

# Regionalism in Italy

*Assembly of European Regions Study on Regionalism*

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## Author Biography

**Enrico Martial** (1962) graduated in Philosophy, served at EIPA (European Institute for Public Administration) in Maastricht, at the Valle d'Aosta Region, at the Italian Ministry of Public Works and at the Ministry of Foreign Affairs. Director of the Italian Conference of Presidents of Regional Assemblies, he has been Secretary General of the Conference of European Regional Legislative Assemblies (CALRE). He wrote articles on EU integration and Italian affairs in national and international reviews (*Il Mulino*, *Relazioni internazionali*, *Limes*, *Economia Exterior*”, and *Raum - Österreichische Zeitschrift für Raumplanung und Regionalpolitik*).

## PART ONE: HISTORICAL BACKGROUND

### 1.1 Historical background

At the end of World War II, Italy has undertaken a deep institutional reform. The referendum of 2<sup>nd</sup> June 1946 chose a republican frame and on 22<sup>nd</sup> December 1947, the Constituent Assembly adopted a new Constitution. Entered into force on 1<sup>st</sup> January 1948, it instituted the Regions and gave the Republic a decentralized and participated structure: State and Regions shared the legislative powers. On 26<sup>th</sup> February, by constitutional laws were approved the Statutes of four special Regions, which had already obtained an autonomy by Regent's Decrees since May 1945, in a framework of contrasts and separatism. In 1948, the new Republic set up 15 new Regions, while the existing four Regions upheld their particular condition of autonomy: Valle d'Aosta, Trentino-Alto Adige, Sicily and Sardinia.

1948 was the year of the Republican and "regional" Constitution as well as a political turning point. Fully involved in the Cold War, the pro-Atlantic party of Christian Democrats won the election on 18<sup>th</sup> April against the left wing led by the Italian Communist and Socialist Parties, both with ties to the Soviets. The Cold War would carry on a greater caution in the regionalization process: in case of elections, Emilia Romagna and Tuscany would have governments ruled by the Italian Communist and Socialist Parties. On 16<sup>th</sup> January 1951, while confirming the goodness of the regional system, in a speech at the Senate, Minister Mario Scelba dreaded the risk that they were governed by "totalitarian forces". Only four Regions with special statutes could continue to exist. In the remaining territory, Italy kept an organization still grounded on the old centralized system.

The regional model was not abandoned, rather put on hold. The topic stayed current in political scene by the cases of Trieste and Bolzano. After long discussions and the tensions that followed the Paris Peace Treaties of 1947, the territory of Trieste returned to Italy between 1953 and 1954 and later merged in the Region Friuli Venezia Giulia, set up with special Statute by the constitutional law 31<sup>st</sup> January 1963. It was the fifth special Region, just in front of the Iron Curtain, in an international legal framework stabilized only in 1975, by the Treaty of Osimo.

Even at the border with Austria the problems have been tangled for years. The agreement between the Prime Ministers Alcide De Gasperi for Italy and Karl Gruber for Austria of 5<sup>th</sup> September 1946 was attached to the Paris Peace Treaties of 1947, and the Special Statute of Trentino Alto Adige was approved by constitutional law on 26<sup>th</sup> February 1948, with some means of protection for the German-speaking community. Between 1956 and 1961 there were several protests and attacks, which found endorsement and support in Austria, in political circles and universities. Between 1959 and 1961 the Austrian Government raised the issue at the United Nations, which adopted two resolutions, no. 1447 of 31<sup>st</sup> October 1960, and no. 1661 of 28<sup>th</sup> November 1961, which were followed by negotiations between Austria and Italy.

A set of 147 measures was transposed in Italian legislation, strengthening the role of the autonomous Provinces within the Region Trentino Alto Adige, with the attribution of almost all sub-state legislative powers. The process was almost completed in 1972, with the entry into force of the current statutes of autonomy, but completely closed only by the latest “Implementing Rules” of the Statute adopted on 22<sup>nd</sup> April 1992 and by the notification to the UN Secretary about the closure of the dispute, on 19<sup>th</sup> June 1992.

During the Sixties, with the rise of the center-left coalition (the Socialist Party now – enough - loyal to the Atlantic Treaty), regionalism once again set a priority in the governmental agendas and in the parliamentary debate. By law no. 108 of 17<sup>th</sup> February 1968 were summoned elections for ordinary Regions, to be held on 7<sup>th</sup> and 8<sup>th</sup> June 1970. The Italian Communist Party led the majorities in Umbria, Tuscany and Emilia Romagna.

A period of relative stability followed, with a slow growth of the powers in the ordinary Regions and further consolidation of the special ones, in competencies and financial resources. The first rush of 1970-1975 was full of initiatives and hope: amongst other, the law 17<sup>th</sup> August 1974, no. 386 saw the transfer of the healthcare organization from the State to the Regions. After that, the political and economic instability of the Seventies and Eighties slowed the implementation of the regional system, especially in ordinary Regions. However, based on the model of the German and US conferences, a Conference of Presidents of Regions was established on 16<sup>th</sup> January 1981. To facilitate cooperation with the central administration and to help the regional participation in drawing the general State policies by decree of 12<sup>th</sup> October 1983 the “State-Regions Conference” was established too, and then strengthened by law 23<sup>rd</sup> August 1988 no. 400 and Decree 16<sup>th</sup> December 1989 no. 418.

The Italian political crisis that matched the fall of the Berlin Wall started a new attempt to regionalize the Country. With the slump of the political system and of most of national parties - which reached its climax during the "Clean Hands" events (1992-1993) – a larger transfer of responsibilities to the local and regional level was felt as necessary, also on the model of other European countries. The parliamentary debate of 1991 was followed by various Committees and studies on institutional reforms (De Mita-Iotti Commission in 1992, Speroni Committee in 1994, D'Alema Bicameral Commission in 1997).

Meanwhile, a decentralization of administrative functions from State to Regions and local authorities was approved with the Bassanini laws (no. 17 of 1997, no. 59 of 1997 and no. 191 of 1998). Ordinary and special Regions strengthened their capacities in structural funds and EU programs management, with offices and skills often better than central ones. The State-Regions Conference was extended to a second configuration, involving cities and other territorial entities, with the Legislative Decree 28<sup>th</sup> August 1997, no. 281.

After a decade of endeavors, the reform was finally approved with the constitutional laws no. 1 of 1999 (providing the direct election of the President of the Region) and no. 1 of 2001. The reform ushered in some federal principles (inversion of the principle of attribution of legislative powers and extension of the power of the Regions, financial resources, international functions) and was followed by an implementing legislation, such as in fiscal and financial issues ("fiscal federalism") or in international matters. The reform was submitted to referendum on 7<sup>th</sup> October 2001, with no quorum required, and obtained 64.20% of votes in favor, with a voter turnout of 34,10%<sup>1</sup>.

The State apparatus responded with a resistance to the concrete implementation of the reform, aiming at coming back to a centralistic model. Many disputes on shared competences rose at the Constitutional Court, originating from the lack of cooperation between the two levels and from the appeals of the government. While a new leap of ordinary Regions towards good governance was expected, the regional assemblies swelled the number of their members and increased public spending and allowance to political groups.

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<sup>1</sup> Stelio Mangiameli (ed.), *Federalism, regionalism and territory*, Milano 2013; Enrico Martial, *Der italienische Traum vom Föderalismus*, "RAUM - Österreichische Zeitschrift für Raumplanung und Regionalpolitik", 31, Sept. 1998, p. 32-33

As the central state, the ordinary Regions spiraled downwards. In the political and economic decline of Italy after “Clean Hands” (1994-2014), the gap between institutions and civil society had been widening, even in ordinary Regions. The press and citizens lost interest in regional and local authorities, which set out a political class often inadequate, decreased transparency and spread mismanagement. A better democratic functioning of the local government survived only in some special statute Regions and in a few experiences of medium and small cities, in areas with stronger cohesion and identity<sup>2</sup>.

At the time of the economic crisis of 2007-2009, a greater indignation and social disapproval rose against political representatives and institutions, in particular against the regional and local level (called "*The Caste*"<sup>3</sup>). Numerous scandals of corruption and waste of public money dawned. Meanwhile, the number of subsidiaries or public companies owned by Regions and municipalities had been rising to over 8,000 units.

In a background of economic crisis and distrust of institutions, a new process of reform started, with two strands. On one side, financial resources transferred from the State to Municipalities and Regions have been cut, and provinces (nearly) abolished. On the second hand, a new reform of the Constitution was set out, with a draft proposal currently being examined by the Parliament.

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<sup>2</sup> Mauro Marcantoni - Marco Baldi, *Regioni a geometria variabile. Quando, dove e perché il regionalismo funziona*, Roma, 2013

<sup>3</sup> Gian Antonio Stella - Sergio Rizzo, *La Casta. Così i politici italiani sono diventati intoccabili*, Milano, 2007: 1.2 million copies sold in the first year.

### 2.1 Legal aspects

In Italy, Regions are grounded in the Constitution, which lists them in article 131 and identifies them in article 114: Region is a “component” of the Republic, together with the State and other territorial entities. Regions and the State share legislative powers, all the territorial entities have autonomy in finance and expenditure (article 119 and law 5<sup>th</sup> May 2009, no. 42).

The Constitution distinguishes between a legislative body, the Regional Council, an Executive, the Regional government and the President of the Region, in charge for representation, political and administrative guidance and law enactment.

Regions can have an *ordinary Statute* approved with an ordinary law (Piedmont, Lombardy, Veneto, Liguria, Emilia-Romagna, Tuscany, Umbria, Marche, Lazio, Abruzzo, Molise, Campania, Puglia, Basilicata and Calabria) or a *special Statute* approved with a constitutional law (Valle d'Aosta / Vallée d'Aoste, Trentino-Alto Adige / Südtirol, Friuli Venezia Giulia, Sardinia and Sicily). Special Regions are entitled also to special conditions of autonomy by the first paragraph of article 116. The Regions are electoral constituency for the election of the Senate, but this fact does not lead to a regional representation in the strict sense. Nonetheless, some political parties are dominant in some Regions, as in Veneto and Lombardy, and this makes some effects in the different weight of the political majorities between the Chamber of Deputies and the Senate.



With their constitutional rank, special Regions have diversified Statutes, for each of them regulating legislative powers (with some differences) and organization. If the ordinary Regions obtain broader competencies, a mechanism for upgrading their powers is provided. The implementation of the Statutes occurs through "Implementing Rules", drafted by a joint Committee State –Region, one for each of the special statute Regions and two autonomous Provinces.



The Constitution and constitutional laws stipulate that the Region Trentino-Alto Adige / Südtirol is composed by the autonomous Provinces of Trento and Bolzano. The legislative and regulatory competences are almost entirely attributed to the two autonomous Provinces, while remaining at the Region few competencies for example in the field of cadastre: hence the different political weight of the three entities. The Regional Assembly has even a "federal" shape, and it is composed by the members from the Provincial Council of Trento and from the

Provincial Council of Bolzano.

Some Italian Regions participate in international organization with legal basis. Friuli Venezia Giulia and Veneto joined the EGTC "*Euregio without Frontiers*" with Carinthia and with a future enlargement to include Slovenia and Croatia; the autonomous Provinces of Trento and Bolzano attend the EGTC "*Euregio Tyrol-South Tyrol-Trentino*" with Land of Tyrol; the Regions of Sardinia and Sicily set up the EGTC "*Archimed*" with the Region of the Balearic Islands and development agency of Cyprus. Many Regions are part of cross-border communities: for example Piedmont, Valle d'Aosta and Liguria in the Western Alps with French Regions, although they have not obtained authorization for an EGTC, yet.

## **2.2 Competencies**

In article 117 the Constitution lists the exclusive competence of the State, in the areas of foreign policy (and related issues including immigration and asylum), external defense and security (including weapons and explosives), public order and internal security (with the relations with religious organizations, nationality and marital status), justice (with civil and criminal law and administrative justice), currency, environment and cultural heritage, general education, organization of the State, provinces, municipalities and metropolitan cities and the corresponding electoral rules, as well as for the European Parliament and for national referendums. The State has exclusive competence on social security, and above all it establishes the "*essential levels of performance*" (LEP) about the social and civil rights to be performed throughout the entire Country. To ensure these standards, the Constitution indicates that the national government can replace Regions and local authorities, as well as for reasons of internal security or grave danger, or to preserve legal or economic unity of the country, in respect of the principle of subsidiarity and of loyal cooperation.

Shared competencies between State and Regions are sectorial or complementary to the exclusive competencies of the State: foreign policy (international relations with the European Union and the Regions, foreign trade), social and economic development (territorial planning, civilian ports and airports, production and transportation of energy, saving banks, scientific research and innovation support, education, with the exception of general rules, school autonomy and vocational training. In these areas, the role of the Regions is limited: foreign trade, for example, is largely managed at the State level, including national bodies and agencies, as well as airport and port matters, where territorial authorities keep some powers in appointing members of the board of directors.

However, some transfers of competences were concrete and deep, even before the constitutional reform of 2001. Since the legislative Decree no. 422 of 1997, for example, Regions have been taking over the State in funding the regional rail service, and they can launch tenders to choose the operator, despite the difficulties of the market liberalization process. The most important competence remains healthcare, which has been regionalized since the Seventies, and which covers close to 75% of the expenditure of the ordinary Regions. The powers are limited to organization policies, within a system of relatively independent public bodies (hospitals, agencies) managing their own budget and staff. On the topic of economic and territorial development, Regions have competencies in urban planning and landscape policies. In recent decades, they have set up many operational tools, through subsidiaries and in-house companies, for example in IT services, innovation, technology and development parks. These have not always been particularly efficient or effective.

**TAVOLA 4.1 - SPESA PROCAPITE PER MACROSETTORE: DISTRIBUZIONE PER LIVELLI DI GOVERNO (valori percentuali, media 1996-2006)**

	Amm. Centrali		Amm. Regionali		Amm. Locali		IPN		IPL	
	Umbria	Italia	Umbria	Italia	Umbria	Italia	Umbria	Italia	Umbria	Italia
Amministrazione Generale	8,4	10,4	5,9	5,7	21,4	23,4	0,0	0,0	1,1	0,1
Servizi generali	12,5	17,6	2,1	3,9	1,8	3,2	0,0	0,0	0,0	0,0
Conoscenza, cultura e ricerca	8,7	8,8	2,4	4,3	25,1	26,3	0,0	0,0	1,6	2,0
Ciclo integrato dell'acqua	0,1	0,0	0,1	0,7	3,7	3,9	0,0	0,0	8,4	11,0
Ambiente e gestione del territorio	0,1	0,2	1,2	1,5	14,1	11,6	0,0	0,0	13,7	12,9
Sanità	0,3	0,3	75,8	73,1	0,0	0,0	0,0	0,0	6,6	2,5
Politiche sociali	62,8	55,3	0,4	1,4	4,0	7,0	0,1	0,0	0,2	1,4
Attività produttive e opere pubbliche	4,0	5,2	10,5	7,2	19,1	10,3	14,8	31,5	43,5	19,2
Mobilità	2,8	1,9	1,5	2,0	10,7	14,3	20,6	14,1	23,2	24,3
Rete infrastrutturali	0,3	0,3	0,2	0,2	0,0	0,0	64,6	54,4	1,6	26,5
Totale	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0

*Fonte:* Elaborazioni su dati Conti Pubblici Territoriali

*Distribution of expenditure by level of government and comparison with ordinary Region Umbria(1996-2006)*

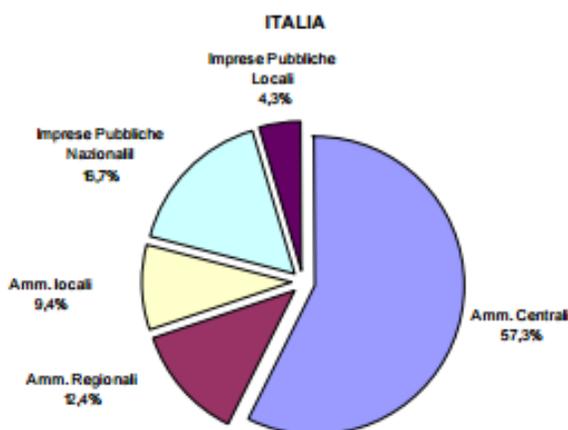
Special Statutes attribute a broader range of competences to the five Regions and two Provinces, usually deeper and practical managed. Each special Region and autonomous Province has its own path of differentiated autonomy established by the statutes and by the “Implementing rules”: in territorial management and security, education and training, economic development and infrastructure. The three northern Regions and two special autonomous provinces have some special competences in the field of culture and protection of linguistic minorities (German and Ladin in the Provinces of Bolzano and Trento, French in Valle d'Aosta, Slovene in Friuli Venezia Giulia). Only in the case of Valle d'Aosta, the President of the Region runs the functions of Prefect, and he is therefore in charge of the internal security. The Regional Assembly of Sicily has the same institutional rank of the National Senate.

The special statute Regions are responsible for the organization of local authorities (provinces and municipalities), their financing, and related rules for the election: an exclusive competence, even if driven in a national political framework with common trends, for example in favor of a majority electoral system. Despite a wider range of competencies, most of trends and national reforms are implemented,

even independently and with some adaptation, also in the special statute Regions, recently with regard to spending review, reform of the provinces, or employment.

The Constitutional reform of 2001 has also eliminated the “*ex-ante*” State review of legality on regional acts, while in practice it has strengthened the initiative of the central government in jurisdictional disputes before the Constitutional Court.

In each province, the State Prefect plays functions in public security, and he keeps the dialogue between the State administration and territorial autonomies. Sometimes he is charged for temporary interventions in areas with security or social cohesion problems, or with urgent financial or administrative problems.



## 2.3 Financial status

On revenues, the financial system is ruled by article 119 of the Constitution and by special agreements for the special statute Regions. The law no. 42 of 2009 and its transposing decrees<sup>4</sup> provided that the revenue of the Regions is established according to the *essential levels of performance* (LEP) mentioned in the article 117 of the Constitution in healthcare, education and public transport. The

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<sup>4</sup> Jens Woelk, *Federalismo fiscale tra differenziazione e solidarietà. Profili giuridici italiani e comparati*, Bolzano 2010; Renato Murer, *Il federalismo fiscale*, Padova 2011; Luca Antonini, *La rivincita della responsabilità. A proposito della nuova Legge sul federalismo fiscale*, Milan 2009.

revenues should come out from VAT shares, from an additional amount on personal and business income taxes, from IRAP (a regional tax on economic activities and employment) and from a National equalization fund to be established. However this rule has not been implemented yet, both for technical reasons and for the crisis of the public finances, but also because a new constitutional reform was under discussion. To date, the funding sources of the ordinary Regions remains depending on the legislation before the law no. 42 of 2009, and based on principles previous to the Constitutional reform of 2001.

Ordinary Regions receive revenues from the regional tax on economic activities and employment (IRAP) in both systems, but the remaining revenues are composed by taxes paid on the territory. On VAT share, however, the Region collects the amount paid by final consumers within its territory. Other less relevant taxes are also on the spot: shares of excise on petrol for road use, natural gas, as well as taxes and duties on university studies and on solid waste. Only Sicily collects taxes directly.

Law no. 42 of 2009 has given birth to bilateral Agreements between the State and each of the special Regions and autonomous Provinces, which have raised the share of revenue from all taxes that already flowed into their desk. Now they lie between 70% and 100% of the taxes.

<b>Special Regions and Autonomous Provinces</b>	<b>Income</b>
Sicily	100% of all taxes, out of excise, tobacco and national lottery game ( <i>lotto</i> )
Sardinia	70% of taxes on personal and business income, 90% on VAT and minor taxes
Friuli Venezia Giulia	60% on personal income tax, 45% on business income tax, 90% on VAT and around 30% on excise on petrol and diesel
Trentino-Alto Adige	20% on VAT, 100% of mortgage taxes, 90% inheritance and gift taxes and of National lottery game ( <i>lotto</i> )
Autonomous Provinces of Trento	9/10 of almost all taxes, out of those transferred to

and Bolzano	the Region Trentino Alto Adige
Valle d'Aosta	100% on VAT and main other taxes on income, on petrol excise and other Energy products, tobaccos, electric Energy, 90% on taxes on business transactions (registry, stamps, mortgage) and on National lottery game ( <i>lotto</i> );

However, bilateral Agreements have set for some special statute Regions (Valle d'Aosta, autonomous Provinces of Trento and Bolzano, Friuli Venezia Giulia) a bond of solidarity and participation to the national effort towards a sustainable budget balance. For these Regions, despite the stronger incomes a list of budget cuts was decided in favor of the State Treasury. In the case of the Valle d'Aosta, the budget was reduced by 40% between 2008 and 2014.

The special statute Regions carry the full burden of the healthcare costs. They also pay the salaries of teachers, the financial transfers to municipalities, territorial security (civil protection, firemen), as well as other functions performed by the State in ordinary Regions.

The debate remains open about the balance of the distribution of resources between the Regions. According to some reports on “fiscal federalism” published during the discussion about the law no. 42 of 2009, in a few Northern Regions (especially in Lombardy, Veneto, Piedmont) a “fiscal residual” was detected, giving annually around 70 billion euro of financial transfer to other Regions, particularly to the south of the Country<sup>5</sup>.

Waiting for the concrete implementation of law no. 42 of 2009, equalization takes now place on case by case basis and without a formalized procedure. The central government deals with financial crises of some ordinary Regions. This situation is also due to the weak management of control of the Court of Auditors, decentralized in regional offices, which can set in *ex-post* only. The role and accountability of politics, and the surveillance of citizens and media were also missed, as well as a technical capacity in the Regions themselves. The Ministry of Economy and Finance and specific working groups assist some Regions in better management of their debt, often opaque, with liabilities presented in off-balance sheet. There are repayment plans in different Regions with an ordinary Statute, in particular in field of

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<sup>5</sup> Regione Lombardia, *Analisi del residuo fiscale e studio comparativo Regione Lombardia nord, sud e centro Italia*, Milan, 2014; Regione del Veneto and Unioncamere Veneto, *I costi del non-federalismo*, pp.22-26; Luca Ricolfi, *Il sacco del Nord. Saggio sulla giustizia territoriale*, Milan, 2010.

healthcare spending<sup>6</sup>. A single system of national accounts was set up by law 42/2009 as well as common measurement tools (basic performance levels -LEP, territorial system of public accounts, standard costs).

For these reasons, the full implementation of the reform of the ordinary Regions income system provided by the Constitution and by the law of 2009 has slowed down. The signals for the future remain discordant. On the one hand some endeavors on structural reforms stand out also at regional level: in spending review, health organization, management of Region owned companies, with cuts on staff and politics costs. On the other hand, day-by-day operation does not improve: various ordinary Regions rarely approve their budgets by 31 December and set up provisional exercise until March or April, harder to check and setback for good administration.

## **2.4 Cooperation**

With the reform of the Constitution of 2001, Regions may conclude agreements with States and foreign territorial authorities, within the limits set by the law 5<sup>th</sup> June 2003, no. 131. The Regions have wide opportunities for cooperation, while municipalities and provinces are limited to the simple exchange of experiences, under the control of their Region and the State. Each agreement or initiative requires an authorization from the Ministry for Regional Affairs, which checks the coherence with the national policies. Region should publish an annual report on their international and European activity. EU-funded projects are also a concrete means to expand the cross-border and European cooperation. Border Regions attend all running territorial cooperation, both within EU cooperation programs and through working community or Euro-Regions in the Alps, Mediterranean, Adriatic area and other wide trans-European spaces. According to the recent law n.125 of 2014, Regions are also involved in the “*Italian system for the cooperation for development*”, particularly in Middle East, Africa and other zones, sometimes related to Italian historical emigration networks.

Territorial cooperation and the use of structural funds helped the emergence of technical structures in the Regions and the transfer of good practices, such as in environment or education. However the process of Europeanization of the Italian Regions has been limited by a prevailing internal cooperation, in which dominates a national vision problems, missing the grasp with European and global challenges.

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<sup>6</sup> Banca d'Italia, *Finanza pubblica, fabbisogno e debito - Supplemento al Bollettino Statistico*, Roma, 2015; Gianni Trovati, *Regioni, debiti per 130 miliardi*, Il Sole24Ore, 21st January 2013,

After a good start in the Nineties, also border and special statute Regions have pull back, and the dialogue with the neighbouring Regions has become more formal and less concrete.

Regions also participate in both ascending and descending phases of European legislative process, although with modest outputs. The law no. 52 of 1996 has assigned four experts appointed by Regions to the Italian Permanent Representation to the European Union. On the ascendant side, Regions attend Committees and Working groups of the Council and the Commission and they are part of the Italian delegation to the Council in the limits of their competencies, also as head of delegation, as specified by law no. 131 of 2003 and by an agreement between State and Regions. Current experiences are limited to technical dimension and are sporadic at the level of political representation.

Regions are entitled to transpose directives in legislation in the range of their competences; in case of infringement they assume the consequential penalties. On the basis of law no. 183 of 1997 and article 6 of law no. 422 of 2000, Regions can make comments on regulations, recommendations, guidelines, projects of legislation and political guidance. With a majority vote, they can propose but also bind the government to appeal to the Court of Justice of the European Union for acts deemed not lawful, as ruled by art. 5 law no. 131 of 2003. These instruments are still little used, and the processes of transposition are not always effective at the regional level. The Italian delegation to the Committee of the Regions consists of 24 full members: 14 from Regions and 10 from municipalities and provinces.

## **2.5 Multilevel governance: Regions at work**

### **a. Democracy**

Italy is going through a period of political turbulence, which originated in the failure to overcome difficulties emerged with the crisis of Clean Hands (*Mani Pulite*), in 1992-1993. This opened a framework with weaker political parties (*liquid society*), an evolution in associative activities, and with a solidification of the gap between citizens and institutions, despite some special moments: main sports or collective events, the celebration of the 150 years of unity, civil participation against organized crime. In ordinary Regions the divergence of citizens from regional institutions has gone further than in respect to national political life. In the special statute Regions, the civil landscape is sundry: the positive

dialogue between politics and citizens is stronger where post-war political parties have endured and evolved, as in the province of Bolzano, Trentino and Valle d'Aosta.

Several scandals and a strong protest movement, supported by newspapers and intellectuals, today ranks Regions in that part of Italy that "does not work". Beyond the scandals (e.g. in the city of Rome with wide corruption "*Mafia Capitale*" and in the Regions with opaque funding of political groups in the Regional Assemblies), Regions have shown lack of capacities in sound financial management, they have often accumulated significant debts, Region owned companies often overlapping each other, with additional costs for the public purse and with too big staff. Spending review policies are often promoted by the central government, which meets resistance in almost all Regions, except those able to adapt their budgets in due time.

Since the time of Clean Hands, in ordinary northern Regions a political force linked to local interests and to a traditional vision of society - the Northern League - has grown and strengthened. In the South some political parties closer to public administration and public affairs management prevailed. The "*amoral familism*" concept, a substantial lack of active citizenship in the southern Regions, as updated by Robert D. Putnam in 1992<sup>7</sup>, proved to be able to spread also to the rest of the country, despite some reactions in many communities.

Newspapers pay little attention to regional political debate, and citizens tend to place the Regions on a par with other local organizations, province and municipality. During the post-war years, the turnout was about 92-94%, during Clean Hands times about 80%, while in 2010 it ranked at 63%, and fell to 53% in 2015 in the six ordinary Regions holding elections. This drift shows a clear disregard for regional politics, worse than the national level, which obtained a 73% turnout in 2013.

Although abstention from voting in elections is widespread in Western democracies, the neglect of the vote in Italy contrasts with some vivid expressions of civic and political life: according to ISTAT, the National Statistics Institute, in 2013, during the elections in a difficult political framework, 10.8% of the population has played a direct political activity, while around 80% of the population aged 14 years and more talk over politics and kept informed<sup>8</sup>.

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<sup>7</sup> Robert D. Putnam, *Making Democracy Work. Civic traditions in modern Italy*, Princeton 1992; Edward C. Banfield, *The Moral Basis of a Backward Society*, New York 1958

<sup>8</sup> ISTAT, *La partecipazione politica in Italia*, Statistiche Report, 29th October 2014

The situation is quite different in the special statute Regions. Over the past twenty years, in comparison to the liquefaction of the national political parties in the rest of the country, political forces with regional root arose and consolidated. In 2013, in Valle d'Aosta, five regional parties have collected almost 80% of the valid votes (*Union Valdôtaine, Union Valdôtaine Progressiste, ALPE, Stella Alpina, Fédération autonomiste*), leaving only 20% of the vote to national parties. In the Province of Bolzano, *Südtiroler Volkspartei* and other political movements have reached 83% of the votes. In the Province of Trento, political forces representing Ladin and Trento identities reached 53% of the votes. In Sardinia, regional parties are divided in many formations, but they exceed 30% of the votes. In Friuli Venezia Giulia, although parties representing minorities reached 3.5% of the votes, under the labels of national parties stands a strong regional attitude. A trend towards regionalization of parties has been working out for decades in Veneto, which feels strong territorial challenges: about the representation, economic and social development, and also on independence, with a debate relatively understood and widespread among citizens.

Referendum are quite common in Italy, especially after the one on divorce, hold on 12<sup>th</sup> and 13<sup>th</sup> May 1974, which was followed by 65 further consultations. The regional statutes and transposition laws set the rules about consultation in ordinary and special Regions. Most relevant experiences took place in special Regions. The Province of Bolzano (law 17<sup>th</sup> July 2002, no. 10 and law 18<sup>th</sup> November 2005 no. 11) hold some referendum in 2009 that failed the quorum of 40%; the decision to abolish the quorum was rejected by a further referendum, on 9<sup>th</sup> February 2014. In 1992, Valle d'Aosta voted against the candidacy to host the Winter Olympics Games, and in 2012 about the construction of a pyrogasification plant. On 15<sup>th</sup> and 16<sup>th</sup> May 2012, a referendum was hold in Sardinia to repeal its provinces. At the regional Government initiative, the Assembly of Lombardy approved on 17<sup>th</sup> February 2015 the organization of a referendum on stronger regional competencies.

Several weekly newspapers are spread mainly in Northern Italy and in areas with local identity. This lively local media has been triggering in the 19<sup>th</sup> century. During the last forty years, it has been enhancing, usually in communities of 150 to 180,000 inhabitants. In the Provinces of Bolzano and Trento, in Valle d'Aosta, Sardinia and Sicily, a daily and weekly press pays attention to regional political debate, as well with some coverage in minority languages and in languages with constitutional protection.

Special statute Regions have some special language rights in media policies. The Autonomous Province of Bolzano funds an independent company “*Radiotelevisione Azienda Speciale*” to broadcast radio and TV from Austria, Germany and Switzerland; in Valle d’Aosta RAI broadcasts three French-speaking television stations from France and Switzerland. National public company RAI produces and broadcasts some programmes and news with local seats in Bolzano and Aosta respectively in German and Ladin, and in French. In Friuli Venezia Giulia, RAI has set up a radio and a TV channel in Slovene since 1995.

## **b. Diversity**

Italy is a country with relevant and rich regional variety, in cultural heritage, urban landscape, lifestyles, language and cuisine. The regional system partially preserves some of the pre-unification identities. Many Regions have internal important diversities: e.g. in Emilia Romagna, Lombardy, Marche, Friuli Venezia Giulia, and also in Tuscany. Historical linguistic minorities are protected by law 15<sup>th</sup> December 1999, no. 482 in coherence with the *European Charter for Regional or Minority Languages* (Greek, Albanian, Franco-Provençal, Occitan, Ladin, Friulian etc.). Minority languages are usual in primary schools in few municipalities. German, French and Slovenian are protected also by the constitutional special Statutes of Bolzano and Trento, Valle d’Aosta, Friuli Venezia Giulia and taught at all school levels.

The regimes of bilingualism zones with special status in the north are differ from one other. In Valle d’Aosta an equal bilingualism is in force, with a gradual dominance of Italian language, especially in the main valley. In the Province of Bolzano a linguistic separation is established, especially in education, in Friuli Venezia Giulia there are schools and protection measures of linguistic minorities. Within such main minorities some further measures are provided to protect and promote smaller minorities, like Ladins in the Province of Bolzano and Trento, expressing specific political parties (*Ladins Dolomites* and *Union Autonomista Ladina*) or the 1200 inhabitants of the Walser Community, speaking an ancient German, in Valle d’Aosta.

The explicit separatist trends in Sicily, Valle d’Aosta and Sardinia in the postwar period have been softening and are now limited to few politicians (e.g. one elected representative in the Council of Sardinia in 2014), intellectual circles and some associations, also looking at the experiences of Scotland and Catalonia. In Bolzano, after the clashes of the Sixties, two political parties still represent

independence or separatist tendencies: *Süd-Tiroler Freiheit* and *Bürger Union für Südtirol* (respectively 7,2% and 2,1% in the provincial elections in 2013, 4 members on 35 at the Provincial Council). Political initiatives on independence arouse some attention among citizens in some areas in northern Lombardy and especially in Veneto. Its Regional Council has recently approved regional laws 19<sup>th</sup> June 2014, no. 15 and no.16 to hold a referendum on Veneto independence, now appealed by the Government before the Constitutional Court, which is still assessing the case.

The law of 23<sup>rd</sup> November 2012, no. 215 introduced the principle of gender equality in elections, which has been partially transposed in ordinary and special Regions, with some positive outputs. However, the Councils of six ordinary Regions, renewed by the election of 2015, only have between 10% and 20% of female members, with a peak of 27% in Tuscany. The Region of Puglia had even not transposed the principles in its legal framework.

### 3.1 Past reforms

The Constitutional reform of 2001 produced results below expectations and landed in a framework of regional leaderships in decline in many Italian Regions, often involved in scandals. Some political parties call for the overcoming of the Regional system in favor of a centralized State - including the "5 Stars Movement" of Beppe Grillo (25.5% of votes in 2013), and some areas of the center-right and center-left parties. However, a strong alternative to the regional system is not concretely foreseen. Media and citizens also frown upon centralization of resources and decision-making at the central level, marked by serious scandals, repeated since the unification of Italy and evermore on newspapers front pages.

Ongoing institutional reform sees a clash between two models coming from the debate on the past reforms: the first centralist, and the second faithful to the decentralization process set out since the post-war times. The two trends coexist in the new proposal: on the one hand in favor of a Senate of the Regions, on the other hand with a depletion of regional powers, although they have never actually been transferred to the ordinary Regions. The special statute Regions are worried by the new reforms, although the constitutional method of bilateral agreement with the State keep them safe from the new centralism, for the time being.

### 3.2 Present reforms

The reform process arose in a very dramatic framework for public finances and political stability leading to President Berlusconi's resignation on 12<sup>th</sup> November 2011, to Mario Monti's cabinet and to political elections on 24<sup>th</sup> and 25<sup>th</sup> February 2013. In three months, the project was ready. While the parliament was laboriously looking for a majority and a new government that would be born only on 24<sup>th</sup> April with Enrico Letta, on 30<sup>th</sup> March 2013, the President of the Republic, Giorgio Napolitano, appointed a group of experts ("*The Wisemen*") to make proposals on reforms. On 11<sup>th</sup> June the Senate started the debate on the project of Constitutional law submitted by the Government. However, the text was approved at first reading by the Senate on 8<sup>th</sup> August 2014, a few months after the government

Matteo Renzi took office. It has been under scrutiny at the Chamber of Deputies and then again at the Senate. Despite the short kick off in 2013, the debate has waned, making room for other urgent issues, on public accounts and other structural reforms. However, the process of political reforms has been weakening recently. Opposition and some representatives of the majority do not want the removal of the “equal bicameralism”. They are also against a Senate not directly elected and with regional brand on the doorbell.

The constitutional bill changes the functioning of the institutions (legislative procedure, quorum for the election of the President of the Republic, referendum) and streamlines it (Provinces and “*National Council for Economy and Labour*” wind up).

The most important changes are about the share of legislative powers between State and Regions, and the transformation of the Senate into a territorial Chamber with less power. The Chamber of Deputies will have the main relationship with the government (vote of confidence), the political guidance and control, and the largest part of national legislative decision-making. The Senate would be elected indirectly, with 95 members elected by regional Councils among their members and the mayors of the Region, while five senators will be appointed by the President of the Republic for 7 years<sup>9</sup>.

The political forces agree on the revision of the legislative powers share between State and ordinary Regions, winding up the category of shared competences, mainly transferred to the State (e.g. transport networks), and giving it new competencies, like coordination of public finance and taxation, standardization of labour rules in the public sector, and in the field of social security. The ordinary and special Regions will carry on the exercise of participation in the ascending and descending phases of EU decision making process<sup>10</sup>.

The constitutional reform finally introduces a “*supremacy clause*”, which bears out and strengthens the governmental possibility to act in the field of regional competences to preserve legal or economic unity of the Republic or the national interest.

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<sup>9</sup> Camera dei deputati - Servizio studi, *Superamento del bicameralismo paritario e revisione del Titolo V della Parte seconda della Costituzione*, Roma, 2014. Stelio Mangiameli (eds.), *Italian regionalism: between Unitary Traditions and Federal Process*, Zurich 2014

<sup>10</sup> Camera dei deputati - Servizio studi, *Il riparto delle competenze legislative nel Titolo V*, Rome 2014

The parliamentary debate has confirmed that the special statute Regions will keep their differentiated autonomy through article 116 of the Constitution. However, the special Statutes of the five Regions and of the two autonomous Provinces will be updated to the reform, on the basis of bilateral agreements between each of them and the State.

### **3. Outlook**

The success of the constitutional reforms depends not only on the stability and strength of the government in office but also on the country's ability to move forward on structural reforms. Several forces hinder them: political, corporate and social, for example about spending review or school reforms. Against the new bill on electoral system, they prefer a majority bonus in favour of the coalition than to the single party, a direct election of the Senate, and a general conservation of the *status quo*.

The next political steps remain difficult and the mood of the Country does not help reforms. The protest is expressed through political forces represents at least 40% of the votes, and 30-40% of the citizens who do not vote. Newspapers and television do not miss a chance to despise and fault the regional texture of the Republic. The slight economic recovery of 2015-2016 could soften the hearts, but it could also makes structural and constitutional reforms appear less urgent.

Top decision-making officials know that the reforms do not change much the balance of power between State and Regions. The competencies of the ordinary Regions will remain as residual as they are today, except in health and in local transportation. Special statute Regions will probably keep unchanged, despite the budget cuts. Out of the vivid media debate, the constitutional reform does not seems so scary: it serves primarily to make the decision-making system faster, concentrating it primarily in the Chamber of Deputies. So, despite some resistance and perhaps some changes, the reform could be approved soon, unless the protest grows faster and the general political framework becomes entangled.