement in the intergovernmental Conferences. The article approaches all those parts which need to be reformed, and especially the role, functions and composition of the intergovernmental Conferences: a specific examination is dedicated to the representation of local governments, and to the relationship with other inter-institutional conferences.

The administrative judiciary system between the State and the Regions (p. 111)

Marco Magri

The principle of the judicial unity has traditionally prevented any relationship between administrative judiciary system and Regions, entailing that the legislative powers on judicial review should belong to the State. Nevertheless, the article 117, paragraph 2, letter l) of the Italian Constitution does not prevent the cooperation between the Regions and the State in order to improve the judiciary services, and to reduce litigation by promoting preventive dispute mechanisms.

The rebirth of an old issue in Spain: the “incorporation” of the local authorities in the system of the Spanish Regions (p. 141)

Alfredo Galán Galán

The reform of the statutes of the Spanish Regions, which started in 2006 and has not yet come to a conclusion for most of them, caused the rebirth of an old issue: if the system of the local authorities can be regionalized. This issue challenges the model itself of the relationships between local and regional government. Therefore, the essay analyzes the constitutional legitimacy, the meaning and the effects of the regionalization of the local system, or – differently said – the incorporation of the local authorities into the Spanish Regions. The scholar debate on this topic has recently been enhanced by a decision of the Spanish Constitutional Court upon the constitutional legitimacy of the Statute of Catalonia.

Devolution in the United Kingdom: a case of perpetual metamorphosis (p. 175)

Peter Leyland

Since devolution was introduced more than a decade ago by the New Labour government of Tony Blair it has been in a state of transition. This article investigates the reasons for these changes and the effects of these changes have had in relation to each of the distinct parts of the United Kingdom. First, there is a discussion of the asymmetrical impact of devolution on the constitutional arrangements for England and the role of the Westminster Parliament. Second, in relation to Scotland there is a critical discussion of the financial arrangements of devolution with particular attention to the recommendations of the Calman Commission soon to be enacted by the Westminster government. Third, there is consideration of the increased law making powers granted to the Welsh Assembly and the impact of the introduction of full law making powers. Finally, devolution in Northern Ireland is discussed in terms of its institutional features and its evolution in response to the changing political situation.

The troublesome perspectives of Italian regionalism (p. 201)

Luciano Vandelli

The essay is a sort of a postscript for an issue of the journal "Istituzioni del federalismo" dedicated to the 40 years experience of regionalism. It examines from a personal perspective the main contents of the journal: the divide between Northern and Southern part of Italy, the role of the Regions in local government, the instruments of cooperation, the allocation of competences between political levels, the meaning of "fiscal federalism" and the prospectives in devolving a part of the administrative judiciary system to the Regions.