

NICOLA GRECO

*Connections and possible functional conflicts among land-reclamation, water management and soil protection*

First of all the Author reconstructs the long institutional and constitutional history of land-reclamation and land-reclamation syndicates in Italy. Then, in the context of the recent constitutional reform and of the Regions' statutory refoundation, he points out the more recent functional connections of land-reclamation with water management, soil and environment protection as well as with the modern concept of agriculture and other economic sectors.

This reconstruction allows to confirm, on the one hand, the uneliminability of the land-reclamation syndicates, supported by a kind of "constitutional resistance"; on the other hand, that the demonstrated adaptability of land-reclamation and land-reclamation syndicates to the changes of the society and of its functional requirements guarantees that they will be preserved, rather increased in value even in the current reformist context.

ALESSANDRO PACE

*Land-reclamation before and after the new Title V, Part II of the Italian Constitution*

The Author, after criticizing some aspects of the constitutional case-law on the matter, reaffirms that land-reclamation syndicates are guaranteed by many articles of the Italian Constitution (3, 41, 42, 44 and 97). From the new Title V of the Constitution two opposite theories derive: one, according to which the regulatory power on the land-reclamation syndicates is vested in the Regions; the other, according to which it is the State that has the full competence on the subject matter, as it can legislate on environment and private law. This last competence is important because the land-reclamation syndicates are first of all farmers' associations.

The Author upholds an intermediate theory: the land-reclamation syndicates fall under the "land management" subject matter, covered by concurring legislation, where legislative powers are vested in the Regions,

except for the determination of the fundamental principles, which are laid down in State legislation.

ANTONIO D'ATENA

*Land-reclamation problems in the context of the new constitutional competences of State and Regions*

Firstly the Author examines the new legislative competences of the State and of the Regions derived from the Constitutional reform of 2001. Then he analyses the subject matters which are the object of those competences. It emerges that the "land-reclamation" is not in the new articles of the Constitution mentioned, even if it is a subject matter influenced by the exclusive legislative powers of the State as well as by the concurring legislation sectors (State-Regions). So, among the exclusive legislative powers of the State, the protection of the environment and the improvement of environmental goods have great importance in regard to "land-reclamation".

In this complex and flexible context, the task of the land-reclamation syndicates' could possibly be absorbed by Regions, Provinces and Municipalities, while their survival was constitutionally guaranteed as the Constitutional Court judged. But the Author maintains that land-reclamation syndicates can be an expression of the "subsidiarity" principle, which the new Constitutional system is based on, so that they can enjoy a "functional autonomy" even in comparison with the ordinary local authorities (Regions, Provinces and Municipalities).

FRANCO MODUGNO, ALFONSO CELOTTO

*Constitutional topicality of land-reclamation in the context of the "functionality" and "subsidiarity" principles*

The article 44 of Italian Constitution directly concerns "land-reclamation" so that the land-reclamation syndicates have been variously safeguarded by the Constitutional Court's decisions. The introduction of the subsidiarity principle in the new Constitutional text gives importance to the so called "functional autonomies", considered as an ordinary model of administration, different from traditional State and local authorities' administration. In this new Constitutional context land-reclamations syndicates, which have a certain tradition and vocation as functional autonomies, receive further confirmation.