

INTERGOVERNMENTAL RELATIONS IN ITALY: THE PERMANENT STATE-REGIONS-AUTONOMOUS PROVINCES CONFERENCE.

Eleonora Ceccherini

Summary: *I. Introduction.- II. The rationale behind the creation of new liaison organizations: cooperative regionalism.- III. The origins of the State-Regions Conference.- IV. The new guiding principles of the Conference system and, specifically, of the State-Regions Conference.- V. Features and functions of the State-Regions Conference.- VI. Elements of success and definite shortcomings: an assessment. VI.1. Definite shortcomings... VI.2. ...and elements of success of the system.- VII. Bibliographical References.*

INTERGOVERNMENTAL RELATIONS IN ITALY: THE PERMANENT STATE-REGIONS-AUTONOMOUS PROVINCES CONFERENCE.

Summary: *I. Introduction.- II. The rationale behind the creation of new liaison organizations: cooperative regionalism.- III. The origins of the State-Regions Conference.- IV. The new guiding principles of the Conference system and, specifically, of the State-Regions Conference.- V. Features and functions of the State-Regions Conference.- VI. Elements of success and definite shortcomings: an assessment. VI.1. Definite shortcomings... VI.2. ...and elements of success of the system.- VII. Bibliographical References.*

I. Introduction.

The importance of State-Regions relations within composite legal orders became evident as soon as it was understood that any significant government activity requested the combined and coordinated effort of both central State and territorial autonomies (Carrozza 1989).

From a comparative point of view, the methods used to achieve said cooperation are various: for example, by introducing a territorial Chamber, by participating to joint bodies, by intervening in the legislative and administrative proceedings with proposals, opinions, industry standard agreements.

In spite of the constitutional reform performed by Constitutional Law n.3 of 2001, which lead to a significant increase in regional functions, the issue of actual regional participation to the definition of the State's political agenda has not yet been thoroughly considered. Even if the 2001 reform brought about several remarkable changes, especially with regard to the duties and functions of Regions, it did not operate a systematic review of the instruments promoting greater correlation and participation between the different institutional levels that constitute the Italian Republic (Rolla 2003).

More precisely, no answer has yet been provided to the possibility of establishing a Senate specifically representing all autonomies: the solution to this institutional conundrum has been left to a future constitutional reform. However, in many foreign legal orders, this question represents the heart of all debate concerning the involvement of decentralized institutional levels: generally, the main opinion is in favor of the regionalization (or federalization) of at least one legislative body of the central State (De Vergottini 1990).

As a result of the Italian legislator's inactivity on the matter, as it was deemed a challenge of demanding "political and parliamentary practicability" (Cerulli Irelli 2001), the

issue of State-Regions relations has been approached using the instrument of Conferences. These consists of the permanent State-Regions-Autonomous Provinces Conference (hereinafter, State-Regions Conference), the State-Municipalities-Local Autonomies Conference and finally, the State-Regions-Autonomous Provinces-Municipalities-Local Autonomies Conference, also known as unified Conference.

Said joint bodies are regulated by legislative decree n.281 of 1997; they are composed of representatives of the central, as well as of the regional and local executive power. As a consequence, the Italian model for central-local relations has been set by the gradual assimilation of intergovernmental relations, and more exactly, through a process of involvement associated with *interstate regionalism* (a mechanism ensuring the representation of sub-national interests using intergovernmental negotiation), rather than to *intrastate federalism* (according to which regional interests are considered and recognized on account of the activity of central institutions, such as, for example, the Upper House).

II. The rationale behind the creation of new liaison organizations: cooperative regionalism.

As composite legal orders gradually evolved, it became clearer that arranging for the devolution of competence merely in view of a constitutional catalogue of functions could not adequately ensure the recognition of distinct areas of expertise.

In the beginning, the first stages of the Italian regional experience concerning the relations between the central government and regional authorities were shaped by a separatist theory, according to which autonomy would follow upon precise definition of material competence and functions. In particular, the leading interpretation of Title V, part II of the Constitution expressed a preference for diversity, rather than for integration. And in fact, certain constitutional provisions were ultimately ignored, and specifically, those emphasizing the need to coordinate the respective areas of competence, instead of those emphasizing the need to safeguard the existing differences.

However, an abrupt shift inverted the direction of the regionalist development as it reached its peak: the opinion matured by the Constitutional Court, the spirit of the legislative evolution affecting relations between State and Regions, as well as the reviews on the matter formulated by several legal commentators all contributed to the definition of a new model for central-regional relations, founded on the principle of collaboration (the so-called 'cooperative regionalism'). Said principle is based on the assumption that the activities constituting areas of exclusive competence of any one of the governmental levels are limited.

Cooperative regionalism was favored by the concurrent introduction of the principle of fair collaboration, as developed by the Constitutional Court: on different occasions following ruling n.64 of 1987, the Court held that said principle constitutes the foundation of

State-Regions relations, in keeping with which all relations between the different institutional levels must be structured (Bilancia 2001).

Specifically, in decision n.242 of 1997, the same Court argued that “the principle of fair collaboration (...) must govern the relations between State and Regions in the areas and in relation to the activities in which they either possess concurrent competence, or their competence overlaps, thus requiring a balancing of interests (...) Said rule, which enunciates a fundamental constitutional principle in keeping with which the Republic, when protecting its unity, “recognizes and acknowledges local autonomies” (Article 5 of the Constitution), does more than merely arrange for a constitutional devolution of competence limited to subject matter, as it provides for the entire range of institutional relations between State and Regions”.

The Court reiterated its opinion in ruling n.341 of 1996, as it held that “the duty of fairness, which must shape all relations between State and Regions, intrinsically affects the areas of expertise in which the two institutional levels reciprocally influence each other’s functions, that is when one level may not exercise its authority because the other has failed to perform its duties. It therefore becomes essential, when considering an autonomy-based system, to draw on the beneficial, composing effect of an instrument based on the distinction and enunciation of differing competence, but more so, at times, on their interference and reciprocal connection. And this is precisely the essential purpose of the principle of fair collaboration: it is for this reason that it operates not only, albeit fundamentally, in a political-constitutional dimension, given that even before defining the reciprocal legal standing of both State and Regions, it actually delineates the context in which their relations must be carried out.”

Also, anytime the content of a measure is to be defined by way of an agreement, the Constitutional Court underlined the need to promote regional involvement whenever said measure appears to interfere with regional competence (decisions n.747 of 1988, n.186 of 1989, n.444 of 1994, n.389 of 1995, n.207 and 289 of 1996, n.393 of 1999)(Anzon 1998). In keeping with the principle of fair collaboration, all the different institutional levels must in fact be involved in an effort to codetermine the content of the act subject to agreement. In order to do so, they must be made aware of alternative and substitutive mechanisms aimed at overcoming any obstructionist position.

However, even absent any specific provisions on the matter, the duty to reach an agreement must not degenerate to a mere non-binding advisory activity (Constitutional Court decision n. 351 of 1991) (D’Atena 1991). Also, should the State deviate from the content of the agreement, it must provide adequate reasons, which constitute the “minimum requirement validating the State’s unilateral decision” (Constitutional Court decision n.116 of 1994). Recently (Constitutional Court decision n.232 of 2004), the principle of fair collaboration has expanded to incorporate the possibility of invalidating a state-adopted measure (in the specific case, it concerned a measure of the Italian Interministerial Committee on Economic Planning,

known as CIPE) as it had been approved without allowing for the suggestions submitted by the Region in which the measure was to be implemented (Raggiu 2004).

Moreover, fair collaboration can also be ensured when making use of national reference centers, working as informational and technical interface (Constitutional Court decision n.270/1998) or when the State avails itself of subordinate offices within autonomous provinces (Constitutional Court decision n.483/2001).

It is evident that the Constitutional Court introduced said principle not only to strengthen a specific model of relations based on cooperative regionalism, but also to provide greater safeguards, limiting the State's ability to unilaterally alter the competence awarded to Regions.

On this matter, it must be noted that the Constitutional judge made a significant effort to introduce procedures aimed at harmonizing state-based activity and regional competence. In fact, it struggled to balance two different objectives: on one hand, to ensure the effectiveness of the State's involvement, in order to avoid any case of inactivity or legal vacuum; on the other, it tried to bypass any decision that could substantially reduce regional competence.

This point of view has been further upheld by the Constitutional Court's decision n. 303 of 2003: the judge maintained that should a State law transfer added competence to the central government, in view of the principle of subsidiarity this decision should be anticipated by an agreement with the interested Region. In other words, the constitutionally defined areas of expertise can be overcome through a subsequent amending negotiation between the involved institutional parties. By bargaining, the State can revoke the legislative and administrative competence possessed by any given Region in a specific subject matter, if it regards it as necessary to ensure the entire system's unity.

Up to this moment, the principle of fair collaboration always emerged when in the presence of concurrent state and regional competence: specifically, it was instrumental in enhancing the ability of both institutional levels to exercise their reciprocal functions. At present, however, the very same principle has come into play with the aim of allowing the permanent devolution of competence, to the point that it even disregards the constitutional wording (Bartole 2004).

Subsequent to a systematic review of the Court's line of decisions on the principle of fair collaboration, it is possible to deduce that said rule:

- a. awards a notable degree of flexibility to the provisions regulating the devolution of competence between State and Regions;
- b. compels the State to allow for a substantial, and not merely formal, acknowledgement of said rule, by demanding compliance with the legislative provisions establishing *liaison*-promoting measures or proceedings;
- c. requires mandatory performance of some form of *liaison*, even in the absence of an express legal provision (Cavaleri 2003).

From this viewpoint, the Constitutional Court's opinion confirmed the legislator's decision to create the permanent State-Regions-Autonomous Provinces Conference. In fact, in its decision n.116 of 1994, the Court held that "the Conference (...), far from representing an organ of the central state or of the local governments (and also of the Autonomous Provinces), consequently required to express the views of one and/or of the other, is rather the privileged seat for any debate and political negotiation between State and Regions (and Autonomous Provinces) (...) to facilitate a collaborative *liaison* between said institutions. As such, the Conference can be regarded as an institution operating within the national community, as an instrument for the achievement of cooperation between State and Regions (and Autonomous Provinces)", therefore, somewhat of a 'third level' in between State and Regions.

The amendment of Title V, part II of the Constitution, however, did not offer much support in defining the measures and instruments needed to create said *liaison* between the different institutional levels composing the Italian Republic. In addition, it did not see the opportunity of awarding constitutional acknowledgement to the Conference measure, in spite of the fact it proved a beneficial element in the implementation of the principle of fair collaboration (Capotosti 1981).

Then again, not even said principle was expressly and formally recognized as a fundamental element of State-Autonomous Provinces relations, given that the Constitution mentions it only under Article 120, regulating the State's power to substitute the different institutional levels composing the Italian Republic.

III. The origins of the State-Regions Conference.

The absence of an organism capable of connecting State and Regions by also including the Prime Minister and the Presidents of the Regional administrations first revealed itself at the conclusion of a Parliamentary hearing, promoted in 1980 by the Parliamentary Commission on Regional Affairs. Specifically, this meeting exposed the need to "include Regions in the elaboration of the State's political guidelines, mainly with regard to the allocation of resources, to the definition of the general planning objectives and to the decisions regarding the EU".

Upon presentation of the parliamentary hearing's findings, a decree of the Prime Minister dated 20 November 1980 established an investigative committee, known as the Bassanini Committee: the study group concluded that the creation of a State-Regions Conference would represent the key factor for State-Regions relations, in view of a transition from a conflicting kind of regionalism to a more collaborative one.

Given this viewpoint, the Committee drafted a project defining the Conference's future tasks: not only was it supposed to "encourage the involvement of Regions and Autonomous Provinces in the elaboration and implementation of the Government's general

political program”, but it was also expected to incorporate the functions awarded to the Interregional Commissions.

However, the plan outlined by the Bassanini Committee did not materialize, also on account of the concern prevailing in those years, specifically, to safeguard the unity of the executive power’s political-administrative policy. Said concern had a remarkable influence on the bills presented by Spadolini in 1982 and by Craxi in 1984: not only did they not adopt the proposals offered by the Bassanini Committee, but they also reduced the Conference’s competence, cutting down its policy-making authority to a minimum. Finally, these bills failed to define the Conference’s power to substitute the Interregional Commissions in the performance of their competence.

In spite of this widespread institutional “distrust” towards the Conference instrument, a Prime Minister decree dated 12 October 1983 nevertheless established one, although it possessed only administrative relevance. According to the decree, the Conference was to be regarded as some kind of interministerial committee: in fact, essential members were only the Prime Minister and some of the Ministers possessing competence on specific subject matters, while regional representatives could attend only upon invitation by the Prime Minister. Also, this organism was considered as non-permanent, given its convocation was left up to the discretionary decision of the highest ranks of the Executive (Sandulli 1995).

Even if the functions and tasks actually exercised by the Conference were greater than those awarded by the Spadolini bill, the organism revealed its inner lack of structure, as it appeared as a simple meeting place for State and regional autonomies. Therefore, the structural instability, the inconsistent regional involvement, the obvious overlapping of the activities of the Conference and of the other subordinate bodies compromised its effectiveness and reduced the scope of its action: evidence of this is given by the circumstance that between 1984 and 1988, the Conference sat only 4 times, two in 1984 and two in 1985.

However, Regions still felt the lack of involvement in the definition of the central State’s policy: for this purpose, Article 12 of Law n.400 of 1988 (Provisions on Government activity and system rules for the Prime Minister) completed and established the inner characteristics of this organism, conceiving it as a “joint” body with a regular schedule of meetings.

The law provided that the permanent Conference for State-Regions-Autonomous Provinces would be chaired by the Prime Minister and composed of the Presidents of all Regions and Autonomous Provinces (consequently, regional representatives were made into permanent members). According to the specific debate, meetings were also open to the interested Ministers and administrative representatives of both central and local public authorities. Finally, the Minister for Regional Affairs would act as vice-president.

In addition, legislative decree n.418 of 1989 promoted the reunification of all relevant functions devolved by law to several different, previously created joint bodies, thus turning the Conference into the only meeting table for all State-Regions relations.

Moreover, Law n.400 of 1988 recognized the Conference's duty to inform, provide consultancy and act as *liaison* with regard to the political guidelines concerning areas of regional competence and expertise. More exactly, the law instructed the Conference to serve as consultant on a number of issues: on the state legislative guidelines pertaining to matters of immediate regional interest; on the national economic planning objectives for financial policy and State budget; on the general criteria affecting the exercise of the programming and coordinating power (in which case the Conference's opinions were binding); on the main guidelines governing the measures required for the implementation of EC laws. In addition, the Conference could be consulted in relation to any document whenever the Prime Minister believed it was appropriate. Finally, many legislative measures required the Conference's involvement in the drafting process of several guideline documents (if only to reach a weak agreement).

The number of devolved functions was raised significantly: evidence of this can also be found in the fact that the meetings gradually increased, from 5 in 1989, to 9 in 1990 and eventually to 14 in 1991 (Sandulli 1995).

Nevertheless, in spite of the great expectations based on the organism's new structure, the Conference still played a secondary role. The number of meetings, in fact, remained rather limited and their agendas were restricted to the issues causing friction between State and Regions, thus overshadowing its function as coordinator of the entire regional system (Calvieri 2002). This devaluation can be explained in part if we consider that the law had not clearly established the terms of the Conference's advisory activity, and specifically, whether said activity was or not mandatory: on the matter, legal commentators seemed to favor the second option, consequently advocating for its mere discretionary nature.

In addition, even the attempt to increase the Conference's authority by way of specific pertinent legislation regulating the organism's ability to cooperate in the definition of state and regional policies did not bring about the desired effect. On one hand, it is unquestionable that several legislative measures formally provided the Conference with decision-making authority. On the other, it is also true that the organism was able to express its intent only through the agreement instrument: consequently, if it was not successful at completing one within a certain time limit, the central government could operate even absent an agreement with the Regions. As a result, legal commentators regarded it as a 'weak agreement', which lessened the difference between the cooperation activity - carried out by reaching an agreement - and the advisory activity - performed by stating an opinion. The skeptical attitude was not mitigated even after the Constitutional Court attempted to enhance the agreement instrument by introducing safeguards. First of all, the Constitutional judge argued that the reason for the difference between an agreement and an opinion is that a necessary and implied requirement for the former is represented by preliminary negotiation, which instead is absent in the latter case (decision n.338 of 1994). In addition, the Court introduced a new duty for the Government, thus compelling it to give reasons should any of its decisions be in contrast with

the regional opinion expressed within the Conference (decision n.21 of 1991, n.351 of 1991, n.483 of 1991, n.116 of 1994) (D'Atena 2001).

IV. The new guiding principles of the Conference system and, specifically, of the State-Regions Conference.

The intention to further develop this organism was clearly revealed by subsequent Article 9 of Law n.59 of 1997: this provision significantly strengthened the permanent Conference's authority, allowing it to be involved in all decision-making activities affecting regional matters, as well as making it the main holder of all powers and functions pertaining to State-Regions relations. The same law also authorized the Government to adopt a legislative decree providing for a systematic and extensive regulation of its functions, which it did by way of delegated decree n.281 of 1997. Specifically, this decree partially amended the rules governing the Conference's activity, but above all, it established what can be considered as the 'Conference system', thus redefining the provisions relating to the State-Municipalities-Local Autonomies Conference, while also introducing the unified Conference.

Indeed, the regime provided for the State-Municipalities-Local Autonomies Conference - created by way of Prime Minister Decree of 2 July 1996 - is clearly connected to the renewed consideration awarded to local autonomies, which started with the adoption of law n.142 of 1990 and was later confirmed by the constitutional reform of 2001. Said Conference (Article 9 of legislative decree n.281 of 1997) is required to "coordinate all relations between State and local autonomies, as well to research, inform and debate on matters connected with the main political guidelines affecting the specific or devolved functions of municipalities and provinces; it is also the place of discussion and examination of issues concerning the structure and performance of local bodies, as well as of all pertinent legislative initiatives and general Government measures". Finally, the Conference must also encourage all information and actions aimed at developing public utility performance, in addition to supporting the completion of agreements or of government programs.

The State-Municipalities-Local Autonomies Conference is chaired by the Prime Minister and is composed of:

- 1) several Ministers (Home Secretary, for Regional Issues, of Treasury, of Finance, of Public Works, of Health);
- 2) the presidents of the associations representing municipalities (so-called ANCI), representing provinces (UPI) and mountain communities (UNCEM);
- 3) 14 mayors and 6 Regional Presidents designated by their respective representative associations.

The process that lead to a strengthening of local bodies in Italy eventually lessened the distance between regional entities and the system of local autonomies, especially with regard

to their ability to relate to the State. Evidence of this progressive “municipalization” is the abovementioned creation of the State-Municipalities-Local Autonomies Conference, but more so the establishment of a unified State-Regions-Autonomous Provinces-Municipalities-Local Autonomies Conference, which, by virtue of Article 9 of legislative decree n.9 of 1997, is made up of members of the State-Regions-Autonomous Provinces Conference and of the State-Municipalities-Local Autonomies Conference.

With regards to its functions, the decree provides that the unified Conference “adopts all resolutions, promotes and sanctions all agreements and deals, states opinions, designates representatives connected to the subject matters and duties that are relevant to Regions, Provinces, municipalities and mountain communities”. However, said Conference is competent in all cases in which Regions, provinces, municipalities and mountain communities are required to pronounce themselves on a shared matter, or even when both conferences must do the same. Above all, it is essentially an advisory body and this is proved by the number of opinions submitted compared to the total sum of adopted measures: in 2002, of 98 provisions, 76 of them were opinions (Marini 2003b).

All resolutions adopted within the unified Conference, in addition to requiring the Government’s assent, “must be separately approved by the members of both groups of autonomies that make up, respectively, the State-Regions-Autonomous Provinces Conference and the State-Municipalities-Local Autonomies Conference. Generally, the resolution is adopted unanimously by the members of the two abovementioned groups. If unanimity is not reached, approval can be expressed by the majority of the representatives of both groups”.

The introduction of the unified Conference validates the process equalizing Regions and local authorities, as it confutes the former leading role played by regional administrations in defining the functions possessed by local bodies. Such a trend has indeed been confirmed by the constitutional reform: Article 114 has in fact identified local bodies as the basic components of the Republic, thus substantiating a notion of substantial equivalence with Regions and State.

Therefore, this regime can be regarded as an integral part of the shift towards a greater acknowledgment of local bodies, as it allows them to become almost equivalent to Regions. This tendency has been so obvious that a number of Regions challenged Article 9 of Law n.59 of 1997 and of legislative decree n.281 of 1997, claiming that Regions and local bodies had been rendered equivalent contrary to Constitutional intent. The Constitutional Court, however, rejected their arguments (decision 408/98), holding that state law has discretionary power when regulating relations between the State, Regions and local bodies, just as the State’s decision to create a State-Regions Conference, as well as a State-Municipalities-Local Autonomies Conference is not bound by the Constitution. It also stated, “as long as it complies with the limits provided for their respective competence and autonomy, as well as with the constitutional provisions regulating the matter, the law of the Italian Republic may

operate discretionary choices when regulating relations between State, Regions and Local bodies”.

In addition, the Court brought attention to the fact that it did not contravene the Constitution to create a unified Conference composed of regional and local representatives, should the debate concern matters of common interest. On the contrary, it argued that following the decision to establish *liaison* organisms promoting a two-way connection between Regions and local autonomies, unifying the Conferences “would facilitate the confluence of different opinions, making it easier to integrate and meet the diverse demands rising from the need to organize the system of autonomies, consequently limiting any rigidly established divisions or conflicts that could obstruct and resist the process of devolution. (...) Regions could rightfully complain of an unconstitutional alteration of their position only if the unification of both Conferences gave rise to an indeterminate organism, in which regional representatives could not distinctly express their vote, as it would be combined with that of the other representatives, and therefore Regions would be prevented from clearly stating their point of view. If this were the case, it would not be possible, strictly speaking, to refer to it as a *liaison* instrument, connecting State and Regions and capable of highlighting the elements of convergence between the two sides; rather, it would be a joint body, possessing different characteristics and different purposes”.

V. Features and functions of the State-Regions Conference.

From a general point of view, the system of intergovernmental relations in Italy was significantly developed by legislative decree n.281 of 1997, which awarded a primary role to the State-Regions Conference and a supportive role to the other two Conferences. The legislator’s intent was to supply Regions with an effective means of negotiation and, to this purpose, it greatly increased the Conference’s functions.

Specifically, the rules currently in force provide that the State-Regions Conference shall:

- a. express a mandatory opinion on the law, legislative decree or regulation proposals drafted by the Government on matters of regional competence (Article 2, clause 3 of legislative decree n.281 of 1997);
- b. express its (discretionary) opinion on every issue of regional interest, submitted to the Conference by the Prime Minister, also upon request by the Conference of Regional Presidents (Article 2, clause 4 of legislative decree n.281 of 1997);
- c. express its mandatory opinion on measures to be adopted following the Government’s substitution of territorial autonomies and, if already adopted, the Conference may demand their review (Article 8, clause 4 of Law n.131 of 2003);

d. if, in a case of urgency, it is not possible to carry out a preliminary consultation, the Conference shall render its statement at a subsequent stage: in this instance, the Government is required to take into consideration the opinion expressed by the Conference during the Parliamentary session examining law proposals or laws converting legislative decrees, or during the final exam of the proposals for legislative decrees subject to the opinion of parliamentary commissions (Article 2, clause 5 of legislative decree n.281 of 1997). Should these legal measures be already adopted, the Conference must and shall petition the Government for their possible withdrawal or amendment (Article 2, clause 6 of legislative decree n.281 of 1997);

e. complete agreements. Should an agreement, expressly provided by law, fail to be reached within 30 days or there is a situation of urgency, the Council of Ministers may operate unilaterally, giving reason for its action. In this case, the Conference shall express its opinion at a subsequent stage and may petition for a review (Article 3 of legislative decree n.281 of 1997). If the agreements are promoted by the Government in order to harmonize existing laws, or to attain a common opinion or to achieve shared objectives, these agreements are not to be regulated by the previously mentioned provisions (Article 8, clause 6 of Law n.131 of 2003);

f. arrange deals between State and Regions, directed at promoting the coordinated performance of their respective competences and the carrying out of activities affecting common interests (Article 4 of legislative decree n.281 of 1997);

g. promote the exchange of information between central and regional administrations (Article 6 of legislative decree n.281 of 1997);

h. monitor the implementation of regulations (Article 2, clauses 7 and 8, letters a) and b) of legislative decree n.281 of 1997);

i. promote and coordinate State and regional programs (Article 2, clause 1, letter c) of legislative decree n.281 of 1997);

j. designate the individuals responsible for bodies and organisms (Article 2, clause 1, letter i) of legislative decree n.281 of 1997), together with the regional representatives for the permanent mission of Italy at the EU (Article 5, clause 2 of legislative decree n.281 of 1997);

k. determine, in the cases provided by law, the criteria regulating the allocation of financial resources awarded to Regions, also for the purpose of ensuring equalization (Article 2, clause 1, letter f) of legislative decree n.281 of 1997);

l. operate as *liaison* between EU policies and Regional requirements in relation to the elaboration of EU measures concerning competence; it shall also express an opinion on the project for the annual EU law as provided by Law n.86 of 1989. To this purpose, the Conference conducts at least two special meeting sessions yearly (Article 5 of legislative decree n.281 of 1997).

In conclusion, the activities performed by the Conference may be summed up in five different categories: advisory, decision-making, informative, reviewing and designating.

While the first category has to do with expressing opinions and the second one concerns agreements, deals and resolutions, the third activity involves the exchange of information. The fourth activity requires monitoring of the end results relating to the economic and quality level of public performance, in light of the objectives set out in the plans and projects approved by the Conference, in addition to the creation of data banks and of work groups. Finally, the last category consists in the designation of the regional representatives appointed to the joint State-Regions organisms, operating within the State administration. Clearly, these represent rather heterogeneous functions, which range from acting as a *liaison* – when reaching an agreement - to ensuring regional representation – when designating delegates - which should cause the complete exclusion of any State representation.

The amendments put in force by legislative decree n.281 of 1997 have contributed to expand the Conference's role and functions. However, in spite of the reforming changes, the Conference still reveals strong state-oriented features, which partly overshadow the role played by Regions. In particular, by reading Article 12 of Law n.400 of 1988 together with Article 2 of legislative decree n.281 of 1997, the Conference must be convened by law at least every six months (although it actually meets every two weeks) and no less than twice yearly for a special EU session. Presidents of Regions and of Autonomous Provinces are also authorized to call a session of the Conference (Article 12 of Law n.400 of 1988), although the final decision is left to the highest rank of the national executive power, despite the very same Constitutional Court emphasized the importance of allowing territorial autonomies to summon the Conference (decision n.263 of 1992).

The State Executive is also called upon to define the Conference's agenda, and it is required to communicate it only to regional governments.

There are also uncertainties regarding the structure and operation of the Conference, to be defined exclusively by the Prime Minister, once informed of the opinion of the Minister for Regional Affairs. Finally, another element that further highlights the Conference's inherent limits is represented by the absence of any normative indication of the procedural rules regulating a debate session or defining voting formalities. There is no definition of a structural or operative *quorum* needed for the validity of the sessions: therefore, it is not clear whether the resolutions implemented by the Conference are valid and effective should attendance by Regions be limited. On this point, the Constitutional judge did not offer a decisive answer, thus leaving the possibility open for a positive interpretation. More exactly, the Constitutional Court, in its decision n.507 of 2002, merely argued that all agreements and deals completed within the Conference are binding for Regions not attending the session, provided they have been regularly summoned and they have not expressed the intention to communicate their formal dissent in some manner or formula. According to the Court, this results from the circumstance that while attending the Conference, Regions form a unitary representative; they

express a common position with a single vote and are bound by the resolutions adopted by the majority (Di Cosimo 2003).

With regard to the measures implemented by the State-Regions Conference, instead, Article 2 of legislative decree n.281 of 1997 provides that resolutions are passed with the approval of both the Government and of Regions. Should Regions fail to vote unanimously, their vote can be expressed also by the majority of votes voiced by the Presidents of Regions and of Autonomous Provinces, it being understood that even in this case, the two constituting components of the Conference remain intact and unaltered. However, Regions have quite often raised doubts concerning the validity of a measure adopted in spite of regional dissent within the joint body, claiming this could represent grounds for its annulment. Should the answer to this question be positive, one possible effect would be to take the Conference out of its functional “limbo”, thus conferring it more than a merely advisory role, as it would start operating as a place of coordinated management of all proceedings affecting territorial autonomies.

Yet, this interpretation has not been widely shared and in fact it has been repeatedly challenged. Even recently, the Constitutional Court rejected the argument according to which all positions expressed within the Conference are binding. In decision n.437 of 2001, a number of Regions petitioned the Constitutional judge, claiming that the 2000 Finance Act had allocated less funds than those agreed by the Conference, and in their opinion this contravened the principle of fair collaboration. The Constitutional judge rejected the Regions’ petition, requesting that the Court declare the agreements completed during the Conference’s activity as legally binding. Specifically, the Court held “there were no grounds upholding the argument that the legal provisions under discussion were somehow, from a procedural or a substantial point of view, in any way conditioned by similar agreements. Cooperation or negotiation procedures can indeed affect the judicial review of constitutionality of legal measures, but only as long as their implementation is required, directly or indirectly, by the Constitution, which is not the case at issue here. Nor can the principle of fair collaboration between the State and Regions be expanded to the point of defining new rules, beyond those derived from the Constitution, providing for the elaboration and the subject matter of laws”. More to the point, the Constitutional Court held that the legislative proceeding is regulated by Article 72 of the Constitution and for this reason, no further procedural rule can be imposed on the Parliament.

Likewise, in decision n.376 of 2002, the Constitutional judge argued that the claim relating to the legislative proceeding submitted by the Regions attending the Conference was lacking substance: they complained that the Government had ignored their request to review a bill promoted by the former.

VI. Elements of success and definite shortcomings: an assessment.

On balance, the Conference system in Italy reveals both elements of success as well as definite shortcomings.

VI.1. Definite shortcomings...

As we have previously examined, the reasons for the creation within our legal order of the Conference system, and specifically, of the permanent State-Regions-Autonomous Provinces Conference can be found in the need to provide territorial autonomies with the opportunity and the means to take part in shaping the central State's intent. The need became pressing on account of the development of Italian regionalism, which, especially in recent years, moved vigorously towards devolution. This shift, however, was not sweeping enough to inspire a constitutional reform capable of introducing a new Upper House representing Regions, and consequently, to allow territorial autonomies to play a substantial part in national legislative proceedings. As a consequence, absent a Senate for Regions, the permanent State-Regions-Autonomous Provinces Conference appeared as the sensible alternative: albeit important, it cannot however be regarded as an effective substitute for a representative assembly. In fact, it is unquestionable that the same body is composed of both State and Region representatives: this confirms the argument according to which the Conference may not represent an adequate surrogate for the Senate, given that the latter does not possess any underlying State connotation.

Therefore, the lack of a territorial House leaves the order without "an important element of cohesion within the federal unity" (Allegretti 1996). Indeed, allowing territorial bodies to be involved in the definition of the political policy, and therefore, in the elaboration of the main decisions of national political interest strengthens the population ability to *idem sentire*, to feel the same. Specifically, doing so would facilitate the reaching of common ground between unity and plurality, between an organically structured system and one based on devolution, thus encouraging the requests for unity, which have recently been experiencing times of trouble in many parts of the world.

This opinion has not lost its appeal, although the Senate's role as a House representing autonomies has started to show signs of weakness in several decentralized orders (Ceccherini 2002)¹. Nevertheless, abandoning the prospect of a representative body in favor of a system of

¹ This article does not tackle this issue; however, it is unquestionable that the actual Houses of representatives of confederated entities are experiencing a legitimization crisis and many commentators have underlined their inability and inadequacy in facing the effects of devolution. Accordingly, many different opinions have explored the possibility of altering the structure, even to the point of considering the dissolution of a territorial House.

intergovernmental relations may not lead to greater ease of relations between central State and territorial communities, and more so, it would deny them all safeguards and protection.

It is indeed reasonable to question the possibility that the Government or the various levels of bureaucracy will adequately safeguard the rights of territorial autonomies. And this leads to the second weak element of the Conference: proof of the substantially non-fungible nature of the Senate representing Regions and of the current State-Regions-Autonomous Provinces Conference is given by the fact that the latter is made up of representatives from both the national and regional governments. The decision-making procedure within the Conference, which is limited to its governmental components, is indeed the object of notable criticism, especially in relation to its so-called “democratic *deficit*”. Given that the center of gravity has moved from the democratically elected legislative bodies to the governmental ones, this can only lead to a decrease in the system’s democratic quality, consequently reducing the role of legislative councils. However, while not taking a position on this theory, it is indeed essential to point out that intergovernmental relations come about more as an effect of the preeminence of executive bodies within the legal order, rather than as a cause of the same circumstance. Therefore, it would be sensible to reconsider the relations linking the legislative power to the Executive authority from a general point of view, rather than to question the Conference - at least from this point of view - seeing that this body merely represents a manifestation of the changes affecting said relations.

More exactly, in order to overcome the abovementioned critical opinions, it would probably be more reasonable to change certain rules and practices concerning the State-Regions-Autonomous Provinces Conference’s functioning, especially by stimulating a greater involvement on the side of the representative organs and inducing greater openness in said committee’s performance.

With regard to the first element, the issue specifically concerns the relations between regional governments and their respective Councils, which are substantially barred from any decision-making process within the Conference. As a result, it would be desirable that each regional Council performed a preliminary debate on the matters included in the Conference’s order of the day, so that the elective organ could be informed of the issues discussed. As a result, the Council would be enabled to appropriately direct the activities of the regional government, even though it is understood that the Conference representatives are not bound by their electoral mandate. This could be reasonably achieved by promoting a systematical and rational planning of the Conference’s works (currently, the order of the day is communicated only a couple of days prior to the Conference’s meeting session), as well as by establishing the Prime Minister’s duty to communicate the order of the day to the President of the Region and to the President of the Regional Council, so that he can subsequently inform the assembly.

With regard to the second element, instead, a measure that would contribute to reduce the criticism concerning the Conference’s democratic quality requires confronting the issue of

inadequate publicity of the session's outcome. In fact, this is communicated only through brief minutes of the meeting that completely evade the matter of voting results. The indeterminate quality of the Conference's activities, also, causes the community and the political parties to pay less attention and show less awareness for the management of common political and social interests. However, there is a solution to this problem that would not undermine the necessary conditions of the intergovernmental relations system: that is, to make sure that all session minutes and meeting records give a clear and true account of the relevant debate (Marini 2003a).

A third critical review of the Conference system concerns its characterization as an organ of the Prime Minister's Office. Although, as we have previously mentioned, the Conference intends to solve the lack of Regional involvement and hence provide them with an adequate instrument of participation to State activity, it is unquestionable that the Conference is an organ of the Government, at least for three sets of reasons. In fact, not only is it structured within the Government, also it is the Prime Minister who acts as its President and is required to summon its meetings, and finally, because the Conference's Secretary Office depends from the Government. Given this structure, the Conference does not truly represent the "voice" of Regions within the central State, but rather an organ aimed at verifying the consistency of the regional point of view with that of the central government (Marini 2003a). As a consequence, said Conference operates more as a mediation instrument with regard to the Government's resolutions affecting regional interests and competence, rather than as an organism allowing regional involvement in the definition of the Government's political policy.

Finally, it is worth considering that the State-Regions-Autonomous Provinces Conference can exert great influence on Regions, taken as a group or individually. In the first case, said persuasive impact comes about when the Conference operates in areas that have been nonetheless constitutionally reserved to Regions, given that the central State's influence can throw the relation off balance, progressively eroding the area of regional competence. In the second case, instead, the State can overshadow a single Region's autonomy, by substituting the latter's opinion with one expressed within the Conference.

On this matter, the Constitutional Court challenged the validity of a provision relating to "the involvement of the Conference - regarded as privileged place for political debate and negotiation between State and Regions on matters generally affecting regional interests - in a decision pertaining to a single concerned Region" (decision n.124 of 1994). Likewise, the same judge, in decision n.121 of 1997, when comparing the opinion expressed by the Conference with that held by the Trentino Alto Adige Region, argued they were different as to their foundation, nature, purpose and effects. In fact, the Conference's opinion was required by ordinary law, while the autonomous entities of Trentino Alto Adige are regulated by the rules implementing the regional Statute. Also, while the first had been expressed by an assembly composed of all Regions, the second one had been expressed by only one.

Moreover, the first opinion is a generic opinion, while the second one specifically relates to its compatibility with the regional special Statute and the pertinent implementing rules. Finally, when it is negative in content, only the opinion regulated by the rules implementing the regional Statute may temporarily limit the effectiveness of the measure within the regional or provincial territory.

A fourth element of weakness of the Conference consists in its legitimization, which is found in the law, yet not, for example, in the Constitution. As a result, its existence depends upon the unilateral intent expressed by the State, which is therefore formally revocable at any given time. The very same Constitutional Court, in its decision n.408 of 1998, held that the unified Conference is not a constitutionally required body and referred to it as a “non constitutionally binding option”.

However, a suppression of the State-Regions Conference is merely hypothetical and hardly feasible: if the principle of fair collaboration has found constitutional validation, it is not clear how said principle could be adequately implemented in the absence of the Conference (Marini 2003a; Ruggiu 2000).

Several critical comments have been made on the fact that said organisms have revealed limited ability to represent relevant interests. This argument is reasonable when applied to the State-Regions-Local Autonomies Conference, in which the heterogeneous composition seems to be the leading cause for such situation. In fact, the associations representing Municipalities, Provinces and Mountain Communities, which are already represented by their Presidents, elect their local representatives. Also, some have raised doubts about the opportunity to still allow for Mountain Community representatives, which are rather indefinite local entities, while disregarding Metropolitan Municipalities. Although these are still awaiting a formal recognition, they are however included by Article 114 of the Constitution among the components of the Republic, along with Municipalities and Provinces.

The limited ability to represent relevant interests is not an issue that concerns the permanent State-Regions-Autonomous Provinces Conference: on the matter, a number of commentators has brought attention to the circumstance that if Regions inhabited by 50% of the population can count on less than one fourth of the votes, this could affect the validity of the approved resolutions. However, an equal representation of the confederated entities represents a typical feature of decentralized States, in which representation is not linked to the population's numerical consistency, but to the single territorial units (D'Atena 2001, 129; but *contra* Mor 1997).

Above all, many opinions have highlighted the absolute uniqueness, from a comparative point of view, of the Italian situation, which witnesses the simultaneous participation of local entities and of the regional community within such organisms. Even if the Constitutional Court upheld the absolute legality of this legal option, without doubt this three-part representation model is, if anything, very unusual (Bin 1996). Composite legal

orders have a tendency to subordinate the local level to the regional level: as a consequence, introducing local autonomies within the representation system significantly subverts this assumption and at the same time, it is evidence of the fact that the municipal dimension has always influenced the Italian institutional history. This combination may weaken the regional system, as any conflict between Regions and local autonomies would come to the Government's advantage.

VI.2. ...and elements of success of the system.

It is appropriate at this point to consider the elements of success that have shaped the Conference system in Italy.

First of all, it is unquestionable that the permanent Conference represents an essential structure of the Italian regional system: then again, it may be the only one and, for this reason, its role must not be too fiercely criticized. In spite of its many weaknesses, to this day the Conference is still the only place where Regions and the Government can meet to talk, share opinions, even ignore each other, but nevertheless meet. Should we dissolve the Conference or reduce its role, Regions would be left without an adequate means of negotiation.

Besides, the mere fact that a similar organ exists within a composite order is in itself a factor of great importance and it contributes to a shift that many different legal systems are progressively operating. The gradual acknowledgement of the principles of *cooperative government* has eased the way towards the establishment of similar organisms, in which the highest ranks of both central and local governments are represented. In so doing, local communities strengthen their standing before the State, consequently balancing the State-gravitating inclination that shaped the institutional system in different periods of time.

Even more so on account of the already mentioned circumstance that the Italian legal order is not equipped with a representative assembly and therefore, the mere existence of an organism such as the Conference to some degree makes up for its absence, given it does not simultaneously act as an instrument of alternative participation or capable of excluding the territorial Upper House.

Another positive element is represented by the fact that the presence of the local Executives within the Conference ensures that all members are competent and, as a consequence, that even their decisions - at least in theory - are properly elaborated and expressed, especially when they are technical in content.

Many commentators have also argued that the introduction of the Conference in the decision-making process constitutes another positive element that has eventually altered the Italian form of government (Pizzetti 2000). On the other hand, this opinion, which is aimed at providing substance to Regional involvement in said process, cannot be fully embraced. The Conference's creation unquestionably had an effect on the central State's decision-making process: in fact, in the past years it contributed greatly to the drafting of several fundamental state legislative measures, such as the Finance Act's supplemental act or the economic-

financial program. All in all, territorial autonomies have taken part, in various degrees, to the law-making process. Then again, the opinions expressed by regional representatives within the Conference could truly have a bearing on the central law-making process if only their dissent could be considered as a parameter for review of State law validity: only in this circumstance can the previously stated opinion, according to which local autonomies have substantially shaped the Italian system of government, gain some favor. On the contrary, as we have already mentioned, such ability has not been granted to the Conference: more so, Law n.131 of 2003 has expressly provided that certain types of agreements² promoted by the Government within the State-Regions Conference or within the unified Conference can be implemented in spite of regional dissent and the Government does not even have the duty to state the reasons for its diverging opinion.

Despite this profile, the Conference has certainly expanded its role. In the original legislator's intent it was created as an advisory body, but it eventually extended its functions to embrace a decision-making competence. Some data will illustrate this change: in 1990, the entire amount of measures adopted by the Conference consisted of opinions and in the following years they still constituted the majority of its activity. Over time though, said proportion started to reverse, seeing that in 2002 the ratio between opinions and the total amount of adopted measures was 105-230, about 46% of the total, compared to a decision-making activity (made up of agreements, deals and externally relevant acts) that was almost the same numerically (101 documents) (Marini 2003b). This is indeed unquestionable evidence of the Conference's increasing importance.

Likewise, it is worth mentioning the role played by the Conference in relation to EU integration. In fact, it is mostly the process of worldwide economic globalization that is currently affecting the distribution of competence between central State and territorial autonomies. In particular, given the present propensity to create international organizations operating in areas usually reserved to local entities, this causes the point of attraction to move in favor of central authorities. In a way, this is the reason why many systems of competence devolution are diverting from the guidelines defined by Constitutions. For example, when considering Article 117, clause 1 of the Italian Constitution pertaining to the duty to comply with international obligations and EU laws, this provision apparently moves the center of attention from the entities possessing the competence to operate, to the specific process of decision-making, making the method with which territorial communities take part and collaborate in the international tables of discussion instantly crucial.

Until the adoption of Law n.86 of 1989, Regions were not at all involved in the policy-making process shaping the Italian position in the EU. However, after this law was passed, a special EU session of the State-Regions Conference is now called at least twice

² These are the agreements provided for by Article 8, clause 6 of Law n.131 of 2003, promoted by the Government in order to harmonize existing laws, or to attain a common opinion or to achieve shared objectives.

yearly, in order to deal with the aspects of EU policy that affect regional interests. Also, the same Conference can express its opinion on the proposals for EU law repealing any current provision in contrast with EU law, or to authorize the Government to implement EU directives by way of regulations. More recently, the Conference's functions have expanded even further: besides expressing an opinion on the guidelines for the elaboration and implementation of EU measures interesting regional competence, subsequent to Article 5 of Law n.131 of 2003, the Italian mission to the EU may also include regional representatives, which can also be appointed as Chief of the mission. The criteria and the procedures for their appointment are to be defined through negotiation within the State-Regions Conference of a cooperation agreement between State and Regions. In addition, upon request by the majority of Regions within the Conference, the Government is required to appeal to the EU Court of Justice against allegedly illegitimate legal measures (Groppi 2003).

Another beneficial element consists of the fact that the Italian order felt the need to provide an instrument of multilateral cooperation. This indeed gives greater meaning to the principle recognizing equal worth to each decentralized entity before the State, as well as supplying territorial autonomies with a same negotiation table where to come together as a united front. The most immediate and evident positive consequence of these instruments of cooperation has in fact been the identification of a single forum for debate, in which the most "autonomist" opinions are balanced during negotiation for the sake of the entire system's protection. It seems sensible to establish a single speaker advocating the reasons of all Regions before the State, rather than promote and uphold bilateral relations between the State and each single Region. While this method can be significantly more effective, then again, as a rule, fragmented negotiation does not benefit the entire system, as it is restrictive to its functioning and it favors only certain territorial entities among other Regions as they possess a stronger standing before the State. Unquestionably, a system of bilateral relations serves the purposes of more dynamic territorial entities only: its diffusion increases the recognition and the strengthening of distinct realities, thus intensifying the differences and the competition between territorial autonomies.

Finally, another important consideration to be made refers to the amendment sanctioned by Article 7 of legislative decree n.281 of 1997, which concerns the dissolution of all joint State-Regions bodies and the transfer of their functions to the relevant Conference. This proved to be an important decision, as the legislator chose to concentrate all *liaison*-promoting activities between State and Regions in one body, instead of maintaining somewhat of a subdivision of competence. The purpose behind this reorganization of joint bodies was to put an end to the centralization of functions in the hands of single Ministers, so as to favor an assembly with general competence, in order to strengthen overall coordination.

VII. Bibliographical References.

ALLEGRETTI, U. (1996), 'Per una Camera territoriale: problemi e scelte', in *Le Regioni*, pp. 431-451.

ANZON, A. (1998), "Leale collaborazione" tra Stato e Regioni, modalità applicative e controllo di costituzionalità', in *Giur. cost.*, pp. 3531-3543.

BARTOLE, S. (2004), 'Collaborazione e sussidiarietà nel nuovo ordine regionale', in *Le Regioni*, n. 2-3, 2004, pp. 578-586.

BILANCIA, P. (2001), 'Verso un federalismo cooperativo?', in *Problemi del federalismo*, Milano: Giuffrè.

BIN, R. (1996), 'Veri e falsi problemi del federalismo in Italia', in L. Mariucci (ed.), *Il federalismo preso sul serio*, Bologna: Il Mulino, pp. 61-81.

CALVIERI, C. (2002), *Stato regionale in trasformazione: il modello autonomistico italiano*, Torino: Giappichelli.

CAPOTOSTI, V. (1981), 'La Conferenza permanente per i rapporti fra Stato e Regioni: una tendenza verso il regionalismo cooperativo', in *Le Regioni*, n. 5, 1981, pp. 896-916.

CARROZZA, P. (1989), 'Principio di collaborazione e sistema delle garanzie procedurali (la via italiana al regionalismo cooperativo', in *Le Regioni*, n. 2, pp. 473-509.

CAVALERI, P. (2003), *Diritto regionale*, Padova: Cedam.

CECCHERINI, E. (2002), 'I rapporti fra Federazione e Province in Canada: l'esperienza delle relazioni intergovernative', in *Diritto pubblico comparato ed europeo*, n. 2, pp. 669-687.

CERULLI IRELLI, V. (2002) 'Intervento introduttivo', in *La riforma dell'ordinamento regionale – Le modifiche al Titolo V della Costituzione*, Milano, Giuffrè.

DE VERGOTTINI, G. (1990), 'Stato federale', in *Enciclopedia del diritto.*, n. 53, pp. 831.

D'ATENA, A. (1991), 'Sulle pretese differenze tra intese "deboli" e pareri, nei rapporti tra Stato e Regioni', in *Giurisprudenza costituzionale*, pp. 3908-3909 ss.

D'ATENA, A. (2001), *L'Italia verso il "federalismo"*, Milano: Giuffrè.

DI COSIMO, G. (2003), 'Procedure di decisione della Conferenza unificata fra previsione legislativa e prassi difformi', in *Le Regioni*, n. 4, pp. 633-638.

GROPPi, T. (2003), 'Regioni e Unione Europea', in T. Groppi, M. Olivetti (eds.), *La Repubblica delle autonomie*, Torino: Giappichelli, pp. 155-164.

MARINI, F. S. (2003a), 'La "pseudocollaborazione" di tipo organizzativo: il caso della Conferenza Stato-Regioni', in A. D'Arena, P. Grossi (eds.), *Diritto, diritti e autonomie tra Unione europea e riforme costituzionali. In ricordo di Andrea Paoletti*, Milano: Giuffrè, pp. 339- 368.

MARINI, F. S. (2003b), 'Le Conferenze', in *Primo rapporto annuale sullo stato del regionalismo in Italia*, Milano: Giuffrè.

MOR, G. (1997), 'Tra Stato-Regioni e Stato-città', in *Le Regioni*, n. 4, pp. 513-516.

PIZZETTI, F. (2000), 'Il sistema delle Conferenze e la forma di governo italiana'; in *Le Regioni*, n. 3-4, 473 ss.

ROLLA, G. (2003), 'Il difficile equilibrio tra autonomia e unità nel regionalismo italiano', in G. Rolla (ed.), *La definizione del principio unitario negli ordinamenti decentrati*, Torino: Giappichelli, pp. 1-16.

RUGGIU, I. (2000), 'Conferenza Stato-Regioni: un istituto del federalismo "sommerso"', in *Le Regioni*, n. 5., pp. 853-901.

RUGGIU, I. (2004), 'Trasporti a Bologna e leale collaborazione: metro pesante...per una Metro leggera', in *Le Regioni*, n. 1 (in corso di pubblicazione).

SANDULLI, A. (1995), 'La Conferenza Stato-Regioni e le sue prospettive', in *Le Regioni*, n. 5, pp.837-861.