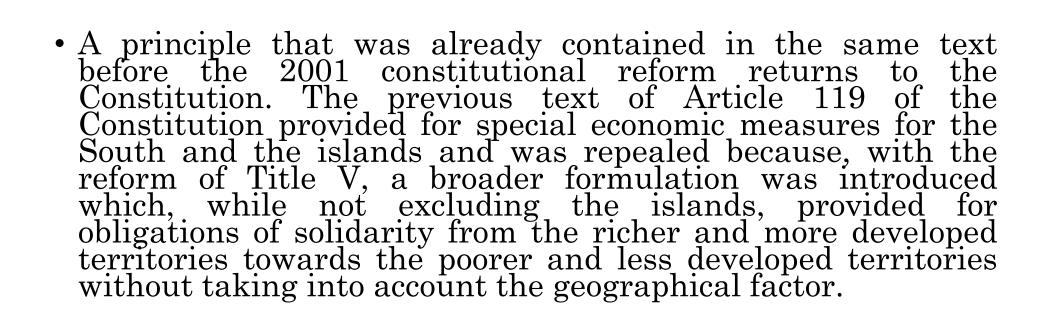




- Let's start with the text to understand what the comparative advantages could be for the inhabitants of islands, large and small, and archipelagos. The constitutional reform provides that the following provision be added to Article 119 of the Italian Constitution, after the fifth paragraph:
- "The Republic recognises the unique characteristics of the islands and promotes the measures necessary to remove the disadvantages arising from insularity".





Former Principle of Insularity

The text was in fact very broad and provided that:

"In order to promote economic development, social cohesion and solidarity, to remove economic and social imbalances, to promote the effective exercise of personal rights, or to provide for purposes other than the normal exercise of their functions, the State shall allocate additional resources and carry out special measures in favour of certain municipalities, provinces, metropolitan cities and regions".

The previous text of Article 119 of the Constitution provided instead that:

'To provide for specific purposes, and in particular to enhance the Mezzogiorno and the Islands, the State shall allocate special contributions to individual Regions by law.'



• In the transition from one text to the other, the greater richness of vertical subsidiarity, from municipalities to regions, was evident. The constitutional legislator sought to achieve this by peremptorily addressing the State as the entity that could/should allocate 'additional resources' and carry out 'special measures' in their favour. An intention that seemed to have overcome the centuries-old divide between Northern Italy and the South thus disappeared, encompassing Southern Italy and its Islands and reopening the possibility of de-territorialised state intervention.



• This was a perspective of republican unity guaranteed by the State, which, however, was not implemented due to the failure to implement fiscal federalism governed by Law No. 42 of 2009 and the various legislative decrees that were supposed to rebalance territorial asymmetries by allocating more resources where they were most needed. This principle of territorial differentiation should have led to republican equalisation whenever necessary.

Italian Hecho Insular

With the inclusion of the principle of insularity, the Republic recognises a clear difference due to the island factor, a "hecho insular", as we might say in Spanish (on this subject, see T. E. PROSINI, "Insularity" and the Constitution, in Rivista giuridica del Mezzogiorno, 1/2020, p. 249). The use of the indicative verb "recognises" represents the introduction of diversity and peculiarities linked to the geographical factor of insularity. Diversity and peculiarities that the Republic declares to be preexisting – it is difficult to deny the geographical configuration of an island or archipelago – to be respected and, at the same time, it undertakes to promote all measures that may remove the disadvantages suffered by those who live or work on the island.

Insularity a programmatic rule?

The structure of the constitutional provision therefore recognises a geographical fact but, at the same time, reaffirms the republican obligation to take into account, in the formulation of public policies, the disadvantages generated by insularity and the conditions created by the geographical situation. Is this simply a programmatic provision? Not only that. In order to implement these policies, the State will need to allocate economic resources, but it is nevertheless important to have enshrined this principle because it is precisely when discussing the distribution of financial resources between the centre and the disadvantaged islands in the stability law that the disadvantages arising from insularity can be removed in concrete terms (the many studies on the structural disadvantage arising from insularity can be read in the comments on the data published by G. Coinu-G. Demuro- F. Pigliaru, Multiple Timeframes, Insularity Policies and Autonomy Instruments, paper published in 2020 at https://cist2020.sciencesconf.org/browse?docid=319667&forward-action=index&forward-controller=browse&lang=en). This text demonstrates that, "Islands, especially when they are remote and with a small population, suffer from a structural disadvantage in terms of economic development potential. EU-RISLANDS (2013) points out that islands, compared to continental regions, have unfavourable common and objective structural conditions such as accessibility complexity, limited connectivity, excessive productive specialisation in a few sectors, and a reduced internal market."



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dinia and the territorial continuty with Italy

Two examples relating to Sardinia will clarify the statement regarding the structural development deficit resulting from insularity.

The first example concerns the share of revenue that must be allocated to Sardinia to finance public services. The calculation of how much is needed to guarantee these services must necessarily take into account the permanent structural disadvantages resulting from insularity, which entails higher costs than those incurred on the mainland. The principle of insularity recognises that living on an island entails additional costs compared to other regions, and the Region of Sardinia, when negotiating European and national financial resources, may request additional resources for territorial continuity.



Sardinia and energy costs

The second example concerns energy costs. Recognising the disadvantages of insularity must lead to the calculation of possible compensation for the higher costs resulting from the absence of economies of scale due to the lack of methane gas on the island or from the higher costs of electricity production resulting from the fact that the island is not on the continental ridge.



Italy and all Islands

In a context of vertical subsidiarity, it is clear that the island characteristic goes beyond the South and Sardinia and Sicily. As the constitutional provision is written, there is nothing to prevent it from being applied to other islands, such as Venice, or archipelagos, such as the Tuscan Archipelago.

Similarly, there is nothing to prevent the regions from promoting territorial equalisation measures alongside the State.

In this sense, it seems necessary to interpret the expression "the Republic" as meaning all the parts that make it up.

