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Editorial

The confirmatory referendum in the legal system of the Autonomous Province of Bolzano

Antonio Ferrara - First researcher of ISSIRFA - CNR



With the statutory law prov. 3 December 2018, n. 22, about direct democracy procedures, participation and political education, the Autonomous Province of Bolzano has provided a new discipline that allows the direct intervention of citizens in the formation of public decisions.

The quorum of validity for the referendum has been lowered from 40% to 25% of those entitled to vote (no quorum is envisaged for the consultative referendum). In addition, the Council of men and women's citizens was created, with the aim of involving the population in legislative or administrative decision-making processes within the province on the basis of requests from the citizens themselves, and the Office for political education and participation, formed jointly by the majority and minority council groups, with the aim of providing organizational support for the functioning of participation and direct democracy, as well as civic education and political education of the population.

The confirmatory referendum is particularly innovative, since it determines the suspension of the provincial laws for which it is promoted, preventing their entry into force until the subsequent favourable popular vote.

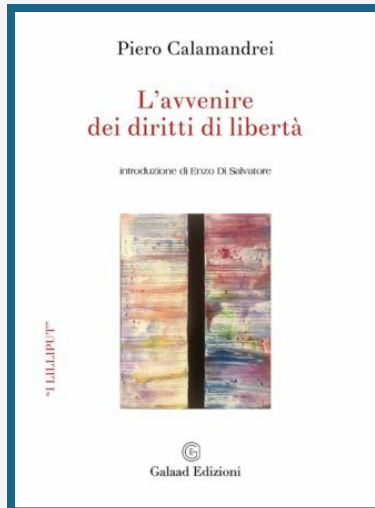
Unlike other similar cases, where the suspension of the law is limited to some hypotheses of extraordinary institutional importance, here the possibility of suspension is general (except for some limits of admissibility) and is provided by the statute of the Autonomous Province of Bolzano (ex Article 43 St. TAA).

The Central Government has decided not to challenge the provincial statutory law directly. However, it remains to be seen whether the confirmatory referendum designed by the Province of Bolzano will find adequate coverage in the provision of art. 43 St. TAA which gives the provincial statutory legislation the only discipline of the exercise of the abrogative, proactive and consultative referendums. Moreover, even if we consider that this typological list cannot be considered exhaustive, it is doubtful whether this new type of referendum is in harmony with the constitution.

RECENT ACTIVITIES

THE CONSTITUTIONAL PRINCIPLE OF INDIVIDUAL SELF-DETERMINATION.

Stelio Mangiameli drew conclusions at the Conference “[The constitutional principle of individual self-determination](#)” held on 14 December 2018 at the Cassino and Lazio Meridionale University.



RIGHTS TO BE. THE LESSON OF CALAMANDREI, THE CURRENT CHALLENGES.

Stelio Mangiameli gave a concluding speech at the round table on the topic "Rights to be. The lesson of Calamandrei, the current challenges", held on 10 December 2018 at the Chamber of Deputies in Rome, during the presentation of new book of Piero Calamandrei “[The future of rights for freedom](#)”.

BETWEEN HISTORY AND LAW: FROM THE AUSTRO-HUNGARIAN EMPIRE TO THE NATION-BUILDING OF INTERWAR PERIOD. THE PARABLE OF CZECHOSLOVAK REPUBLIC (1918-2018)

Stelio Mangiameli presented the paper "Empires and States in the formation and dissolution processes" at the Conference "[Between history and right: from the Austro-Hungarian empire to the nation-building of interwar period. The parable of Czechoslovak Republic \(1918-2018\)](#)" held on 26 and 27 November 2018 at the Department of Political Sciences of Teramo University.



ISSiRFA - CNR PARTECIPATION TO THE XXXIX ANNUAL SCIENTIFIC CONFERENCE OF A.I.S.RE.

“Regions of Europe between local identities, new communities and territorial disparities”

17 – 19 September 2018 – Bolzano



Aida Giulia Arabia and **Giulia Maria Napolitano** prepared a **poster** to illustrate the Report on legislation of Chamber of Deputies and Report on Regions in press (Sole24ore) and presented the analysis on the issue “**Regional measures to struggle poverty, passing through social card to insertion income as essential level: critical issues, limits and possible developments**”; **Fabrizio Tuzi, Giulia Maria Napolitano** and **Alessandro Gentilini** presented a paper extracted from Report on current provincial functions after the Ley no. 56/2014, called “**Legge Delrio**”; **Luca Giachi** presented a paper “**The regional policies towards health inequalities**”.

UPCOMING EVENTS

In September the draft of “Report on legislation” of Chamber of Deputies has been completed and, specifically, the part on Propensities and troubles of regional legislation coordinated by Aida Giulia Arabia. The Report, which includes an Introduction on problems of differentiation and homogeneity in the regional state (Stelio Mangiameli – Director of ISSiRFA) and eleven chapters (Aida Giulia Arabia, Paolo Colasante, Michela Michetti, Antonio Ferrara, Gabriella Saputelli, Clelia Losavio, Giulia Maria Napolitano, Luca Giachi, Alessandro Gentilini, Andrea Filippetti and Antonino Iacoviello), will be presented by Prof. Stelio Mangiameli in April 2019 at the Conference organized by Chamber of Deputies.

PROJECTS

In the context of the research project “Analysis of the legislation on mountain territories” the Institute joined the event “**General States of Mountain**” held in Rome at the Department for Regional Affairs and Local Governments (DARA) of the Presidency of the Council of Ministers, on the 16th October 2018.

INTERNATIONAL ACTIVITIES



From 29 October to 19 November 2018 **Gabriella Saputelli** has been Visiting scholar at the School of law, Center for International Legal Education of the University of Pittsburgh thanks to a Short term mobility grant awarded by the National research Council.



Andrea Filippetti, with his paper on “[The Innovation Profiles of European Regions: New Measures, Trends, and Implications for Policy](#)”, was invited to speak at the 2018 - SMARTER Conference on “[Smart Specialisation and Territorial Development](#)”, that took place in Seville (Spain) from 26 to 28 September 2018, and on the 28th – 30th

of November 2018 participated as speaker in the Conference on “[Transforming the Transformation? – Economic and Social Development in Central and Eastern Europe](#)” held in Leipzig (Germany), with a presentation titled “European Convergence: Is the Dream Over?”.

COURSES, LECTURES & PAPERS



- **Antonino Iacoviello** has been confirmed for the course “Administrative Law” at the Scuola Sottoufficiali della Guardia di Finanza;
- **Aida Giulia Arabia** and **Giulia Maria Napolitano** have participated in [3th study Conference on regional rights](#), promoted by the Journal of Law of Territorial Autonomies, held in Catania at the Department of Political Sciences of Catania University on 14 December 2018, with the papers, respectively, “The regional legislation during the experience of second regionalism” and “The social legislation of regions between conflict and innovation in the protection of social rights”;
- **Antonio Iacoviello** participated in the Biennial Conference on “[Parliaments and parliamentarism in comparative law](#)”, promoted by the Association of Comparative and European Public Law, held in Rome at the Roma Tre University on 25 and 26 October 2018, with a paper titled “The relationship between the national parliaments and regional governments on European law: comparing the cases of Italy, Germany and Spain”;
- **Clelia Lo Savio** with Giovanna Perniciaro presented the paper “Legal relevance and governance of the mountain territory” at the Conference “[Promotion of the initiatives aimed for the revival of the mountain economy on the regional territory](#)”, promoted by the Sicily region - territory and environment department - State Forest Rangers, held in Gangi on the 5th October 2018;
- **Gabriella Saputelli** participated to ICON·S Italian Chapter Inaugural Conference “[Unity and fragmentation inside and beyond the State](#)” held in Rome at the National School of Administration on 23 – 24 November 2018, with a presentation on “The “weight” and the “value” of regional differentiation in European Union: the Italian experience”;
- **Antonino Iacoviello** published the paper “[The division of legislative powers between State and Regions on mining assets](#)” in the Journal of Building Law, no. 2/2018.





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