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Towards the participatory construction of a Regional law on participation

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On March 27th 2007, the Regional Council of Tuscany discussed and approved a Preliminary document on the drawing up of a Law on participation, in accordance with international charters and documents (Eec Directive 2003/35, Charter of Aalborg, Declaration of Rio, Agenda Habitat II, Declarations of Johannesburg and Aarhus, etc.) that highlight the need to encourage, promote and diffuse processes and institutes for involving inhabitants in the creation of the political and technical choices for a territory, so as to ensure their democratic nature and sustainability. On July 30th 2007, the Regional Commission passed its own definitive proposal of the legal text, with the objective of arriving to the Regional Council for approval before the end of 2007.

The passages of approval and verification of the text were more numerous than usual. Besides the traditional institutional stages (Commission, Council, Committees), the process for approval of the Law included stages of collective discussion, which, for over two years, involved local bodies, universities, territorial associations and forums, accepting the contribution of every citizen who - whether individually or in a group - showed interest in examining the theme of how to make the work of institutions more dynamic by adding participatory processes that involve citizens in the choices concerning the transformation of the territory, by means of open discussion of politics and projects. The genesis of the Tuscan process appears unusual, as does its development. In fact, it

combines the electoral commitments of the new Regional Commission, which went up for re-election in March 2005, with a strong urge from the fabric of the community. In particular, president Martini offered spaces for support and visibility to the notion brought forward on a national scale by the *Rete del Nuovo Municipio* (Network of the new municipality, ARNM, cfr. www.nuovomunicipio.org), an association that took shape in 2003 and was formed out of a collaboration between university laboratories, ground-level territorial movements and local and far-flung administrations that were interested in discussing themes of self-sustainable development through the experimentation of social dialogue within their territories. For some time now, the aim of the ARNM has been to ensure the functioning and monitoring of participatory process and institutes for governing the territory, without compromising the principles of autonomy of the represented leaders (often in a municipal context) and taking into account the necessary distinction between institutional actions (top down) and actions that spring from the community (bottom up).

The Alderman for the Institutional Reforms of the Region of Tuscany was clear in his intention to avoid the contradiction that marked the efforts of other countries (Peru, Venezuela and the Dominican Republic): a law to promote participatory processes passed in the absence of social or inter-institutional dialogue. Starting from January 2006, tens of self-organising assemblies were held in various parts of Tuscany, accompanied by informational congresses designed to ensure a constant comparison with foreign experiences. In

November 2006, the Region (using in an innovative manner an instrument generally in use on an urban scale) organised an Electronic Town Meeting. Over 500 people (including motivated citizens, organised groups and inhabitants extracted as a random sample) proposed various different points of view on the possible contents of the Law. The meeting was a crucial moment in the participatory process, given that those present had requested of the Region (in an unexpected manner) to be able to nominate representatives who could follow closely the entire itinerary of the proposed Law inside the institutions, so as to ensure a fluid contact between the various phases of construction of the contents and forms of the regulatory document. In addition, the event allowed the attention of institutions and the media to concentrate on some main themes that the Law subsequently placed in the centre of its frame. Among these, the need to ensure public debate on the Grand Works carried out in the regional territory, taking inspiration in part from the French example of the Commission Nationale du Débat Public (www.debatpublic.fr). Over time, the idea emerged that - in order to be really efficient and credible - a Regional Law on the theme could not 'impose' on the Province and Municipalities the execution of processes of social dialogue, but rather should actively encourage the latter to set up coherent experimentation, even testing participatory processes within their own areas. In the case of Tuscany, it is therefore necessary to start from the coordination and understanding of the suggestions and measures already present in regional regulations such as Regional Law 1/05 on the

Governing of the Territory: in particular article 5 (where reference is made to the need for "processes of participatory democracy" for "the identification of the rules of settlement and transformation" that make up the Statute of the Territory) and articles 19-20 on the Guarantor of Information.

An all-important record of the entire participatory process - which availed of the expert consultation by Prof. Luigi Bobbio of the University of Turin - is to be found in a website/blog entitled "Io Partecipativo/a" (<http://www.regione.toscana.it/partecipazione>). In a parallel manner, in 2006 an inter-regional work group was formed and was joined by an increasing number of other administrations who were interested in exchanging experiences and possibly emulating the Tuscan process (Puglia, Lazio, Abruzzo, Friuli Venezia Giulia, Emilia Romagna and Umbria). The recent presence - as observers - of representatives from the Department of Public Functioning of the Government may be an important sign that there is national interest in a complex process on a theme that is currently central in political discussion, to which Tuscany is offering a considerable contribution in terms of experimental creativity, seriousness and commitment.