



ISSIRFA

*Istituto di Studi sui Sistemi Regionali
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"Massimo Severo Giannini"*

*Institute for the Study of
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EDITORIAL

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Brexit and the future of the European Union

The recent outcome of the British referendum on the exit of the United Kingdom from the European Union has caused a situation of general discomfort and evoked unprecedented dangers; the stock exchanges wavered; the promoters of the referendum themselves were visibly concerned; the heads of the European Chanceries came together but then took different stances and finally, the European Institutions, except for the ECB, remained silent.

It is evident that the Brexit runs the risk of being the tip of an iceberg; the signals that emerged in recent years reflecting an anti-Europe sentiment largely confirmed in the 2014 elections of the European Parliament cannot be ignored. The two largest European parties – the People's Party and the Socialists – had assumed the European political system to be largely bipolar and had hence presented a candidate each for the presidency of the Commission, but they were compelled to join forces even with the liberals in order to face the anti-Europe part of Parliament.

In actual fact, discomfort in the European Union is deep and is linked to the international financial crisis and to its repercussions on the European system. Indeed, while in the United States the signs of recovery are quite evident, in Europe – in spite of the

efforts of the European Central Bank – there seems to be no end to the crisis.

And it is not only to be attributed to the weakness of the EU Mediterranean Countries (Greece, Italy, Spain and Portugal) and to their sovereign debt, but rather and above all it is the result of the unusual combination of rules and behaviours of the Union and of its Member States: the Union cannot develop an anti cycle economic policy for the lack of a global tax system but it can impose on the Member States a budget policy based on curbing public spending that prevents recovery.

The Member States, in turn, comply with the European rules with great pain but are unable to impress on the European Union the political thrust that would give new momentum to the political integration process. The selfishness of the Member States and flaws in the design of Europe are therefore consuming the most important contemporary effort to build a federal reality.

After the crisis ensuing from the Maastricht Treaty and the failure of the Constitutional Treaty, Brexit may be the opportunity to rethink the European model in order to avoid the dissolution of the Union and the scatter of the cultural and political heritage it has built up over almost seventy years of history.

An idea that could give renewed momentum to the European integration process is that of an accomplished supranational democracy with a cohesive and solidarity-based institutional system where national parliaments would have a different position and with a true unified tax system that would provide the groundwork for an effective European economic policy.

As not all the Member States are ready for such a project, a first core of States could come together and work on a true sovereignty project designed to “Accomplish the aim of a perfect European Union”.

Projects

P.E.R.C.OR.S.I.

Progettare Esperienze e Risorse Culturali Orientate a Sviluppare Innovazione
Designing Experiences and Cultural Resources for Developing Innovation

P.E.R.C.OR.S.I - ended in June 2016 - was awarded the first CRESCO Sustainable Cities prize, sponsored by the National Association of Italian

Municipalities, in the category of economic sustainability projects (October 2016).



This book collects the contributions of all participants in P.E.R.C.OR.S.I. (C. Cavallaro ed.)

The programme P.E.R.C.OR.S.I. was coordinated by the Municipality of La Spezia and funded by the Italian National Youth Agency. The participants in the programme were 120 young people (aged between 16 and 35) who developed eleven small projects on improving inclusion, providing innovation and on improving living conditions in the city.

At the end, five of the eleven projects were awarded the prize and will be improved with the tutoring of the local Chamber of Commerce.

The programme methodology consisted in promoting improvements in the key competences of citizenship, self-employment of youth and involvement of territorial actors through the implementation of eleven small projects.

The projects designed by the eleven groups of youth were devoted to: promoting La Spezia and its surrounding territory sustainable tourism, sustainable mobility, development of young local artists (musicians, actors, painters, novelists, photographers, and so on), protection of urban parks, sports, web sites providing tourist and cultural information, new forms of accommodation to host tourists.

ISSiRFA, supported by Solidarius Italia s.a.s i.s. and by five young facilitators, contributed to the development of the project methodology and it monitored a part of the programme.

By the end of the project, the PERCORSI programme had already produced an important impact.

The programme also revealed the willingness and ability of the local Institutions, the Municipality of La Spezia, to follow the eleven experiences, facilitate them where possible and develop some of their ideas (e.g. tourist points, mobile app to promote events).

For ISSiRFA this was an opportunity to experiment a participated methodology for involving citizens in the planning of a more inclusive and smarter city.

Analysis of legislation on mountain areas



The research project “Analysis of legislation on mountain areas” has been completed. This project was the outcome of cooperation between our Institute and the Department for Regional Affairs, Local Governments and Sports of the Presidency of the Council of Ministers.

The project, whose main aim was to expand the knowledge of regulations adopted at national and regional level with the aim of protecting, developing and valorising the mountain areas, was developed over a period of one year and consisted of two main steps: collection, cataloguing and classification of the regulations and then analysis and systemic access to the data.

A report was written on the results of the project – edited by Clelia Losavio and Giovanna Perniciaro – that comprised four parts:

- the first contains a brief introduction to the project and description of the research methodology;
- the second focuses on “mountain areas” in the Constitution and in the national legislation (from the first law in favour of mountain areas through to Act no 97/1994);
- the third focuses on the current national situation at the political and institutional level (with special emphasis on the events that have involved Mountain communities) and on the more recent laws that specifically concern mountain territories (mountains in the Delrio Act; mountains in the constitutional bill; mountains in the “green communities” strategy);
- the fourth and last part is devoted to mountains in the regional legislation.

This was an opportunity for looking at each Region to see where they stand with regard to the reorganization of mountain communities and the relevant choices made in terms of maintenance, transformation or suppression, and for analysing regional laws in favour of mountain areas from many standpoints including policies, funding, public services and support to businesses.

International activities

Stelio Mangiameli was invited to deliver a number of lectures in Brazil.



He presented a paper (6 September 2016) on *Critical history and critique of history so that rights become the protagonist before the law* at the **VIII – International Conference on the History of Rights: Memory, Oblivion, Possible Democracies, Political Bodies, and Human Rights Discourses** that took place at the **Pontifícia Universidade Católica de Minas Gerais** in Belo Horizonte.



On 2 September Stelio Mangiameli was also invited to speak at the **VIII Congresso de História do Direito** that took place at the **Faculdade Damas da Instrução Cristã, Recife, Brazil**.

Mangiameli was also chairman of a Seminar in a Master's Course on Fundamental Rights on 30-31 August.



Laura Ronchetti has been Visiting Scholar at the Sarah Isom Center for Women and Gender Studies of the [University of Mississippi](#) (USA) on Short term mobility (11th - 31st August) to develop a research on **Different Views of Agency and Autonomy and of Implications for Issues of Individual and Collective Participation.**

Constitutional Jurisprudence

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This year as well the Institute has published its **Annual Report** edited by P. Colasante and J. Di Gesù.

Besides posting the acts on the petitions brought before the Constitutional Court and the decisions of the Constitutional Court of interest for the Regions, starting from 2002 ISSiRFA has produced an Annual Report on Constitutional Case Law.

The Report examines the judgments on the relationships between the State and the Regions (petitions brought before the Constitutional Court, inter-subjective conflicts, appeals on issues where the division of powers is involved).

The Annual Report offers an exhaustive overview of the Constitutional Case Law of interest pointing out – subject by subject – the position of the Court (confirmation of past stances and new orientations). Moreover, since 2011, the Report contains a significant section devoted to quantitative data on State-Region disputes where it provides information on the disagreements, the type of outcomes obtained by the two parties and the constitutional parameters (especially those on the division of powers) that have been the main focus of the case law of the Court.

Constitutional Reform

The journal *Italian Papers on Federalism*, no 3 of 2016, published the reports and contributions to the Workshop *Prospect for reviewing local government in light of the on-going reform of Title V* edited by our Institute,

by Federalismi.it, the Luiss Guido Carli University – the “Vittorio Bachelet” Research Centre on Public Administrations and the Regional Institute for Juridical Studies of Lazio Arturo Carlo Jemolo (Rome, 23 November 2015).

THE ROLE OF THE NEW SENATE: COMPOSITION, REPRESENTATION AND PROCEDURES IN LIGHT OF THE DIVISION OF POWERS (Stelio Mangiameli)

THE CHAMBERS OF PARLIAMENT AND THE LEGISLATIVE PROCEDURE IN THE CONSTITUTIONAL REVIEW BILL OF THE RENZI GOVERNMENT (Eduardo Gianfrancesco)

COMPOSITION OF THE NEW SENATE AND ITS (AS YET) UNCERTAIN IDENTITY (Nicola Lupo)

THE NEW SENATE: TERRITORIAL REPRESENTATION OF THE BODIES THAT CONSTITUTE THE REPUBLIC OR REPRESENTATION OF THE GENERAL INTERESTS OF THE POLITICAL COMMUNITIES IN THE NATIONAL PARLIAMENT (Antonio Ferrara)

OPEN PROBLEMS ON THE RENZI-BOSCHI TEXT OF THE CONSTITUTIONAL REFORM (Jacopo Di Gesù)

EXCEPTIONS TO THE “GENERAL APPLICATION” OF THE DIVISION OF LEGISLATIVE POWERS BETWEEN STATE AND REGIONS IN THE ONGOING CONSTITUTIONAL REFORM: THE ASYMMETRY CLAUSE AS LIMITATION TO THE FLEXIBILITY/SUPREMACY CLAUSE (Paolo Colasante)

THE NEW ARTICLE 117, PARAGRAPH FOUR, OF THE CONSTITUTION IN THE ONGOING REFORM BILL (Michela Michetti)

DEFINITION OF THE ROLE OF THE SENATE THROUGH THE PROCEDURES THAT CHARACTERIZE ITS COORDINATION FUNCTION BETWEEN THE STATE AND THE REGIONS. PROFILES CONCERNING THE LEGISLATIVE PROCEDURE (Antonino Iacoviello)

REORGANIZING THE SENATE ON DIFFERENT GROUNDS (Federica Fabrizzi)

THE AUTONOMY PRINCIPLE AND A PLURALISTIC REPUBLIC (Laura Ronchetti)

THE (AMBIGUOUS) PROCEDURE FOR ELECTING SENATORS: SELECTION BY THE COUNCILS OR DESIGNATION BY THE PEOPLE? (Luca Castelli)

COURSES, LECTURES and PAPERS

- Stelio Mangiameli, *The right to “fair taxes”*: Viewpoint of a Constitutional Scholar, in *Diritto e pratica tributaria*, n. 4 del 2016, pp. 1373-1406
- the following paper has been accepted as a result of a joint project between the ISSiRFA and the Department of Geography of the London School of Economics: "*Academic Inventors: Collaboration and Proximity with Industry*". *Journal of Technology Transfer* (accepted for publication) (with Riccardo Crescenzi, Andrea Filippetti and Simona Iammarino)
- Gabriella Saputelli, *The Role of Customary Law and the New Lex Mercatoria in Countries with a Civil Law Tradition: The Italian Case*, in *Transnational Law & Contemporary Problems*, Vol. 25, no 2, Summer 2016, 257-277.
- on September the 29th, Andrea Filippetti was invited speaker at the European Investment Bank (Luxemburg) on: "*Why public investment in research and innovation can foster economic recovery*"
- Gabriella Saputelli has started the *Course on Constitutional Law* (10 CFU) at the Law School of the Uninettuno International Telematics University
- Laura Ronchetti has started a workshop on *immigration law - Models of Federalism and Multilevel Constitutionalism* at the Sapienza University of Rome - Department of Communication and Social Research (CoRis)
- Laura Ronchetti was supervisor of a degree dissertation on *Migrations: Constitutional principles and international cooperation* - Bachelor's Degree in Development and international cooperation sciences Sapienza University of Rome - Department of Communication and Social Research (CoRis)



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