

**STUDI**

parlamentari  
e di politica  
costituzionale

*Abstracts  
of Articles*

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### Developments of “laws cutting”: at the moment, more image than substance

After recalling the main lessons that can be driven from recent attempts to simplify legislation mainly through consolidated texts and sectoral codes, the essay examines the “guillotine clause”, introduced by Simplification Act (2005), and the two “laws cutting” Decrees adopted in 2008. They are important and innovative mechanisms aimed at reducing the stock of existing legislation, but they raise some problems, need to be well coordinated, and must be followed by an effective agenda of consolidation and simplification instruments. Otherwise, they will produce almost no substantial effect on the quality of the existing legislation. A specific attention is put on the “Normattiva” project, an open and freely accessible database collecting legislation in force.

ANTONELLA BENAZZO

### Gender equality and political representation in the European Countries

The debate on affirmative actions aimed to increase gender equality, in particular with reference to women participation in the decision-making process, stems from a formalistic vision of the right of anti-discrimination. Judges find themselves in the uncomfortable position of balancing two different exigencies, i.e. the principle of formal and substantial equality. The ECJ has defined under which conditions gender balancing mechanisms might be admissible in the regulation of the labor market and within the family context. EU institutions have underlined the problem of gender gap in political representation by adopting several Recommendations directed to Member States. At national level the process of gender empowerment has developed differently from country to country. National policies of inclusion has provided for different systems of quotas to favor women representation. The analysis of the effectiveness of these measures shows how the introduction of quotas generally produces an increase in women

participation. Nevertheless, since affirmative actions are temporary, the result might be illusory if it is not accompanied by a change in political parties' attitude toward this issue.

FRANCESCA DI LASCIO

### State sources and tools of the participatory democracy

The study investigates the evolution of the relationship between citizens and Public Administration. It analyzes its development as a result of the changes in the concept of representative democracy and of the transformations Public and Administrative Laws underwent last century and during the beginning of the present one. In this respect, the tools used by the government legislator to set the bases for creating the theoretical model of deliberative democracy are important. These bases, as a whole, represent expressive ways of participatory democracy and are directly connected with the access of public decision-making trials processes to private bodies, who have become active recipients of public bodies work. The objective is to outline the features that define the role of the citizens within public decision - making trials when it bears unusual ways of participation. If this happens, groups of "active citizens" show their desire to collaborate on having an active role in the public decision-making process for expressing their own requests within the interests mediation sphere that leads to the adoption of legal, regulatory, administrative or soft law measures. The examined sources foresee methods and mechanisms open to act as potentially promotional vehicles of participatory democracy. The role of the participation is, indeed, useful for the adoption of actions through which the administration pursues the regulation and composition of interests involved in its action, seeking citizens consensus for it.

The examination of the sources was carried out in two directions: the participation in generally-conceived public decision-making processes before and after. In the first case, Regulatory Impact Analysis (RIA) is being studied, with particular focus on the phase of the consultations with the receivers of the public action. In the second case, the analysis concerns ways consumers use to express evaluations on public services, by means of customer satisfaction surveys. The findings highlight the absence of a systematic regulation body able to embrace general principles and guide-lines for legitimating the forms of participation. Additionally, it is underlined that the relationship between the administrative body and its users is broadly built by the parts instead of being regulated by the law according to a structured procedure. Lastly, the administrative bodies do not commonly use the examined tools: this is obvious, given the absence of sanctions on relative institutional bodies and the direct consequence is a scarce guarantee of implementation by the institutions taken into consideration.

MARIA DE BENEDETTO

### The figure of “segretario generale” in Italian Ministries

The history of “segretario generale” in Italy is very interesting because of the inconsistency in his appearance and disappearance in the Ministries. On the other hand, a (so-called) permanent secretary (subsecretarios, staatssekretar, secretaire general, and so on) is consistently present in other European administrative systems.

The question has now arisen and in fact in Italy a principle to distinguish policy from administration has been introduced.

Firstly, the article analyses the more relevant historical moments of the figure. Secondly, the article reconstructs a comparative view of the problem, particularly with regard to France where we can recently observe the reintroduction of the secretaire general in all Ministries. Thirdly, the article describes the case for Italy, and the illogical politics (regarding “segretario generale”) followed in the last twenty years.

Finally, the conclusions aim to generally reintroduce this figure in the Italian ministerial organization which could possibly carry out coordination, to manage the structure, and to represent a symbolic (and practical) partner of the Minister, in order to achieve best public performances.

NICOLA GRECO, PAOLA BIONDINI

### Towards the integrated coastal zone management: the approach of the Italian Regions

For a few years both European Union and international legal orders have been giving specific attention to the subject of integrated management of coastal zone and marine and coastal resources in order to promote their sustainable development on an environmental, economic, social and cultural level. Particularly the European Union with the Recommendation of the European Parliament and of the Council of 30 May 2002 solicited its Member States to define, in partnership with the regional authorities and inter-regional organizations, a national strategy to implement the principles for integrated management of the coastal zone. Italian State has not still answered to the European Union, but several Italian coastal Regions have laid down some different plans and programmes more or less inspired by the integrated coastal zone management. The essay considers some of those instruments for concluding that the regional experiences are still too unripe and in particular regional plans and programmes are too limited both from a geographical and thematic point of view.