PART TWO

SELF-GOVERNANCE
I. Introduction

The special institutional organization of the region Trentino-South Tyrol has its origins in the Constitution of the Italian Republic, in force from 1 January 1948, in which Article 116 recognizes that Trentino-South Tyrol, together with four other regions, has special structures and conditions of autonomy according to a special Autonomy Statute (ASt) enacted by a constitutional law.

The First Autonomy Statute of Trentino-South Tyrol was approved by the Constitutional Assembly through Constitutional Law No. 5 of 28 February 1948 and the first regional elections took place on 28 November 1948. In this phase, the autonomous powers devolved by the state to the region were less than those provided for in the Gruber-Degasperi Agreement and were vested in the region (in which the German-speaking group continued to form a minority), which could then delegate powers (agriculture, crafts, commerce, etc.) to the two provinces, which only had a quarter of the regional budget.

This system of organization suffered a crisis in the 1950s and 1960s, during which there were moments of opposition and strong tension, only finally reaching a solution at the end of the 1960s with the approval of a ‘Package’ of legislative and administrative measures (with an operative agenda for their implementation).

The approval of the ‘Package’ opened the way for a review of the Autonomy Statute, which was enacted by parliament through Constitutional Law No. 1 of 10 November 1971. The Autonomy Statute of 1948 was profoundly amended and was rewritten in a single text enacted by Decree No. 670 of the President of the Republic on 31 August 1972 (also referred to as the ‘Second’ or ‘New’ Autonomy Statute).

With the statutory review of 1971, a new period of autonomy began, characterized by an intense review and extension of the implementation laws and by a strong recovery of the functions of government at the provincial level (with a notable increase in legislative and administrative powers) to the detriment of the region, which (together with a minimum nucleus of competences) only maintained a limited function in regulating some institutions that were common to both provinces.

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1 See the chapter by Emma Lantschner on the history of the South Tyrol conflict in this volume.