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The Urban Lab of Europe !

The Co-City Project Journal N°2

Project led by the City of Turin



**URBAN
POVERTY**



The Co-City project

The Co-City project looks at the transformation of abandoned structures and vacant land in hubs of resident participation in order to foster the community spirit as well as the creation of social enterprises will contribute to reduce urban poverty in different areas of the city. The implementation of the Regulation on the urban commons will be driven in Turin by the implementation of “pacts of collaboration” between residents or associations and local authority based in most of the cases on taking care of public spaces, or on the reuse of abandoned urban spaces and structures.

The creation of new forms of commons-based urban welfare will promote social mixing and the cohesion of local community, making residents actor of the urban change while the local authority will act as facilitator of innovation process already ongoing in the urban context. The use of innovative ICT platforms, such as the urban social network First Life developed by the University of Turin, and the active collaboration of the network of the Neighborhood Houses (Case del Quartiere) will contribute to combine virtual and physical dimension, involving different types of public in the center as well as in the suburbs of the city in this wide action of urban regeneration against poverty and social exclusion.

The regeneration of abandoned or underused spaces in different areas of the city will contribute to create new jobs in the social economy sector through the creation of new enterprises emerged along the process of residents’ participation initiated and facilitated by the city of Turin together with the network of the Houses of the Neighborhoods.

The definition and the implementation of several pacts of collaboration will improve the participation of residents in different parts of the city, fostering the commitment of the citizens towards a more inclusive and cohesive city.

The content of this journal does not reflect the official opinion of the Urban Innovative Actions Initiative. Responsibility for the information and views expressed in the journal lies entirely with the author.

Partnership:

- Comune di Torino – City of Turin
- Università degli Studi di Torino – University
- Fondazione Cascina Roccafranca – NGO
- ANCI – Associazione Nazionale Comuni Italiani – National Association of Italian Cities



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1. Executive summary

Progress, challenges and solutions adopted after one year of implementation

Through the «[Co-City](#)» Urban Innovative Actions (UIA) project that started in March 2017, the City managed to invest in the urban commons as a lever for addressing key urban governance issues such as poverty, and target the most vulnerable communities in the city.

In Turin, the UIA Co-City project is carried out through a partnership with the Computer Science Department and Law School of the University of Turin, the National Association of Municipalities (ANCI) and the Cascina Roccafranca Foundation as the leader of the Neighbourhood Houses Network. It aims at coordinating the efforts of different urban actors in promoting the implementation of the Turin Regulation. The project provides the renewal of real estate and public spaces considered as urban commons, as instrument of social inclusion and against poverty in many deprived areas of the City. The project is coordinated by the City Department for Decentralization, Youth and Equal Opportunities.

The Neighbourhood Houses is a policy and network that the city of Turin is implementing since 2006¹ that promotes the diffusion of community spaces all over the city represent a key platform for the project's implementation. In the Neighbourhood Houses Network, city inhabitants will find information on the Co-City project and the different opportunities it offers. They will find there the necessary support for drafting proposals of pacts of collaboration as well as the opportunity to meet other city inhabitants interested in establishing a cooperation to take care or regenerate the same urban commons.

The first Co-City journal, published in January 2018² retraced the overall architecture of the project and provided an overview over the challenges its implementation poses to the City of Turin. The journal identified in particular the challenges related to public procurement innovation, the challenge of fighting against urban poverty through an approach that shift from job creation to the more complex stimulation of urban social entrepreneurship and the promotion of commons based complex urban innovation.

The second UIA Co-City journal will take a deep look at the results of the calls for proposals for pacts of collaboration and the first steps carried out by the City of Turin in the co-design phase that will lead to the definition of the urban regeneration interventions in the final version of the pacts of collaborations. The journal will also provide an update on the other project's activities that are tackling the challenge of innovation of public procurement at the local level: the participation of the City of Turin and the UIA expert Christian Iaione to the Urban Partnership of the Urban Agenda for the EU on Innovative and Responsible Public Procurement and the process of learning and exchange activated at the Italian level through a high technical seminar with lawyers, administrative judges, Italian urban policy makers and scholars discussing the Co-City's challenges from the legal standpoint.

2. The Co-City project progress

2.1. The public call for proposals of pacts of collaboration

The first step of the UIA Co-City project was the public call for proposal of pacts of collaboration. The proposal addressed Turin's city inhabitants. Launched by the City in June 2017, it was aimed at collecting citizens' proposals for pacts of collaboration and therefore communicating with target beneficiaries and adopting a participative approach. Thanks to the public call framework, the City involves urban communities starting from the initial phase of the regeneration process. The public call lays down the conditions for the submission of proposals allowed to the co-design phase that will define and finalize pacts of collaboration between the City and active citizens. Such a legal device admits proposals coming from city inhabitants without requiring a particular level of expertise and accepting inhabitants' informal groups even if not assembled in formal associations or organizations.

The Notice also specifies the objectives that the proposals of collaboration must have in order to be taken into consideration. In particular, such proposals should imply: actions of territorial monitoring and community development, urban cultural production, job opportunities, social innovation and social enterprises, process of social inclusion, cultural diversity, dialogue, equal opportunities and contrast of discriminations, environmental sustainability, urban agriculture and circular economy, and finally, the availability of spaces, services and public initiatives. The city provides a list of areas

or building where the intervention is possible or suggested.

A specific call was issued by the city to stimulate collaboration proposals concerning public schools, the "Public notice for the presentation of proposal of pacts of collaboration – kindergartens, primary schools and elementary schools". In this case, partnerships in the pacts are always multi-lateral because they foresee three types of actors: schools, the City and civic actors.

The objectives that the proposals addressing schools should achieve are the same: actions of territorial monitoring and community development, urban cultural production, job opportunities, social innovation and social enterprises, process of social inclusion, cultural diversity, dialogue, equal opportunities and contrast of discriminations, environmental sustainability, urban agriculture and circular economy, and finally, the availability of spaces, services and public initiatives. In this case, the call does not foresee a list of buildings on which the proposals should focus.

Detailed information on the project's measures and about the areas suggested for interventions by the City are available on the digital platform «First Life» that is also a part of the project aiming at building a civic social network for urban regeneration processes:

- <https://cocity.firstlife.org/#/>

Measures for the proposals of Pacts of Collaboration	Goal of the measure	Financial Resources
Measure A “Peripheries and urban cultures”	Promote regeneration processes of abandoned buildings or areas in peripheries.	Most of UIA financial resources for regeneration activities are concentrated here (1.100.000 euros).
Measure B.1 “Underutilized infrastructure for public services”	Enhance and bring value to the use of urban infrastructure - such as schools, libraries, public offices – which have an idle capacity in terms of usage possibilities.	For pacts of collaboration related to this measure, the city has allocated 500.000 euros.
Measure B.2 “Schools”	<p>The proposals must fall in three different areas:</p> <ol style="list-style-type: none"> 1. “Open schools”. Promoting the use of schools’ facilities such as the yard, the labs, the library) outside school hours 2. “Adoption of the school”. Promoting the organization of continuing actions of co-management oriented towards the realization of ordinary maintenance, small restructuring activities, cure and monitoring of spaces; 3. “Adoption of the public space”. Promoting schools taking care of public spaces (urban facilities or open spaces) to facilitate forms of functional recovery, efficient public use, co-management and social entertainment. 	For the regeneration activities provided by the pacts of collaboration addressing public schools, the city has allocated 350.000 euros.
Measure C “Care of public space”	This measure is aimed at promoting interventions of care and co-management of public spaces such as gardens and parks, or under-utilized.	100.000 euros are allocated for the regeneration activities.

2.2. The city inhabitants' response to the call: the civic proposals of pacts of urban commons' regeneration projects

Throughout the duration of the public call (from September 30 2017 to January 31 2018 for measure A and B, still open for measure C). The call was a great success in terms of rate of civic

participation. Here follows a box table with information on the call for civic proposal's results to date:

Area	115 proposals received	Content overview
Measure A "Peripheries and urban cultures"	7	The pacts proposals cover a wide range of activities from regeneration of public buildings to the creation of community neighborhood spaces for organizing sport activities, community activities or mutual support groups.
Measure B.1 "Underutilized infrastructure for public services"	11	The pacts proposals foresee the creation of a FabLab, a Co-Working space, or the creation of shared spaces for sport or community activities.
Measure B.2 "Schools"	31	The pacts proposals foresee the transformation of under-used classrooms into co-working spaces to produce cultural goods for the school community (i.e. transforming of a class into a multi-media lab to produce a neighborhood journal or as a cinema open to the neighborhood).
Measure C "Care of public space"	66	The pacts proposals are focused on the cure or shared management of green spaces and community gardens or the creation of value around urban assets holding a cultural value for the community such as the "Toret", historical public fountains distributed throughout the city.

As already highlighted in the first Co-City journal (which only captured the result of the first round of proposals) these results show how the participatory approach adopted by the City of Turin and in particular the role played by Neighbourhood Houses were able to face the challenge of securing a significant and genuine

engagement within a wide network of stakeholders. The process carried out in the Neighbourhood Houses system and the time spent illustrating the content of the project and the terms of reference proved to be a good investment and created an atmosphere of trust and co-ownership of the project in the local

communities. The civic response rate was particularly high in the area C, the “cure of public spaces”, which received 66 proposals. This result shows that the project stimulated civic participation and achieved quantitative success from the standpoint of the civic initiative for taking care of the public space (the

type of pacts that the City of Turin defined “ordinary collaborations” and regulated with a specific Deliberation of City Government, 02341/070 approved on June 27, 2017). Considering the complexity of the challenges posed by the area A and B, the civic response rate for those areas is good.

2.3. The proposals’ evaluation and the guidelines for the co-design phase

For the civic proposals’ **evaluation**, the City appointed two committees composed by members of the Working Group for the evaluation of the proposals of pacts of collaboration: the committee of the call for proposals relevant for areas A, B and C is composed by a member of the Department for Decentralization, Youth and Equal Opportunities; Social services; cultural and administrative service; environment, green spaces and civil protection; Heritage and public procurement. In the call addressing regeneration of public schools, the committee is composed by a member of the Department of decentralization, youth and equal opportunities; Social services; educational services and I.T.E.R.; heritage and public procurement.

The **co-design phase’s** is a key aspect of the implementation of the Co-City project. The co-design phase’s purpose is to go deeper into the proposals, bring changes that allow them to respond appropriately to the goals of the Co-City project. The city issued a specific policy document containing **the guidelines for the co-design phase**. The co-design **working group** is composed by the proponents of the pact, the civil servants from the Municipality and the Circumscriptions, the school, when involved; the Cascina Roccafranca Foundation and other subjects that might be invited to the table because they have an interest or can contribute to the project. The actions that the co-design

phase foresee are different for the three measures. For measure A, meeting and preliminary checks to collect necessary information from pacts proponents; site visits into the area addressed by the pacts in order to collect information on the interested building. For measure B, meeting and preliminary verifications of feasibility of the renovation works required. For measure A, B, and C, definition of the subjects, activities and a meeting calendar which also includes other public entities that might be relevant for the projects; workshops facilitated by professional facilitators, if needed; educational activity addressing active citizenship and civil servants; examination and evaluation of requests from other civic actors that are willing to participate.

The result of the co-design is threefold: a) the text of the pact defining in detail the rules, contents and the skeleton of the actual pacts of collaboration (in the case of pacts foreseeing interventions of renovation on the buildings, the guidelines also provide the possibility to draft a preliminary version after the end of the co-design phase. In this case, the consolidated version of the pact will be defined and signed after the completion of the required public works under the technical and economic standpoint); b) the program of activities; c) an economic plan. The co-design phase can also result in the decision of not carry on the proposal.

The guidelines finally indicated a timeline for the co-design phase. It begins in February 2018, and the public procurement procedures must start during the first half of 2018, possibly June 2018. The final version of the pacts of collaboration must be issued in 2019. The co-working should last 6 months since the first meeting. In the case of measure C, the duration of co-design phase should be around 3 months.

The co-design phase started³ on February 28th and is still ongoing. On May 25th, a plenary meeting of the representatives of the pacts' proposals belonging to area A and B was organized by the City of Turin. The plenary meeting was aimed at creating a collective moment for a state of the art of the co-design phase and was focused on the models and timing of interventions provided by the proposals.

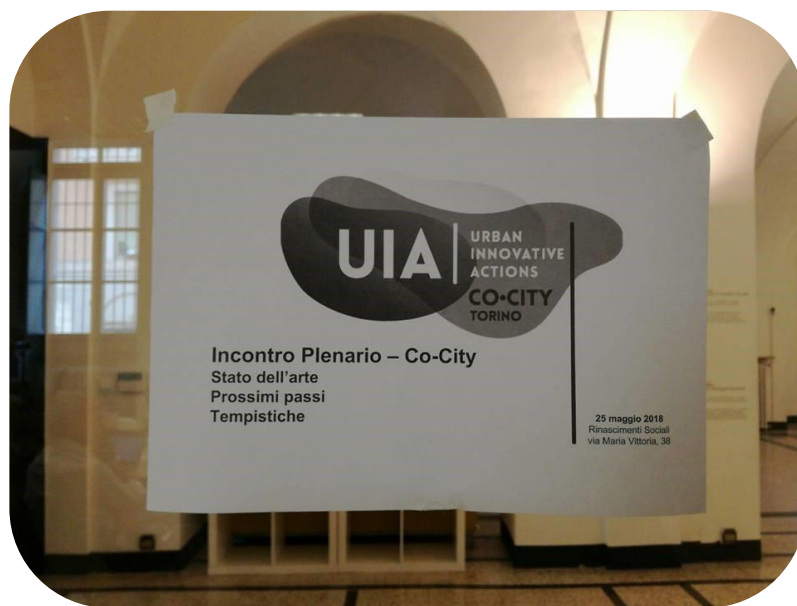


Figure 1: Poster of the plenary meeting of the pacts' proposals for area A and B, May 25 2018.



Figure 2: Plenary meeting of the pacts' proposals for area A and B, May 25 2018.

2.4. The proposals admitted to the co-design phase: an overview



Figure 3: Co-design phase (picture from the official Co-City Turin Twitter page)

A total of 54 proposals of pacts of collaboration were admitted to the co-design phase. A detailed analysis and evaluation of the proposals under the profile of their impact in terms of the quality of democracy (in particular the sub-dimension of rule of law and equality) will be offered in the first Zoom-in⁴ of the Co-City project (to be published in summer 2018). Here we will limit the scope of analysis to the narration of the main features of the proposals in terms of their goals and the first steps achieved through the starting phase of the co-design path.

On 13 February 2018 and then 6 March 2018 the City Government issued two deliberations through which one proposal for measure A, 4 proposals for measure B, 12 proposals for measure B “schools” and 37 proposals for the measure C were admitted to the co-design phase. The prevalence of the proposals admitted comes from or involves primarily NGOs (47), a group of proposals (12) are presented or involve civic/social innovators

(single citizens, informal groups), and 14 pacts are proposed by a knowledge actor (schools, centre for studies) or involves them. The variety of the partnerships composition for the pacts’ proposals foresees a slight majority of bilateral pacts (21), a portion of multilateral, multi-stakeholder partnership (18) and multilateral, mono-stakeholder partnerships (15). The high number of multi-lateral, mono-stakeholder partnerships is determined by the pacts for schools, presenting a high variety of actors involved and the pacts belonging to measure C (care of public space). Those pacts are often presented by partnerships of NGOs, informal groups of city inhabitants, civic committees or neighbourhood committees, knowledge actors, groups of shop keepers or cooperatives. Private actors both profit or non-profit such as businesses or foundations seem to be absent in the whole set of pacts of collaboration proposals. It might be overcome in the next rounds of call for proposals with a specific program of outreach activities that targeted these stakeholders.

There are five proposals that foresee an urban regeneration intervention, one from measure A and four from measure B.

The proposal **Furboita** for measure A, to regenerate a building in Via Cumiana 15, is likely to be the most challenging pact of the Co-City project considering the complexity of the regeneration intervention. The proposal foresees the renovation of an abandoned section of the former Lancia industrial establishment. The renewed area will host a variety of civic activities: vertical agriculture, educational activities, street sports and creative/multi-media activities.

Addressing urban poverty in the neighbourhood through a large community garden

This proposal to create such an area is of key interest for the City of Turin since District 3 still lacks a Neighbourhood House. This project will contribute to the fight against poverty first of all by creating a large community garden that will be open to the neighbourhood and where it would be possible to cultivate vegetables. Secondly, the project will allow young street sports players to train in a stable and safe space, where they can also develop connections, skills and knowledge sharing. The management of the centre will involve the involvement of ad-hoc operators. Through the active collaboration of the accredited employment agency of one of the proponents (Cooperative O.R.So.) and rooted in the District, the process of recruitment and selection will not only be characterized by specific attention to the local social dynamics, but may also be connected with specific policy measures for active Labour (i.e. Youth Guarantee and / or regional call for unemployed) aimed encouraging and support the job reintegration of vulnerable and / or disadvantaged people.

The four proposals belonging to measure B foresee renovation works aimed at making a better use of city-owned buildings that are currently under-utilized.

The **Casa Ozanam community hub** proposal is presented by city inhabitants already active in the very same structure and have previously revitalized it. The new program would allow to expand their offer, setting as its objective the realization of a new Neighbourhood house in District 5 of the city of Turin. The portion of building covered by the proposal requires maintenance work and renovation.

and possible ways to face their problematic situation; Discussion and confrontation groups

A pact generating work opportunities for the disadvantaged

The pacts proponent is a varied and rich partnership including social cooperatives whose institutional mission is to generate work opportunities for disadvantaged people. The project will create work opportunities and learning opportunities to gain professional skills, since it foresees social-oriented productive activities (social restaurant, tailoring, carpeting). This project will address urban poverty by creating a shared space where the inhabitants of this diverse neighbourhood of the City of Turin can have access to cultural and learning laboratories and work tutoring. The regeneration of the shared spaces of the structure would also contribute to add more value to the activities of the existing organization, Caza Ozanam, where different social cooperatives and NGOs promotes activities of social integration and urban agriculture.

The **Habitat proposal** is aimed at intervening on a building in via le Chiuse, District 4 of the City of Turin. The first floor of the building is occupied by the local health agency's offices while the second floor is in disuse and the renovation work could change the internal disposition of the rooms, to host the pact's activities.

Helping people in distress and providing support to find a job

The Habitat proposal addresses vulnerable individuals: parents with children under 12, unemployed or under-employed, adults in distress. The proposals support these categories of individuals by offering activities that might help alleviate the distress and support them in finding a job; reception and detection of needs providing a constant reference in terms of times

on job-related issues. This function will allow them to create connections with other people in

similar situations; workshops. Starting from the data emerged from the detection of the needs and the discussion groups, the workshop will offer training space and networking event to encourage the job searching and provide soft skills training. Another key pillar of action is the support to parenthood, addressing parents in distress with small children. The activities will provide them with the skills they might lack for raising a child (i.e. nutrition) and will provide them with shared spaces where they can self-organize mutual support networks.

The pact's proposal **Corso Taranto 160** foresees to expand the activities of the intercultural center of Turin in Corso Taranto 160, a city-owned and run facility that promotes social and cultural integration in the area (District 6).

Social and cultural integration as a means to build better social cohesion and quality of life

The project provide the creation of a small restoration activity inside the building which could offer social job opportunities. The activities provided by the project addresses the need for a social and cultural integration within the neighbourhood (social events for cultural sensitization) which could lead to a better social cohesion and quality of life. The project also offer laboratories for achieving new competences (i.e. financial education, job tutoring).

Finally, the **Falklab proposal** aims at activating artistic workshops for teenagers in an underused building inside a school complex. The renovation works required to enable the structure to host the workshops are mainly related to securing its energy efficiency.

Building connections between residents in a blighted area

The Falklab addresses the community around a primary and secondary school and the neighbourhood inhabitants in a blighted area of the City of Turin. The project will allow several NGOs to animate the space with learning laboratories and networking events where parents, teachers, students, neighbourhood inhabitants can develop connections. The learning laboratories provide young people with skills that are useful for job-searching; cultural animation, non-for-profit project development and management, group management, networking.

The 12 proposals belonging to the measure B "schools" are rich and varied. They foresee the transformation of under-used classrooms into co-working spaces to produce cultural goods for the school community (i.e. transforming of a class into a multi-media lab to produce a neighbourhood journal or as a cinema open to the neighbourhood). A detailed analysis will be provided in the forthcoming zoom-in.

The 37 admitted proposals for measure C mostly address green public spaces (i.e. creation of community gardens for running social agricultural activities) or are aimed at providing open public spaces with facilities to enable social aggregation or sport activities (i.e. a skate park). The proposals are distributed between eight Districts. The District that presents the higher number of proposals admitted to the co-design phase is the District 8 (seven proposals) while the other districts present between three and six proposals.

3. The regulatory and public procurement challenge addressed through national and trans-national learning and exchange activities

The Co-City Turin project should be considered as an experiment in Innovative and Responsible Procurement. As already addressed in the first UIA Co City Journal that this is true in at least two ways: a) it establishes a procedure of “**collaborative dialogue**” as it implies the co-design of the content of the procurement procedure and the construction of the partnerships and therefore it creates the possibility to replace collaboration with competition as a design principle of tendering procedures; b) it attempts to **go beyond the traditional concession or public contract approach** trying to build a more cooperative procedural approach, in which there is a) non-

exclusive relationship between the public administration and one social actor; b) social actors bear some of the risks and the risk is not only on the public administration’s shoulders. In order to implement this path, the Co-City project with the support of the UIA expert carried out two activities to find solutions for the challenge posed by the project of public procurement: at the **national level**, the organization of a technical seminar of lawyers specialized in administrative and public law and policy makers from cities that are dealing with the same issue that Turin is. At the **European level**, the participation to the EU Urban Agenda partnership on Public Procurement.

3.1. The pact of collaboration for the urban commons as an innovation in public administration, public procurement, or public policy in the Italian legal framework

The first step of the Co-City project in this path was the organization of a seminar, which took place on January 26th, 2018 addressing social innovation and public procurement, with the goal of helping the City stretch the connection between the two issues. It was a closed-door seminar organized by the City of Turin and the UIA expert (author of this journal) in collaboration with the University of Turin and the National Association of Italian Municipalities (ANCI) (where it also took place)⁵. The discussion between legal scholars and judges raised crucial reflections with regards to the legal nature of the pacts of collaboration. The main distinction that emerged is between two approaches.

The first one envisions the pacts of collaboration as a form of administrative action and therefore public administration’s power. According to this approach, opinions ranged also over time from the qualification of the pact as an administrative agreement pursuant to article 11 of law no 241/1990 on the administrative procedure⁶. A different position expressed also during the meeting is to construe the pact of collaboration as a form of incentive under article 12 of law no 241/1990⁷.

A second interpretative option reads this legal innovation pursuant to the principles regulating public-private partnerships or more generally the law on public contracts and therefore public

procurement. An interesting stance under this approach would be that the pacts of collaboration for the urban commons should be reconceived as an implementation of a “social partnership”, a type of partnership pursuant to article 190 of the Italian Code of Public Contracts, approved through the Legislative decree no 50/2016⁸. Article 190 foresees two possible ways for implementing a social partnership, one where the City can issue a public procurement procedure dedicated to projects designed by citizens and projects initiated by city inhabitants. A second approach within this stance is that the legislation on social services and more recently the new Code on the Third Sector might be relevant as well⁹.

According to a different position, sustained by the author of this journal and other international scholars such as Sheila Foster, the pacts of collaboration should not be conceived as a form administrative action and therefore consensual exercise of authoritative activity. The public-private partnership or public contract legislation might be useful instead but it should be reconciled with the true nature of this activity. It is an unprecedented form of institutional and public governance innovation which is expressed through a non-authoritative activity of the city government. It sometimes might imply the need to deal with public procurement rules but its legal nature should be further investigated. Its morphology is clear though: it consists in enabling the collective action and active citizenship of city inhabitants as a new way to govern, not just manage urban assets, services, infrastructure¹⁰. The construction of a non-authoritative (horizontal, collaborative, cooperative) relationships between the government and city inhabitants on which they are on an equal footing requires changes in the action of both the public and the

social actors, as well the private sector. The public administration must turn itself into a platform¹¹, acting as an actor that is willing to put in place the connection between different actors and resources. The civic actors, in the case of Turin the “urban commoners”, are required to adopt a more political and entrepreneurial approach. This would imply that they are ready to manage a certain level of risk and invest an important amount of time, thus behaving according to an agent model inspired by the idea of the “civic entrepreneur”¹².

As a matter of fact, the first solution would not be consistent with the idea of a City administration’s activity as a non-authoritative one, as the Regulation itself also declares that the collaboration between citizens and the public administration is realized through the adoption of administrative acts of non-authoritative nature pursuant to article 1, paragraph 1-bis, of law no 241/90¹³. An option could be to adopt a double framework¹⁴ in which the sharing of a governmental powers through public policy co-design precludes to the formation of a public-public agreement pursuant to article 15¹⁵ of the law 241/1990 on the administrative procedure or, better, pursuant to the public contracts/procurement legislation and in general the EU legislation on the forms of cooperation between public authorities. As a matter of fact city inhabitants sharing the right to co-decide the policy and performing part of the work that public administration place them in a position which substantially equal to that of traditional governmental administrative units. This would be the only approach that would truly recognize the local communities as sovereign social semi-public authorities (the so-called State-Community) co-governing the city with the State apparatus (i.e. the city administration).



Figure 4: Legal and technical Seminar on Turin Co-City, 26 January 2018.

A crucial element raised by the author of this journal during the session was the fact that the phenomena tackled by the Co-City project, that of collective action for urban commons, is not only a prerogative of the city of Turin, but it is happening in many cities in Italy and at the global level.

One of the main contributions of the Co-City project could be precisely that of building a network of cities that are facing the same challenges through similar policy tools, thus promoting mutual exchange. The Co-City seminar of January 2018, although focused on the legal and technical analysis, was also aimed at promoting an exchange between cities sharing the same legal framework while facing similar challenges. The presence at the seminar of urban policy makers from several Italian cities at the seminar demonstrated that, but also the fact that differentiations of legal tools and administrative strategies to deal with the urban commons in the Italian urban context.

Several Italian cities have in fact implemented innovative policy paths for regulating this topic. It is a sort of regulatory wave, or regulatory race towards the urban commons and it requires a comprehensive and critical analysis to allow mutual learning between cities. According to the author of this journal, the following models seems to emerge: a) the administrative barter or

social partnership and the interventions pursuant to the principle of horizontal subsidiarity, as disciplined by the Italian Code of Public Contracts approved in 2016; b) the model of the Regulations for the Urban Commons, in particular the model implemented by the City of Bologna and the one implemented by the City of Turin; c) the recognition of a right to civic and collective use of the urban commons as implemented by the City of Naples; d) the neighbourhood labs to sign pacts of collaboration as implemented by the City of Reggio Emilia; e) the model based on concession of city-owned buildings for social use, as implemented by the City of Milan with his policy path on the social use of city-owned underused buildings¹⁶.

The participation of the policy makers from **Bologna, Reggio Emilia** and **Naples** to the seminar was of a crucial relevance for the comparison between the challenges encountered by Turin in the implementation of the pacts of collaboration or different legal tools aimed at achieving the same goals. The seminar in this way represented a platform for mutual learning and exchange of practices between cities that are addressing this very same policy theme under the same normative framework and are experiencing with the use of public procurement as a tool for promoting civic entrepreneurship and social innovation addressing pressing urban policy challenges.

The experience of the city of Bologna is of a peculiar relevance for the city of Turin, since Bologna was the first city to produce through an applied experimentation in the city neighbourhoods and then approve a “Regulation on the collaboration between citizens and city administration for the care and regeneration of the urban commons”, back in 2014. It thus has a two-year experience of the implementation challenges related to this legal tool. The

experience of the City of Naples is also of a key relevance. The City of Naples enabled autonomous civic actions to regenerate city-owned buildings and turning them into platforms for cultural and creative expression, self-organized and self-managed by NGOs and informal groups of citizens. Finally, the case of Reggio Emilia and the “Neighbourhood as a commons” policy program. The City of Reggio Emilia experimented policy tool, the citizenship agreement, representing another possible tool alternative to the pact of collaboration implemented by the City of Turin.



Figure 5: Legal and technical seminar Co-City, 26 January 2018.

The seminar highlighted that the Co-City project is a unique experimentation of the policy path for regulating urban regeneration through collaborative processes because it faces the challenges posed by this policy area from the public procurement standpoint. The policy path addressed by other cities deal with the issue by granting civic use or the exclusive concession of use of city-owned buildings, or they are experimenting with legal and institutional transformations to turn the City administration into a platform enabling collective action for the urban commons by aggregating civic and private resources in the city toward the goal of regenerating and co-managing urban public spaces and buildings. This awareness, in combination with the lessons learnt from the

existing urban experimentations also thanks to initiative's such as the UIA, would configure a body of “law of communities” at the EU level envisioning the legal challenges and possible solutions emerging from the practices produced in cities during the current phase of change and adaptation.

Finally, part of the discussion was focused on a crucial issue in terms of rule of law, legitimacy, accountability of the urban innovations experimented by the City of Turin or other cities in Italy or other EU states: the absence, in the Italian normative framework at the national level, of a normative framework allowing experimentation on urban regeneration and governance of the commons activities carried out in collaboration with civic actors. The urban authorities, as a consequence of the lack of a clear and fragmented national legislation framework, might sometimes operate in a sort of “legislative void” (meaning that they move in a space where there is no law or regulation providing coverage or establishing a rule of law on the operations or activities they carry out) and encounter serious endogenous and exogenous resistances to change.

This paragraph already highlighted that, through an empirical and normative observation of urban public policies in Italian cities it is possible to observe a dramatic increase in policy path and tools adopted in order to enable legal and administrative innovation for co-governance of urban resources and infrastructures, in the absence of a standardized set of rules. The absence of a national law did not emerge from the seminar as true obstacle for cities, although the drafting of guidelines which, starting from the analysis of existing practices, is able to explain to cities the driving variables of those phenomena and offer a set of solutions to address them, in particular the challenging profiles linked to the responsibility of the local

public institutions and how to enable the experimentation of temporary and adaptive solutions that embed the governance of the commons in the city. The guidelines should be

drafted by a permanent working group constituted by representatives of the different actors and stakeholders.

3.2. Urban Agenda for the EU – Partnership Innovative and Responsible Public Procurement

The second step carried out by the City of Turin to follow this path is the participation in the Urban Agenda for the EU – Partnership Innovative and Responsible Public Procurement. The key challenge here for the City of Turin, as already stated in the first journal, is to create a connection between the EU goal of implementing innovative and responsible public procurement procedures and the goal pursued by the city through the Co-City project of stimulating urban collaborative governance.

The Urban Agenda for the EU Partnership on Innovative and Responsible Public Procurement held its **4th Partnership meeting on 26th February 2018 in Haarlem, The Netherlands**¹⁷. The meeting was aimed at establishing agreements for cooperative work on the action plans. The presentation of the Scoping Fiche and questionnaire by Working Group 1 stressed the attention on four obstacles: 1) awareness and knowledge of politicians; 2) global or sectorial approach – limits of each; 3) the diversity of strategies in a specific geographical area; 4) lack of knowledge on how money is spent.

After the co-working session, members of the partnership selected seven actions to carry out.

One of the actions that the Implementation Plan drafted by the Partnership foresees is the production of a Legal Handbook on Innovative Public Procurement. The UIA expert Christian Iaione, together with a representative of the Italian Agency for digital development, are involved in the production of this handbook, which will also be a useful tool to share the experience of the Co-City project and the advancements produced in terms of process innovation in local public procurement to a wide policy community.



Figure 6: Fourth Public Procurement Partnership meeting, Haarlem, the Netherlands, 26th February 2018

4. Next steps and concluding remarks

The project's next steps are the completion of the co-design phase for the 54 proposals admitted. After this phase will be completed, for the pacts of collaboration that require the realization of public works the proponents will sign a preliminary or a consolidated version of

the pact. After the public procurement phase is completed, the definite version of the pacts will be signed.

The challenges faced by the City of Turin in the current phase of implementation of the Co-City

project are mainly two: public procurement and adopting a participatory approach.

The experimentation of public procurement for collaborative urban innovations carried out by the City of Turin through the Co-City project is entering its critical moment in this phase of the project's implementation through the proposals' evaluation as well as the definition and starting of the co-design phase. The final version of the pact will be approved only after completion of the co-designed public works. At the end of the co-design path, before the start of the public works, the consolidated text of the pact or a preliminary collaboration pact will be signed. This makes the co-design path a process of co-governance exercise, aimed at the collaborative definition of urban regeneration intervention to be then realized through public works. The city of Turin is therefore experimenting with a form of "**collaborative dialogue**", as a testbed of an innovative **pre-procurement phase**, inspired by the public procurement of innovation. Pre-

procurement procedures, in particular the competitive dialogue phase.

For what concerns the adoption of a participatory approach, this phase of project implementation is also a crucial one. The civic response to the public call for proposals prompted a high civic response from the quantitative standpoint. Out of 115 proposals (66 of which concentrated in the measure of the projects aimed at promoting regeneration of public space) 54 were admitted to the co-design phase, 31 of which for projects addressing schools. The brief overview on the 54 projects admitted to the co-design phase and the overall analysis of the collaborative process implemented by the City will be the starting point for the Turin Co-City Zoom-in, which will consist in a specific analysis of the challenges encountered during the evaluation and co-design phase and the impact it produced in terms of rule of law in this very first phase of implementation.

References:

- ¹ G. Ferrero, Welfare urbano e case del quartiere, in *Urbanistica informazioni*, n. 242, (2012)
- ² Available at: <http://www.uia-initiative.eu/en/cocity-journal-1-hear-projects-uia-expert-how-it-implementing-its-bold-solution>
- ³ Co-City project team, The City Of Turin Approves The Collaboration Proposals Sent By Residents: Co-Design Phase Starts, UIA Initiative, available online here: <http://www.uia-initiative.eu/en/city-turin-approves-collaboration-proposals-sent-residents-codesign-phase-starts>
- ⁴ The Zoom-In is a document produced annually by UIA Experts analyzing in detail one specific element of the project they are working on.
- ⁵ The working group was composed by judges from the highest administrative and auditing Italian jurisdictional bodies; two representatives from the Council of the State (Rosanna De Nictolis, who had to cancel for a last minute institutional engagement but submitted a scoping paper on the innovative forms of social partnership introduced in the Code for Public Contracts, and Antonella Manzoni); one representative from the Court of Auditors (Angelo Maria Quaglino); one representative of the Supreme Court of Cassation (Judge Bruno Spagna Musso, who is the reporting judge of the verdict issued by the United Section of the Supreme Civil Court of Cassation on fishing vallies recognized as commons. (Cassazione civile, Sez. Un., 14 February 2011, no 3665). This historical verdict stated that certain goods, such as fishing vallies, (the fishing vallies are artificially enclosed parts within the Lagoon of Venice, historically used as fishing areas) must be recognized as goods of collective use because of their value for the achievement of general interest of the collectivity, regardless of their legal property (public or private) (this argument was proposed by Fulvio Cortese, Dalle valli da pesca ai beni comuni: la Cassazione rilegge lo statuto dei beni pubblici, in *Giornale di diritto amministrativo*, 2011, vol. 11, pp. 1170-1178). Prominent legal scholars specialized (within the fields of public and administrative law) in public procurement and local service law, urban regeneration, the commons; Christian Iaione (professor of public law at Guglielmo Marconi University, visiting professor of governance of the commons and urban law and policy at LUISS Guido Carli, UIA expert for the Co-City Turin project); Ugo Mattei (full professor of contracts law and 2017 Elinor Ostrom IASC award winner), Roberto Cavallo Perin (full professor of Administrative law at the University of Turin); Paola Chirulli (full professor of public law at Sapienza University of Rome), Alessandra Quarta (researcher at the University of Turin); Annalisa Giusti (associate professor of administrative law at the University of Perugia); Fabio Giglioni (associate professor of administrative law at La Sapienza University of Rome); representatives from the National Association of Italian Cities, Co-City's project partners (the Secretary general and the Chief of the research office) and policy makers from the City of Bologna (Donato di Memmo, Office for Active Citizenship); Reggio Emilia (Nicoletta Levi, Office for Social Services, Active Citizenship and Communication), and Naples (Fabio Pascapè, Project Unit for the Commons, and Nicola Masella, URBACT office). The seminar was moderated by ANCI's representatives (the secretary-general Veronica Nicotra and the chief of the Research Office Paolo Testa) and Giovanni Ferrero and Luisa Varalda, representatives of the City of Turin leading the Co-City project.
- ⁶ G. CALDERONI, Beni comuni e patti di collaborazione, I patti di collaborazione: (doppia) cornice giuridica, in *Aedon*, 2016, n. 2. See also F. GIGLIONI, Regolamenti comunali per la gestione dei beni comuni urbani come laboratorio per un nuovo diritto delle città, in *Munus*, 2016, n. 2, p. 298-299. Giglioni clarifies in this essay that the configuration of the pacts as public agreements pursuant to article 11 of law no 241 of 1990 is not convincing unless this normative framework is conceived only as a reference principle.
- ⁷ This position was expressed during the meeting and is also articulated in F. GIGLIONI. Regolamenti comunali per la gestione dei beni comuni urbani come laboratorio per un nuovo diritto delle città, in *Munus*, 2016, n. 2, p. 297.
- ⁸ R. De Nictolis, Il baratto amministrativo (o partenariato sociale), 2018, available at: https://www.giustizia-amministrativa.it/cdsintra/cdsintra/Studiecontributi/Indicealfabetico/index.html?option_value=de%20Nictolis,%20Rosanna
- ⁹ P. MICHIARA, I patti di collaborazione e il regolamento per la cura e la rigenerazione dei beni comuni urbani. L'esperienza del Comune di Bologna, in *Aedon*, 2016, n. 2, p. 14. Paolo Michiara already sustained the position that it would be possible to frame the pacts using the several legal provisions disciplining the not-for-profit sector existing in the normative framework.
- ¹⁰ C. IAIONE, The Tragedy of Urban Roads: Saving Cities from Choking, Calling on Citizens to Combat Climate Change, in *Fordham Urban Law Journal*, 2010, vol. 37, n. 3, pp. 889-951; C. IAIONE, City as a Commons, in *Indiana University Digital Library of the Commons*, available at <http://dlc.dlib.indiana.edu/dlc/handle/10535/8604>, 2012; S. Foster and C. IAIONE, The City as a Commons, in *Yale Law and Policy Review*, 2016, 34, p. 281; C. Iaione and E. De NICTOLIS, Urban pooling, in *Fordham Urban Law Journal*, 44:3, 2017; S. FOSTER and C. IAIONE, Ostrom in the city. Design Principles and Practices for the Urban Commons, in *Handbook of the Study of the Commons*, (DAN COLE, BLAKE HUDSON, JONATHAN ROSENBLOOM eds.), Routledge, 2018, forthcoming.
- ¹¹ As opposed to government techniques, governance strategies are characterized by equality, horizontality and openness towards territorial communities, civil society, the private sector and are based on collaboration between various actors (institutional, social, knowledge, entrepreneurial) to create partnerships dedicated to the shared realization of aims of general interest. The strategy to which the partnership instrument responds is precisely that of abandoning the logic of the opposition between public and private interest, between state interests and local interests, to create a network of alliances around public choice, in a word to apply the principles and governance techniques on the issue of the urban commons addressing urban inequality. M. FERRARESE, La governance tra politica e diritto, Bologna 2010, pp. 149. See also C. IAIONE, La localizzazione delle infrastrutture localmente indesiderate: da soluzioni di government a soluzioni di governance, in G. ARENA, F. CORTESE (a cura di), *Per governare insieme: il federalismo come metodo*, Padova 2011, pp. 203 and C. IAIONE, La collaborazione civica per l'amministrazione, la governance e l'economia dei beni comuni, in G. ARENA and C. IAIONE (eds.), *L'età della condivisione*, Rome, 2015, p. 78.
- ¹² C. IAIONE, The State as a Platform for Civic Imagination, on LabGov.it, available at <http://www.labgov.it/2017/01/16/the-state-as-a-platform-for-civic-imagination-politics-and-institutions-in-the-co-century/>
- ¹³ P. MICHIARA, I patti di collaborazione e il regolamento per la cura e la rigenerazione dei beni comuni urbani. L'esperienza del Comune di Bologna, in *Aedon*, 2016, n. 2, p. 14. Other authors sustained the position of the pacts as exercise of not-authoritative activity of the public administration, but it is derived as a consequence of the relationships between citizens and administration within the model of shared administration. See G. ARENA, Nuove risorse e nuovi modelli di amministrazione, in M. BOMBARDELLI (a cura di), *Prendersi cura dei beni comuni per uscire dalla crisi*, Napoli, p. 298. See also G. Arena, Amministrazione e società. Il Nuovo Cittadino, in *Rivista Trimestrale di Diritto Pubblico*, 2017, vol. 1, p. 53. Such a model relies on citizens sharing the realization of care, maintenance, regeneration activities but does not provide a concrete empowerment of civic actors since there is no cooperation in the definition of the policy design. It is thus a way to manage but not govern urban assets and infrastructures.
- ¹⁴ G. CALDERONI, Beni comuni e patti di collaborazione, I patti di collaborazione: (doppia) cornice giuridica, in *Aedon*, 2016, 2, p. 4.

¹⁵ In a series of scholarly articles (C. IAIONE, Città e beni comuni, in G. ARENA and C. IAIONE (eds.), *L'Italia dei beni comuni*, Rome, 2012, p. 127; C. IAIONE, La città come un bene comune, in *Aedon*, 2013, 1, p. 31; C. IAIONE, Governing the urban commons, in *Italian journal of public law*, 2015, vol. 7, 1, 2015, p. 190; C. IAIONE, La collaborazione civica per l'amministrazione, la governance e l'economia dei beni comuni, in G. ARENA and C. IAIONE (eds.), *L'età della condivisione*, Rome, 2015) the author of this journal argued about the need to create public-civic or public-community partnerships as a policy and legal tool to ground a cooperation between the public administration and social innovators through co-design processes to realize projects of general interest.

See also M.V. FERRONI, Le forme di collaborazione per la rigenerazione di beni e spazi urbani, in *Nomos*, 2017, 3, p. 9.

¹⁶ The deliberation was approved in 2012. The City of Milan assign the buildings to the NGOs through a public call followed by the presentation of proposals by city inhabitants. The call evolved over time and the current version stresses the role of the economic plan (which must highlight the projects' sustainability as a key factor to be taken into consideration for the evaluation). TH text of the deliberation and info are available here:

http://www.comune.milano.it/wps/portal/ist/it/servizi/casa/chi_cerca_uno_spazio/spazi_assegnati_dal_comune

¹⁷ A detailed report of the kick-off meeting is available at <https://ec.europa.eu/futurium/en/public-procurement/4th-public-procurement-partnership-meeting-haarlem>



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