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THE CITY AS A COMMONS

In chapter 2 we offered examples of collectively or collaboratively managed urban resources, ranging from community gardens and parks to housing and commercial spaces. At a small-scale level such as a community garden or urban park, users come together to build and manage these resources, often with the support of the local government. This state enabling includes tacit or express consent to utilize public land or resources, the transfer of resources (financial, technical, or other), and changes in local laws or practices. For large-scale urban resources such as an urban village or a neighborhood, collectively managed resources emerge and are sustained with public and private resources and an institutional structure, such as a community land trust, that matches the scale of the resource. These institutional structures can be nested in a larger (local or regional) governance system that allows users autonomy over the resources without subsuming them into a centralized governance regime. The question is whether these examples represent interesting ad hoc experimentations or remain largely disconnected from the normal operation and governance of cities. Alternatively, is it possible to put in place policies, institutional practices, and social infrastructure? To root and encourage these experimentations across a city? In other words, are there policies or practices that enable a city, or parts of a city, to operate as urban commons?

In this chapter, we examine the emergence of public policies in a handful of cities that enable public and private actors to collectively or collaboratively create and then steward shared urban resources throughout the city. This chapter offers a largely descriptive analysis of efforts by many cities to establish a kind of *urban co-governance* regime, a concept that we unpack more critically in the next chapter.

Collaboration, as a general principle, has emerged in governance studies to replace adversarial and managerial modes of policy making and implementation (Ansell and Gash 2008). In this model, several stakeholders interact to implement public policies or manage crucial assets for the community. In order to accomplish collaborative policymaking and community asset management, relevant stakeholders, consisting of individuals and groups that have an interest in a process or outcome, must engage with one another to address issues that cannot easily be solved by any one of them on their own (Bingham 2009, 274). Collaboration is also a mechanism that is central to the governance of common pool resources, that is, shared resources on which discrete and numerous individuals rely. These common pool resources are unique in that they create a relationship of interdependence among the public officials and the public at large, specifically communities in which these resources are located. As such, when we refer to the *public*, we want to acknowledge that there are two forms of public actors: the public conceived of as the public sector (the city government and the municipal administration or bureaucracy) and the public conceived of as the general community of city residents or a specific community of residents. Collaboration is a methodological tool that enables these two kinds of public actors to work with each other and/or to work with private actors that exist outside of these two publics. As the policies described in this chapter attest, cities can utilize collaboration as a methodological tool through which heterogeneous individuals and institutions co-create or co-govern the city or parts of the city as a common resource.

The kind of collaborative governance reflected in the city policies described in this chapter endeavors to deeply engage citizens through public-public and public-community partnerships with the goal of implementing an arrangement in which citizens are governing the city and are not simply being governed. The policies described here treat at least part

of the infrastructure of the city as a common pool resource available for residents and others to come together over and to collaboratively utilize for the provision and delivery of essential goods and services. This infrastructure can range from vacant land to underutilized buildings to digital networks. The policies adopted by these cities allow access to this infrastructure so that residents can, by their own initiative and supported by public (and increasingly also private) resources, directly take action to address a range of challenges confronted by a community or neighborhood. The positive effects of these actions are not limited to the realization of small-scale projects but also have taken forms such as the revitalization of degraded urban spaces. At the heart of the concept of the city as a commons is the idea that urban resources should be accessible to and shared more widely with communities that are lacking in the resources necessary to survive and thrive in cities. As we have argued, reconceiving the city as a commons can be a powerful tool to fight inequality in cities. Policies such as those described in this chapter are motivated, at least in part, by the desire to more broadly share urban assets and resources that can in turn be used to more fairly distribute social and economic wealth.

We are mindful, of course, of the tendency to romanticize collaboration in urban planning processes. Too many experiences of failed collaborative practices simply devolve planning processes to the sublocal level without offering new tools and resources to enable meaningful collaboration, including increasing the capacity of individual actors and vulnerable communities (Elwood 2002, 2004). The best collaborative urban development processes, in our view, deeply engage and empower a wide range of actors in the revitalization of city spaces and in the management of city assets. For each attempt to grant or recognize the right to collectively steward or own shared urban resources we would pose the question whether the collaborative process leading to these ends are truly effective at engaging underrepresented groups and marginalized communities, given the history of dispossession and exclusion in so many contexts. We have observed that the answer often depends on the consciousness and intentional efforts of those designing these arenas and processes. On the basis of our experience, we believe that it is necessary to constantly interrogate policies like those we describe here and to heed the lessons of failed collaborative urban governance practices.

The policies described in this chapter situate the local government as an enabler and facilitator of collaboration and ultimately of political and economic redistribution through shared urban goods and infrastructure. If the city itself is a shared resource, then a strong collaborative system of decision making should also nudge toward redistributing some of the assets of the city to support differently situated individuals and communities within the city. This idea is akin to the “city-making” that local government scholar Gerald Frug (2001) proposed, in which he advocated transforming cities and city services into vehicles for community building across local government boundaries. In a similar way, a commons-based governance approach envisions cities as vehicles for collaboration across formal and informal institutional arrangements. In the following chapters, we show that this facilitative function needs to be somehow embedded in a formal act (e.g., official policies, regulations, contracts, agreements and other legal instruments that allow the cooperation between actors with different stakes in the process or that hold different skills and resources) and adapted to the local context as well as situated at the most appropriate scale (e.g., at city or at neighborhood level). Sometimes this function can even be exercised by other agents in the city. Collaboration implies that some agency or some institution needs to act as an institutional platform enabling multistakeholder cooperation in the city. This agent or agents should be trusted enough to undertake the task of identifying common challenges or needs to match potential collaborators, to help call them to the table, to facilitate the sharing of knowledge and experiences, and to monitor and measure the development and impact of the cooperation.

The city government, of course, can serve as an enabler or pivotal agent. The modern city has traditionally been envisioned as the Gargantua: “a single metropolitan government or at least the establishment of a regional superstructure which points in that direction” (Wood 1958, 122). According to this model of the city as a centralized agency that annexes new territory to encompass all residents of a region, the government establishes and manages citywide services such as transit and utilities. It acts as a single unit and, as the principal decision-making structure, should “best able to deal with metropolitan-wide problems at the metropolitan level” (Ostrom, Tiebout, and Warren 1961, 837). Notably, however, as Gargantua’s power and capabilities grow, so does the “complexity of its own hierarchical or

bureaucratic structure” (Ostrom, Tiebout, and Warren 1961, 837). This decreases its efficiency and increases the likelihood of failure in reacting to local issues. Thus, the megacity model of governance is plagued with internal difficulties.

The idea of the public authority as a facilitator—a relational state (Cook and Muir 2012)—is part of the move from a “command and control” system of government to what we have previously called “urban collaborative governance” (Foster and Iaione 2016), a system that at its core redistributes decision-making power and influence away from the center and toward an engaged public. The facilitator state creates the conditions under which citizens can develop collaborative relationships with each other and cooperate both together and with public authorities to take care of common resources, including the city itself as a resource (Grafton 2000). The facilitator state can also be understood as part of the move from government to *governance* in urban and global politics. Urban governance includes not only the traditional, hierarchical forms of decision making by public actors but also the influence of other nongovernmental actors and sectors (e.g., the media, NGOs, investors and donors, industry, and knowledge institutions) on those actors and their decisions. As the policies described next reflect, urban governance often involves contestation, negotiation, and compromise about the allocation of political power and material resources.

THE DECLARATORY VERSUS CONSTITUTIVE APPROACH

To better understand these policies, we have organized them into two categories according to their functional approach to the creation and sustenance of collectively governed urban resources in communities, called urban commons. The first category we call a *declaratory* policy or law. The second category we call a *constitutive* policy or law.

The declaratory policy acknowledges the existence of collectively managed individual resources or neighborhood institutions as forms of urban commons. Pursuant to a declaratory policy, local governments officially recognize the right of these communities to emerge and self-organize, and they acknowledge and even promote their collective governance practices or institutional form. This might entail recognition of social norms agreed

upon by the community (e.g., in the case of Naples discussed further on) and/or validation of the public value produced by the community that justifies their right to utilize the shared resource (i.e., in the case of Barcelona). The local government might even enter into some sort of agreement with the collective, lending legitimacy and some stability to the effort as well as indirectly encouraging other bottom-up efforts throughout the city.

The second category, constitutive policies, includes those policies that embody a more top-down, institutionalized approach. Policies that have a constitutive effect create in favor of or grant communities rights to govern assets, infrastructure, services in the city and therefore are specifically aimed at encouraging the creation of urban commons throughout the city. They can create the conditions for governing some city resources collaboratively by offering new legal authority or adapting existing laws. The legal tools provided by these city policies include newly created authority for collaboration pacts between local government and a designated community or group (e.g., in the case of Bologna and Turin in Italy) or agreements pursuant to an existing legal framework (e.g., in the case of Madrid, Spain). When the city signs such pacts or agreements with city residents (who are either formally organized into a legal entity such as an NGO or are entering the pact/agreement as informal groups) they aim at constituting co-governance arrangements to enable the emergence of urban commons throughout the city.

Both approaches present ongoing challenges and attendant costs. City policies embodying a constitutive approach, for instance, can be a tool for empowering urban communities or for controlling and manipulating them. Critics have rightly noted that these policies are too susceptible to become yet another vehicle for public-private partnerships (PPPs). Although PPPs arguably avoid the inefficiencies of a top-down, command-and-control system, they are subject to various problems, including cutting out what we refer to as the second *public*—everyday citizens and communities. On the other hand, it is also true that these policies need not mimic PPPs nor embody their costs. As we observe further on, in many cases these policies evolve and develop in ways that represent a first step in or instigation of deeper collaborative processes that activate and engage residents and communities in collectively utilizing their shared resources toward particular social ends and solving conflicts over these same resources.

In other words, collaboration pacts represent one tool for shared and even bilateral governance with multiple actors or between two types of actors, whether public-private or public institutions–public citizens. In this evolutionary process, we can observe a transition from a city characterized by a vertically oriented governance structure to a horizontally organized structure that seeds institutional spaces in which citizens operate as peer co-workers and co-designers; addresses social and economic conflicts together; and resists urban shrinkage or gentrification processes, two opposite phenomena that can both lead to negative consequences. On one hand, there are neighborhoods abandoned by their inhabitants because, for instance, they lack job opportunities. On the other hand, low-income populations can be forced to leave certain neighborhoods because of increased housing and living costs (Richardson and Nam 2014). By working together, collectivities of actors can contribute to counteract these challenges and foster inclusive and equitable city-making. The institutional settings in which urban collaborative governance can operate are places of networking and of connecting and coordinating different and autonomous actions for the same shared goals.

Similarly, city policies embodying a declaratory approach have costs and challenges. For one, they can expose the municipality that wants to legitimize self-organization practices and stewardship of local resources to the accusation that they are regularizing illegal occupations or privatizing public assets through social collectives. These collectives could manipulate political leaders in exchange for electoral support or otherwise exert political pressure to wrest control over available, unclaimed local resources. Moreover, legitimizing small collectives or groups to manage shared resources, so-called urban informality practices, can risk becoming exclusionary. Even though most of these practices start as open and inclusive, embedding these principles in an institutional design, they tend to become very homogeneous over time, with members tied together by similar political beliefs, ideologies, social norms, and values. Perhaps tight-knit groups, especially those with fewer resources, should be able to control resources, and they have done so successfully, as Ostrom found. However, we should at least approach homogeneity with a critical eye, considering understandable concerns about interest-group factionalism, capture, and even illegal use of force by small factions. Recognizing these social practices without

setting forth precise criteria and monitoring mechanisms could end up giving a free pass to control urban assets and resources and giving leverage to social groups tainted by racial or ethnic bias under the guise of recovering urban assets and resources for the common good.

The power and challenge of both the declaratory and constitutive approach lie in the fact that they represent decentralized governance. Their structure resembles a “loosely coupled system,” subject to fraying at the margins and not glued together enough to be organizationally coherent (Weick 1976). Ironically, it is the central (local) government that can play a stabilizing role, which becomes that of coordinator and facilitator by providing spaces and platforms for collaborative and co-design processes. These new collective or collaborative arenas are user-centered open spaces that aggregate different actors (including city inhabitants, social organizations, private enterprises, public institutions, and knowledge institutions) in participatory and co-design processes in which decisions could be taken or new public policies can be generated outside of the local government. In this sense, the networks, actions, and reactions of others in a collaborative ecosystem are independent and autonomous but nested within the local government, consistent with the kind of polycentric system we mentioned in previous chapters. Elected officials no longer behave as citizens’ representatives but rather as collaborative institutional managers. City officials and staff are tasked with assisting, supporting, collaborating, and providing tools and guidance (such as data, legal advice, communication strategy, design strategies, and sustainability models) to enable themselves to manage, mediate, and coordinate the ecosystem. The role of a public official is therefore that of manager: enabling and supporting (and perhaps coordinating) parts of the ecosystem to allow it to *nest* within the larger policy of the city.

The policies that we describe in this chapter and that represent an attempt to share urban assets and resources more broadly within a city introduce a heightened level of institutional and governance complexity. More than networking actors and communities governing shared urban assets, urban co-governance ultimately entails a different type of institutional complexity. This requires a symbolic shift rather than a change of actors or networks in power (Lievens 2014, 14). In other words, in an urban collective and collaborative democracy, governance needs an institutional platform from

which the politics can become visible, equal, contestable, and legitimate. These are platforms by which the relationship between power, law, and knowledge is redefined. They are places from which instead of hierarchies of power and wildly unequal bargaining positions, we see networks of empowered inhabitants and stakeholders self-organizing, co-creating, co-designing, and co-implementing planning and policy solutions for complex urban environments together with policymakers and local officials. To accomplish these ends, collaboration cannot be centralized within the Gargantua itself but rather needs to be distributed around the city and specifically to the places and populations that are the most marginalized and disempowered. We show that in the iteration and evolution of local policies and regulations described in this chapter, they eventually lead to the dispersion of the spaces of collaboration away from the center, throughout the city and to those places that represent the margins of social and economic life.

THE CONSTITUTIVE APPROACH: ENABLING COLLABORATION AND SHARING OF CITY RESOURCES

Many of the early city policies described in this chapter embrace a regulatory tool—*collaboration pacts* or their equivalents—as a vehicle for collective action by local citizens to engage in shared use and management of urban resources. Collaboration pacts exemplify the constitutive approach to treating the city’s infrastructure, its assets, and public resources as a shared commons. Collaboration pacts were first adopted by the city of Bologna; in them, city residents, social innovators, entrepreneurs, civil society organizations, and knowledge institutions, along with the city, could agree to co-design governance of various urban goods and services. Although broadly conceived of as a regulatory tool, the impetus for these policies was to anchor the public—both the public sector and the unorganized public—as the main actors in the collaborative or collective enterprise and then to bring in other actors or sectors. Bologna’s experience was a catalyst for other cities (particularly in Italy but more broadly in Europe) to think about how to reshape the relationship between citizens and the local administration in relation to the use of urban resources and delivery of urban services. We describe here the main experimentations

in collaborative city making that were inspired by and/or followed the path of the Bologna experiment. Reflecting on these experimentations and taking what we know from their evaluation has revealed sufficient reasons for skepticism about their practical implementation.

Before describing and analyzing the Bologna experiment, it is worth noting an important precursor to Bologna which also represents an early constitutive approach to treating the city as a commons.

The city of Seoul (Seoul Metropolitan Government, South Korea) in 2012 was the first city in the world to build a policy program to promote the sharing and collaborative economy at the city and district level through a multiyear policy program, the Seoul Sharing city policy, which kicked off in 2011 and is still ongoing. The program's legal basis is the Seoul Metropolitan Government Ordinance on the Promotion of Sharing (hereinafter called the Seoul Ordinance or simply Ordinance).¹ The Seoul Sharing city policy is an important forerunner of the urban co-governance approach (Won-Soon 2014). Seoul is the capital and largest metropolis of the Republic of Korea (commonly known as South Korea). Together with the neighboring Incheon metropolis and Gyeonggi province it forms the Seoul Capital Area, which houses up to half the country's population of 50.22 million people, with 678,102 international residents and a GDP of \$1,005,538, accounting for 49.0 percent of the national GDP (UN-Habitat 2020). Seoul is a leading and rising global city and has experienced dramatic economic growth that has transformed it into a competitive economy. However, inequality is on the rise. As with other global cities, Seoul is facing a challenge from the choice between being a competitive global city and embracing balanced development (Kim and Han 2012).

The Seoul Sharing city policy implementation can be outlined in three phases: phase 1 (2012–2014), the foundational phase; phase 2 (2015–2019), focused on expanding the users who enjoy access to the opportunities of the sharing economy and on consolidating the international standing of Seoul as a city promoting the sharing economy; and phase 3 (2021–ongoing), during which the city is catalyzing serious efforts to turn city residents from mere receivers of the public support and subsidies—that is, users of the sharing economy—to proactive actors and is building a resident-led public-private partnership to be the groundwork for the

sharing economy to thrive alongside principles of ecological sustainability, inclusiveness, and civic autonomy.

Phase 1 was the foundational phase. It was focused mostly on enacting the Ordinance at the districts/city level, supporting small companies oriented toward the sharing economy. The goal of this first phase was increasing the citizens' awareness of the sharing economy, activating as many sharing-based services as possible, and supporting sharing companies. This phase emphasized the role of suppliers in nurturing the sharing economy.

In 2012, the Seoul Metropolitan Government under the mayorship of the late mayor Park Won-Soon, who had been a social justice and human rights activist before becoming mayor, first declared its intention of becoming a sharing city. Shortly after, the city enacted the Ordinance designating sharing organizations and enterprises, providing a Sharing Promotion Fund, and organizing sharing schools and communication activities (Foster and Iaione 2016; Bernardi 2018). Through the Ordinance, the government supported the creation of new sharing businesses and start-ups, including the sharing of car, bikes, children's school clothes (Kiple n.d.), car parking (Johnson 2014), and meals (Seoul Share Hub 2016)—the last with the purpose of establishing a social dining practice. The city supported the sharing of vacant public spaces through Seoul Ordinance §5323 on the "opening and use of dormant spaces and public facilities," passed Dec. 31, 2012 (Seoul, South Korea 2012). Another important service promoted in the first phase is the sharing of housing (Guerrini 2014) with a program based on creating the connection between elders with spare rooms and students, to promote intergenerational solidarity and collaboration, called "Same roof generation sympathy." In addition, to encourage entrepreneurialism in the education of young residents, the government organized sharing schools and startup schools (Johnson 2014). Finally, the sharing of data and digital services was encouraged from the very beginning with the creation of city-led public data sharing as well as public Wi-Fi.

The policies have generated a huge number of initiatives, seen massive participation by local residents, garnered several international awards, and inspired the creation of a Sharing Economy International Advisory Board composed of international scholars. An important role in the policies' success is the establishment of the Seoul Community Support Center

(hereinafter called SCSC), a network mediator to encourage grassroots participation in neighborhood initiatives and encourage a sense of local identity and belonging in Seoul's urban communities.

The city also lends technical and other support to sharing companies, including public relations and training. The Seoul policy also evinces a redistributive purpose. To solve potential obstacles to sharing for some populations, such as those due to the digital divide, the city offers free Wi-Fi inside the subway, markets, parks, and government offices, and it distributes second-hand smart devices to vulnerable groups such as the elderly, low-income families, and the disabled (Agyeman and McLaren 2015, 80–85).

Phase 2 (2015–2019) shifted the emphasis from suppliers to consumers and focused on diversifying the range of actors involved in the sharing activities. Although the efforts of the city improved the spread of sharing practices across Seoul, the policy interventions are still perceived as fragmented by citizens, who are still addressed by the policy as beneficiaries/receivers of the services and not providers. In addition, the lack of non-economic standards in the measuring system of the impact of sharing economy services is a trigger for companies supported through the policy to focus on profit as much as possible.²

Phase 3 (2021–ongoing) is designed to restructure the policy in the post-pandemic Seoul. It will also account for the global agenda policy priorities implemented through the Sustainable Development Goals. The third phase of the Sharing Economy Policy is based on ecological sustainability, civic autonomy, and cooperation between city residents to co-manage urban goods and co-produce sharing services.³ Phase 3 anticipates the city of Seoul investing efforts to promote a shift of city residents from being mere receivers of public support and subsidies to proactive actors who cooperate and partner with the city to co-produce sharing economy services. In this phase, the city intends as well to focus on the ecological impact of the sharing economy.

Other scholars who have studied Seoul's policies have noted that the role of the state is very strong and even "interventionist" in promoting the sharing of urban resources (Agyeman and McLaren 2015). This interventionist role is demonstrated by the fact that the Seoul Metropolitan Government provides direct grants to sharing economy businesses that

provide services with a public interest (e.g., books, tools, and children's toy sharing).

Through the last phase of the Sharing city policy, Seoul is working not only to increase the number of businesses in the sharing economy but also to increase social and economic pooling between city inhabitants, with strong state support and coordination. The sharing economy is encouraged and bolstered in underperforming or weak sectors. The city encouraged, for instance, the sharing of rooms as a way to improve access to housing and also to promote intergenerational support, and the sharing of children's clothes. The Sharing city policy is thus an attempt in part to utilize the sharing of urban goods and resources to improve the quality of life for socially and economically vulnerable individuals and communities through the creation of new jobs, the provision of services of public interests, and the strengthening of community ties and solidarity networks. The policy also proved to be instrumental after the COVID-19 outbreak showed the importance of sharing and co-producing services (especially virtually) for the quality of life of urban residents. Most importantly, the city is now working to stimulate civic autonomy, self-organization, and cooperation among urban residents to co-produce sharing economy services that are environmentally friendly and inclusive and contribute to solving urban commons challenges (interview with Seoul City Hall City Transition Division, July 2021).

THE BOLOGNA EXPERIMENT: COLLABORATION PACTS AND NEIGHBORHOOD EXPERIMENTATION

Around the same time that Seoul was implementing its Sharing city policy, the city of Bologna was initiating a policy process to introduce collaboration as a method for governing the city and many of its urban resources. Its goal was also to apply the same design principles animating co-governance of urban resources to other local public policies. As part of what came to be known as the *Co-Bologna process*, the city of Bologna adopted a new regulatory framework on the urban commons. The Regulation for Collaboration between Citizens and the City for the Care and Regeneration of the Urban Commons (hereinafter called the Bologna Regulation or the Regulation)

was adopted in 2014 after two years of field experimentation in three city neighborhoods (Iaione 2012, 2015). The process of experimentation that led to the Bologna Regulation was carried out by the city through the Cities as a Commons project. The project was implemented with the support of a not-for-profit foundation, the *Fondazione del Monte di Bologna*, a local NGO, the *Centro Antartide*, and a group of legal and public communication experts from the *Labsus* NGO in which one of the authors of this book, Iaione, served as managing director.

The Bologna Regulation is the first prominent regulatory innovation in Italy, in Europe, and at the international level to introduce collaboration as a method for governing the city and its resources. The city of Bologna has been internationally recognized for this experiment, becoming one of the inaugural winners of the Engaged Cities Award by the Bloomberg Philanthropy's Cities of Service nonprofit group. The award recognizes the most effective city strategies that engage citizens to solve critical problems and that are replicable by other cities around the world.

Bologna is a mid-sized city, the capital of an Italian region with a long history of strong civic engagement and progressive political culture, Emilia-Romagna. As scholars like Robert Putnam have observed, the Emilia-Romagna region is quite exceptional in terms of the presence of civic community and strong, responsive representative institutions (Putnam et al. 1993, 6–7). The city of Bologna has historically been characterized by a high degree of political activism and diversity of civic organizations and dynamism. Especially noteworthy is the enduring presence of social cooperatives throughout the city. The party in power has historically had a strong connection with civic life through institutional mechanisms designed to offer participatory spaces within the government, although this connection started to wane in the late 1970s as these institutional spaces lost some of their dynamism over time (Baiocchi 2003). Even as formal avenues for institutional participation in government had been on the decline, civic life remained robust in the city. In 2010, an analysis of the social economic sector in Bologna counted 1880 civic associations in total, 88 social cooperatives, and 63 foundations (regional data set on foundations) (Eurocities 2011, 7). When the experimental process to design the Bologna Regulation was conceived in 2011, Emilia-Romagna was one of

two regions in Italy—the other was Tuscany—with a law promoting citizens' participation, Reg'l. Law 3, 2020 (Regione Emilia-Romagna 2010).

The first step in Bologna's process toward a new regulatory framework for collaboratively governing shared urban assets was a seminar called *The City and the Commons* hosted by University of Bologna professor Marco Cammelli on December 11, 2011, and attended by local officials and people from both the public and knowledge sectors (Olivotto 2016). At the seminar, Christian Iaione presented a background study that mapped existing examples of Italian city regulations and governance schemes under Italian law, including regulations enabling and supporting community gardens or green spaces; regulations for the promotion of street art; regulations implementing Italian law on microprojects for neighborhood and street-level public space and infrastructure projects;⁴ city resolutions for temporary use of city-owned underused buildings; community cooperatives, neighborhood consortia, and participatory foundations incorporated for the promotion of active citizenship, among other legal entities that could be incorporated as an alternative to contractual arrangements. These regulations demonstrated that existing public policies on green spaces, urban culture and creativity, public space place making, and the like were consistent with the idea of the public authority and citizens sharing the responsibility over different kinds of urban resources. For instance, the previously mentioned national law on neighborhood and street-level projects introduced the possibility for local officials to work collaboratively with local civic organizations to realize these projects in exchange for a tax credit and through a streamlined administrative procedure. Although these regulations were not positioned or described as commons-oriented policies, the study showed that the Italian constitutional principles of horizontal subsidiarity and civic collaboration and of legislative actions taken pursuant to those principles provided a rich environment for the implementation of these kinds of policies at the local level (Iaione 2013, 2019).

Following the seminar in 2011, the policymaking process continued with field experimentations in three city neighborhoods as the first step in the process of drafting a new regulation for the urban commons. The goal of these experiments was to generate concrete evidence for and to document the existence of the presence of administrative and legal bottlenecks

or obstacles faced by residents and civic organizations that desired to undertake small-scale interventions and street-level projects to improve the social and economic life of city neighborhoods. The results and insights generated by these field experiments created a baseline of knowledge for an internal group of city officials and two scholars, Gregorio Arena and Christian Iaione, to draft the first version of Bologna's regulation on the urban commons. The first draft of the Regulation was then submitted for review by the academic community, chiefly public and administrative law scholars, and a final version was approved by the city council in February 2014.

The urban commons covered by the regulation includes public spaces, urban green spaces, and abandoned buildings and other infrastructure. However, its definition of the commons is quite expansive, directly relating the urban commons concept to the quality of life in the city and the idea of human flourishing:

[T]he goods, tangible, intangible and digital, that citizens and the Administration, also through participative and deliberative procedures, recognize to be functional to the individual and collective wellbeing, activating consequently towards them, pursuant to article 118, par. 4, of the Italian Constitution, to share the responsibility with the Administration of their care or regeneration in order to improve the collective enjoyment.

The central regulatory tool of the regulation is the collaboration pact that establishes the object of care, such as a park or building, and the rules and conditions of collaboration among any group of citizens and the local government, among other actors. The collaboration agreement could be for long-term care of a particular resource or for a single or short-term intervention. City authorities were required to invite proposals for specific pacts of collaboration that were then evaluated and approved (or not) after a co-working phase. The purpose of the review process, according to the regulation, is to ensure that the interventions of city inhabitants for the care of the resource(s) at issue were in harmony with both public and private interests (section 10, par. 2 and 3). The regulation also provides for the transfer of technical and monetary support to the collaboration and offers guidance for defining the borders of the resource to be managed through a collaborative pact. Also important are the stated norms and guidance contained in the regulation, which speak to the importance of sustaining common resources, maintaining the inclusiveness and openness

of the resource, protecting the public interest, and directing the use of common resources toward the “differentiated” public. Finally, the regulation speaks of fostering urban creativity chiefly through urban and street art and digital infrastructure. The regulation also anticipates the willingness of inhabitants and property owners to utilize private property for some public uses through “shared management.” It specifically supports the creation of street and neighborhood associations, consortiums, cooperatives, or neighborhood foundations collaboratively managed by a “plurality of active citizens” representing at least 66 percent of real estate or commercial activities that are on private space for the public (section 14).

The regulation in and of itself is only one piece of what became known as the Co-Bologna process. Local officials have since enacted other public policies, not based on or directly linked to the regulation, that are part of the policy ecosystem to enable and facilitate city inhabitants and other actors (including social innovators, civic organizations, local entrepreneurs, and knowledge institutions willing to work in the general interest) to enter co-design processes leading to local collaborative governance of an array of urban goods, services, and infrastructure. These other policies include “*Incredibol*” (2011), a public call offering grants for projects of cultural enterprises in the city (funding between twelve and twenty projects per year); a digital platform and civic space, *Comunità Iberbole Platform* (2014), giving city inhabitants access to the collaboration pact proposals and an opportunity to comment and discuss them; a co-design process called *Collaborare è Bologna* (2016); neighborhood laboratories to plan for using abandoned or underutilized public assets to install collaborative spaces; a policy to stimulate economic development at the neighborhood level, *Pilaastro* (2016); and *Participatory Budgeting* (2017) in which residents choose how to allocate and spend the public budget.

Another core component of Bologna’s move toward being a collaborative city as part of the Co-Bologna process is the establishment of an enabling institution. In 2018, the city decided to change the legal structure and name of the Urban Center of Bologna. For almost twenty years the Urban Center had been managing urban information and communication tasks. It was incorporated as an association. The legal structure was changed into a foundation and therefore recognized as a legal person. The name was changed into Foundation for Urban Innovation. The foundation is

essentially controlled by the city of Bologna and the University of Bologna and participated by several other urban key public stakeholders such as the metropolitan city of Bologna and the local public housing agency. The Foundation conducts its activities on the ground through the support of an interdisciplinary team, the Office of Civic Imagination (Fondazione Innovazione Urbana n.d.). The Office for Civic Imagination is structured as a multi-disciplinary team working closely with the municipal administration to find innovative solutions to common urban problems and to implement those solutions in accordance with the principle of civic collaboration. The team supports all citizen-led processes, collects and disseminates public data, aggregates skills and tools, and supports collective practices of city inhabitants including forms of cooperation and resource integration toward the establishment of collaborative economy ventures at the neighborhood level. The Office for Civic Imagination also supports the participatory policies of the city, such as participatory budgeting or the participatory urban planning process. These policies are implemented through neighborhood labs intended by the local administration to provide spaces for “co-design” rather than just the standard “participatory” process that characterizes many municipal processes (Iaione 2016). This work is supported by a team of Agents of Proximity (six agents for each neighborhood). (Ginocchini and Vai 2021; D’Alena 2021).

The Pilastro neighborhood 2016 project is illustrative of how these policies were operationalized in one neighborhood in the city, starting with application of the regulation and then expanding the approach to the larger policy process undertaken by the city, which came to be referred to as *Collaborare è Bologna*. The Pilastro project was designed to stimulate the creation of a “collaborative economy district,” rooted in the concept of the urban commons, with the goal of constituting a community-based neighborhood development agency inspired by the model of the French *Regies des quartier* (CNLRQ 2017). Widely implemented in France but with ancient roots in Italy (Laino 2012), the *Regies de quartier* are nonprofit agencies coordinated at the national level but governed at the local level through an association “de loi 1901,” the traditional model of a volunteer nonprofit civic association composed of a partnership of urban inhabitants, city authorities, neighborhood level associations, social workers, and other actors relevant to the inclusive economic development of the

area. They specifically address local development and community development issues and support residents finding jobs by investing in neighborhood infrastructure. Unlike the *Regies des quartier* model, the Pilastro project includes private and civic actors, a community association, and a community cooperative. The community cooperative would serve as the basis of an institutionalized public-private-commons partnership for neighborhood development (interview with city officer for the Pilastro 2016 process, city of Bologna, August 2018).

In the same vein, the Pilastro neighborhood development agency was created as a collaboration between the city of Bologna, the San Donato Neighborhood administration (the city of Bologna is administratively subdivided in fifteen neighborhoods, whose government is constituted by the Neighborhood President and the Neighborhood Council), the city-regional housing agency (ACER Bologna), a local bank, the local farmers market, the consortium of a local commercial malls, and a not-for-profit foundation.

The city of Bologna assisted and supported the creation of the Association Mastro Pilastro designed to evolve into a community cooperative—and the neighborhood development agency with a specific goal: to stimulate community-based economic development in the North-East District of the city, specifically in the Pilastro neighborhood. The foreign population in the Pilastro neighborhood constitutes approximately 16 percent of the total population, and within that is a very high population of youth (Ginocchini et al. 2013). The neighborhood development agency was designed to help socially and economically vulnerable migrants acquire or improve professional skills, find job opportunities, and integrate them into the social life of the neighborhood and city. It is supposed to accomplish these goals through the pooling of public, private, nonprofit, and informally organized residents' groups and the different assets and resources they bring and devote to the agency's common mission. The Pilastro project after the initial phase of experimentation lost its thrust after a change in the political cycle and it is no longer supported by the city.

Local officials built on these collaborative interventions by designing neighborhood laboratories as places of active participation, care, listening and enhancement of solidarity within and among communities. These

laboratories then became a preparatory phase for the citywide participatory budget process. The neighborhood-based experimentation further created a path to establishing the conditions for polycentric governance of urban resources. This is done in part by the creation of new platforms and institutions that give residents more control over the decisions that shape their lives. This experimentalism has led to the creation of an association of commercial shops and artists in one neighborhood (Bolognina) (Co-Bologna n.d.a.), the establishment of a community association in another (Pilastro) (Co-Bologna n.d.b.), and the drafting of an action plan to prepare the work for a participatory neighborhood commission in a third neighborhood (Croce del Biacco) (Co-Bologna n.d.c.).

Another example of an urban experimentation that adopted an approach similar to that of Bologna by using neighborhood labs and experimentation techniques to implement innovations through a citywide laboratory was Mexico City's *Laboratorio para la Ciudad* (Cruz Ruiz, 2021), which was created in 2013 and operated until 2019. The Lab worked as an incubator and co-creation platform for Mexico City inhabitants, encouraging social cohesion and political participation. The Lab provided the opportunity for pooling ideas, improving them through co-creation processes, and then capitalizing them through existing city-funded programs such as the Participatory Budget or the Neighborhood Improvement Program. It also promoted projects aimed at improving the technological capacity of city residents alongside the creation of tech-based tools to improve policies. For example, the *Código para la Ciudad* (Code for the City) project sought to develop inexpensive, creative, and technological strategies to implement data-based public policies to improve the quality of life of Mexico City's inhabitants. The program operated through calls for proposals addressed to small enterprises and city residents. *Ciudad Propuesta CDMX* is a digital platform that aims at improving the visualization of ideas and proposals submitted through the city's participatory programs. It serves as a mechanism for pooling and passing along ideas for urban and community revitalization that can be replicated and adapted between neighborhoods and capitalized via the Participatory Budgeting Program or the Neighborhood Improvement Program.

The Bologna experiment certainly represents an important step in the transition of a city in which many forms of urban commons emerge to one

in which local officials are enabling and facilitating different degrees of urban co-governance through the creation of nested but autonomous and independent institutions at the neighborhood level. Using Arnstein's famous ladder of citizen participation (1969), the Bologna experiment falls on the high end, representing a level of citizen power and influence unlikely to exist in many other cities and local governments. This measurement, of greater or lesser power and influence by ordinary citizens, could potentially reduce asymmetries in the concentration of political and economic power and thus resist the disruption that results from changes in political cycles, an element that often represents a risk associated with experimental democratic innovations. However, reduction of these asymmetries is not a foregone conclusion, and as ambitious and groundbreaking as the Bologna experiment was, the process reveals various blind spots in trying to instantiate collaboration as a citywide policy and practice.

EVALUATING BOLOGNA AND THE REGULATORY RACE TOWARD THE COMMONS

The Bologna Regulation is emblematic of the constitutive approach to local policies geared toward creating or enabling collective action to govern, manage, or steward shared urban resources. Its success demonstrates that the neighborhood level is where the city can find the most active actors willing and ready to collaboratively share resources toward the creation of collective social and economic well-being. The interventions for the care and regeneration of shared urban resources via the collaboration pacts have spread far and wide across the city. To date (as of March 18, 2022), the Bologna Regulation has resulted in more than six hundred pacts of collaboration signed and implemented since 2014.

As part of its policy experiment, local officials agreed to conduct an evaluation of the results of its policy and specifically to measure the impact of the Bologna Regulation after two years of implementation. It hoped to learn from the experiment, to integrate the lessons learned, and to amend the policy accordingly. So, our researchers undertook an analysis of the collaboration pacts entered as a result of the Bologna Regulation to understand the impact of this policy on urban democratic qualities including participation, deliberation, responsiveness, and accountability (Morlino 2011;

Dryzek 2009). The evaluation process consisted of a quali-quantitative analysis of 280 collaboration pacts approved by the city between 2014 and 2016 (De Nictolis and Pais 2018). Data was collected through analyzing policy documents,⁵ surveying civic signatories of the pacts, and carrying out focus groups and interviews. This initial evaluation found that in most cases the pacts were not facilitating deep civic participation, in the sense of drawing in people who have not otherwise been civically engaged or in drawing people together across social differences (De Nictolis and Pais 2018). On one hand, the pacts do reflect the *potential* to activate those not previously engaged at the local level, as in some cases, the pacts were the first opportunity for collaboration among pact signatories who were previously unknown to each other.

The large number of pacts of collaboration signed is a significant and positive outcome of the Regulation, but they lack a diversity or multiplicity of actors. Some pacts are signed by not-for-profit foundations, social enterprises, start-ups, and businesses. Most pact signatories consist of NGOs or informal groups and are bilateral partnerships such as city-NGOs, city-private actor, city-individual resident, or city-informal group of residents. In addition, although the regulation embraces an expansive definition and scope of application of the urban commons—that is, opening up the possibility of collective governance and areas of intervention related to social innovation, urban culture and creativity, collaborative services, and digital innovation—the majority of collaboration pacts are focused on activities of resource care, such as the removal of graffiti from a wall or the cleanup of a public street or park, or the co-management of spaces or buildings to realize cultural and social activities such as artistic exhibitions, workshops, and laboratories to transfer creative, digital skills to neighborhood residents. Examples are street art days organized in a public space (*Street Art Pact at the Zaccarelli Center*). Some of those pacts involve digital tools such as *OUTakes archive*, a pact to collect and digitize material linked to the LGBTQ movement's history.

There are, however, a handful of pacts dedicated to complex urban regeneration projects. The *Bella Fuori 3* pact, for instance, involves the renovation of a square in a low-income neighborhood coupled with the creation of an NGO and residents' associations for the co-management of the green areas and the playground built on the square or that involve

city-owned buildings to create collaborative economies or urban welfare services. Another example is the *HUB Underground Base* pact, involving a large group of NGOs dedicated to renovating a building for cultural and creative activities, learning labs, workshops, and incubation of neighborhood projects that support networks of residents working together. The pacts signed, for instance, with the organization Social Streets involve resident networks composed of neighbors who live on the same block and that help coordinate maintenance of their streets. The pact *Shared Management of the Ex Serre Giardini Margherita* involved the cooperative Kilowatt's creation of a community garden inside a neighborhood park that was designed to include an affordable co-working space. In the pact *Forever Ultras*, an NGO agreed to use its own resources to renovate and manage a city-owned building that offers socialization opportunities for elderly people through sports or artistic exhibitions as well as an archive of football-related materials. Another example is the pact *Piantala*, which created a circuit of circular economy in which an NGO collects unsold plants from hatcheries and distributes them to city residents who are willing to turn a destitute green area into a community garden (Iaione and De Nictolis 2021). The institutional platform of the Bologna Regulation offers these and many more examples of pacts of collaboration at work (see <http://partecipa.comune.bologna.it/beni-comuni>).

The results of the analysis of the first phase of implementation of the Bologna Regulation call into question whether the purpose of most of the collaboration pacts was to facilitate the creation of nested but autonomous and independent institutions or collectives that allow residents to steward shared resources. The results also seem to validate the skepticism that collaboration pacts can reduce asymmetries in the concentration of civic power and influence, particularly given the social and economic inequality and geographic stratification that characterizes urban environments. As others have observed critically, the implementation of the Bologna Regulation has allowed the city to benefit from engagement with the social sector and active city inhabitants to maintain public spaces and infrastructure, which were visibly in decline as a result of the economic crisis and the privatization of public resources (Bianchi 2018). At the same time, without a stronger political valence, the invitation for local inhabitants to take care of and regenerate urban resources sidesteps the

hard work of deep civic collaboration and the need to transition to new economies that include and can empower many residents living on the social and economic periphery of many cities (Bianchi 2018, 301–302).

Of course, further evaluation is necessary to determine if these initial results from the first 280 signed pacts are also observed in the additional pacts signed since 2018. We have not evaluated nor followed the results of the experiment after conducting the initial evaluation. Since our involvement, we anticipate many improvements to the Bologna experiment arising from a combination of several factors: evaluations and reporting conducted by the city administration⁶; further investments by the city government and the administration on the improvement of this policy; the efforts produced by proactive and motivated residents of Bologna; the activity of scholars and advisers involved in the Bologna process. All of these are likely to have resulted in improvements in implementation of the policy, as well as remediation of the weaknesses that we identified after the first, experimental phase of a pioneering journey.

THE REGULATORY RACE TO THE COMMONS IN ITALY AND OTHER EU CITIES

Given the evaluation results, and on the heels of the Bologna experiment(s), one troubling development has been the adoption of the regulation by other cities, creating the danger of reflexive replication of the law in the absence of learning the lessons from Bologna's experiment. Several cities in Italy adopted the Bologna Regulation, engaging in a sort of regulatory race toward the commons without much consideration of how creating a city based on commons principles might differ (even in the same country). This uncritical adoption of the regulation alone, without the other aspects of the Co-Bologna process, has given rise to the understandable critique that the Bologna Regulation entails a top-down, paternalistic approach to the commons even if it arguably represents an enlightened form of civic activism (Mattei and Quarta 2015).

Notably, other Italian cities have chosen a different path, avoiding this regulatory race and engaging in more context-specific approaches to the city as a commons, as we discuss subsequently in this chapter. Examples

include Naples, which forged a more declaratory approach in contrast to Bologna's constitutive approach, and Turin's own interpretation of Bologna's constitutive approach.

A sort of regulatory race was triggered by the Bologna experiment also at the EU level as cities like Amsterdam, Ghent, and Madrid demonstrated interest in the Bologna experiment, likely to re-interpret or update their long-standing tradition in participatory approaches or third-sector stimulus policies. They each invested to different degrees and with varying results in adapting the Bologna approach to the local context in order to craft their own unique piece of urban law for the urban commons.

We briefly mention here two examples of these non-Italian city approaches inspired by Bologna's regulation. Both the examples come from EU cities. The first is from Ghent, Belgium's second largest municipality and a city known for, among other things, its participatory approach to civic life. Consistent with this participatory orientation, Ghent began the process of transitioning to a *commons plan* in the city after it invested time and resources to study existing regulatory and nonregulatory approaches to stimulating urban commons, particularly in European cities, and their adaptation through experimentation to the local context. Ghent also engaged in a mapping exercise to assess its existing *commons projects* in the city, which numbered over five hundred, and also conducted interviews and held workshops with those already involved in the creation of urban commons. The second example comes from Madrid, which by contrast began its process by passing an ordinance for public-social cooperation (hereinafter called the Madrid Ordinance) that very closely mimicked the Bologna regulation and more generally the urban commons regulatory movement that was flourishing at the time (Ayuntamiento de Madrid 2018a). Most notable in the Madrid regulation is the Preamble, which recognizes civic collectives as part of an obvious nod to using the framing of the urban commons momentum to reinforce and give a new legal language to the long-standing tradition of public-social partnerships between the city and civil society organizations, that is, the so-called third sector.

The Madrid Ordinance distinguished between the *co-management* of social activities and the *social management* of urban assets. The Ordinance allowed the city to grant the use of publicly owned buildings and spaces

to nonprofit entities to carry out activities of public and social interest that produce a positive impact on the community and that foster stability and continuity (article 4). A public call or tender procedure is used to select appropriate co-creation and co-management projects and the entities involved, which are given the exclusive right to use the building or spaces. The city administration at the time claimed that the Ordinance was a pathway for the involvement of individual actions and citizen cooperation to change the development of the city itself. Collectives' efforts would be geared towards common interests defined by a multiplicity of actors coming together in a cooperative approach to city making.

The public-social cooperation in the Madrid ordinance can be implemented through legal tools already existing in the Spanish legal landscape (e.g., the authorization or grant of use of goods and buildings to nonprofit entities for social purposes pursuant to law 33/2003 of the Public Administration Assets Management and the Regulation on Local Entities Assets Management approved through the Royal decree 1376/1986). The key takeaway from the Madrid Ordinance is that it was an attempt to nudge social collectives to move beyond mere participation and assembly decision making in local politics to a more collaborative or cooperative mode that would bridge local innovation practices with the long-standing tradition of democratic cooperation. The hope was that by partnering with the city administration, local collectives and/or social cooperatives would develop projects of common interests. The idea was to adapt and expand old methods of social cooperation to new forms of urban collaboration. The legal framework would reinforce both the old and the new forms of cooperation through claiming recognition for urban commons (Sobral 2018).

After the elections in May 2019 the new governing coalition declared their intention to either profoundly modify or ultimately repeal the Ordinance, calling into question its ultimate impact (*Europapress* 2019). However, limited in terms of legal innovation and city inhabitants' engagement or self-empowerment strategies, in the end Madrid did take the bold initiative to recognize, in passing the Ordinance, the right of collectives to be part of the public-social cooperation legacy of the city. Nevertheless, the constitutive approach exemplified by the Madrid Ordinance does not leave much room for legal experimentation and ensures that city officials

continue to hold the reins of civic engagement processes. In 2020, the city government launched a consultation on the ordinance before repealing it with the intention to partially integrate it within a Framework Regulation on Civic Participation (Ayuntamiento de Madrid 2020a). The goal of this change would be to integrate, in a single regulatory text, the different mechanisms of participation, for the sake of a better, more effective and efficient system of city inhabitants' participation in the management of city-owned assets (Ayuntamiento de Madrid 2020a). The city government agreed to hold the public consultation which took place on the Decidim platform between January 30 and February 3, 2020 (Junta de Gobierno de la Ciudad de Madrid 2020). The consultation process received only 124 comments. Almost all modification proposals received positive answers (Ayuntamiento de Madrid 2020b). However, to date, no further initiative to pass the framework regulation has been taken. It is not clear whether the mechanism of public-social cooperation as established by the ordinance is still in force.

In contrast to Madrid, Ghent's constitutive approach began by innovating its already deeply participatory and collaborative regulatory landscape. Ghent's political appointees and administrative staff are steeped in a culture with a long tradition of participatory and co-creation approaches. In 1998, for example, the administration created a unit that enables policymakers to integrate a bottom-up approach to planning and decision-making processes. The unit still exists and has developed different instruments (e.g., participation platform, crowdfunding, temporary use, and participatory budgeting) to work closely with city residents to support their neighborhood initiatives. The city has also been experimenting with the temporary use of brownfield (contaminated former industrial) sites and empty buildings for over a decade in the development of urban renewal projects. The city therefore has a history of allowing the temporary use of the sites and buildings by the residents. DE SITE, the first temporary use ten years ago, included allotments, a greenhouse, two urban horticultural plots, a football field, a bike playground, and an urban farmstead created on the site of the former Alcatel Bell factory in the Rabot district. The city of Ghent partnered with Samenlevingsopbouw Gent (*Community Development Gent*, a community development foundation working on social housing,

social work, and social protection projects; see <https://samenlevingsopbouwgent.be/>) and started the project to get residents involved in their district and to stimulate a public discussion on the forthcoming urban renewal process. The city provides subsidies to initiators of temporary-use projects via a temporary-use fund. Every year, the city council allocates a budget of €300,000 for this purpose (URBACT 2018).

A natural evolution of the city of Ghent's approach to engaging citizens in urban renewal was its decision in 2017 to develop official guidelines for the development of commons governance throughout the city. Its Commons Transition Plan (strongly supported by the city's mayor and political coalition of leading parties at the time), cowritten by a group of two hundred local activists, pushed to expand and facilitate bottom-up commons initiatives (Bauwens and Onzia 2017). The stated purpose of the city's approach was to undertake a broad study of the landscape of commons-oriented projects in the city and to understand the opportunities inherent in active city inhabitants engaged in co-constructing new initiatives and projects in response to urban challenges. The process resulted in recommendation of a plan for the city to continue to facilitate and strengthen citizen-led initiatives and to make the city a partner in those initiatives. The Commons Plan recommended a cross-sector institutional framework for supporting these partnerships, which included a city laboratory that would prepare a Commons Accord between the city and the citizens' initiatives, to be modeled after the Bologna Regulation; another partnership was the establishment by the city of multi-actor alliances.

The aim of Ghent's involvement in the EU-funded Civic eState network would be to craft a regulation specifically designed to promote Ghent's urban commons, starting from the guidelines provided in the Commons Transition Plan and building on that using the existing tools that had been adopted in the previous years by the city to promote the projects of community-based and self-organized use of spaces mentioned previously.

The city is currently working to initiate two pilot projects as part of its larger plan. The first is Saint Joseph Church, a desanctified church located in the Rabot-Blaisantvest neighborhood (one of the poorer neighborhoods of the city) purchased by the city in 2019. The city is willing to generate a public-civic management of the building using several tools (including an

open call drafted by an interdepartmental working group to find a project manager and a real estate agreement signed by the manager and the city). The second pilot project is a tax exemption for the use of public space for citizen and neighborhood initiatives. This was inspired by the Bologna Regulation, in the part that provides the possibility for cities to allow a tax exemption for the signatories of the pacts of collaboration.

Although the city does not have a uniform regulatory framework to support/regulate city residents initiatives and public-civic collaborations/partnerships, it is actively participating in the network with the goal of crafting an urban policy inspired by the design principles adopted by Naples for civic uses. However, the city is still in the learning and experimentation phase. Ghent intends to start from a few legal instruments already in existence to support/regulate citizen initiatives and public-civic collaborations/partnerships, such as agreements (e.g., subsidy agreements and real estate agreements), city regulations (e.g., subsidy regulations), and permits for the use of public spaces.

Real estate agreements are entered into by the city of Ghent (real estate department) or by the autonomous municipal company of urban development of the city of Ghent and third parties concerning the transfer of ownership or the right of use of real estate. Different agreements are anticipated by the city of Ghent, such as rental agreements, management agreements, occupancy agreements, lease agreements, and agreements for temporary use. The agreements stipulate the term/duration of the agreement; compensation/fee for the use of the building; costs of utilities: water, gas, and electricity; maintenance costs; and insurance (e.g., fire insurance) and guarantees. In the case of citizen initiatives of public-civic collaborations/partnerships, the choice of contracting party for these real estate agreements is generally the result of an open call.

Another tool to promote citizens' initiative toward the care of the urban commons are city subsidies. The conditions under which citizens and organizations can be entitled to subsidies from the fund of temporary use are the following: approval of the owner of the site; the project's contribution to an increased quality of life in the neighborhood; importantly, the self-initiative, co-management, involvement, and creativity of the applicants; and a commitment to realizing the project within two

years from the approval. Subsidy agreements and real estate agreements are used by the city of Ghent to support and regulate citizens' initiatives and public-civic collaborations/partnerships.

The experience of Ghent showed that a process to promote co-governance of city-owned buildings must be accompanied by open procedures to advertise the opportunities as much as possible. These procedures should be formalized and promote competition while also being as flexible as possible in order to enable the emergence of urban innovations and stimulate new actors to participate. An example is the Open Call published in March 2021 by Ghent to identify a coordinator to become involved in the management of the Saint Joseph Church. The church was purchased by the city after a previous URBACT project on temporary use and the coordinator will be responsible with drafting a management plan of the site by city residents (Civic eState 2021b, 54; URBACT 2018).

THE DECLARATORY APPROACH: URBAN CIVIC USES AND CIVIC MANAGEMENT

Other local governments are pivoting from the constitutive approach represented by the Bologna regulation and those it inspired, toward more carefully designed policies adapted to unique local contexts. This development appears to represent a turn away from the regulatory race toward one model of supporting the development of urban commons throughout a city. The examples of Naples, Barcelona, and Amsterdam discussed in this section are expressions of the second approach to city policies: the declaratory approach, which recognizes the emergence of urban communities willing to self-organize in order to utilize and manage city assets and infrastructure to produce common goods and services, instead of providing them first with a regulatory or policy framework to do so. Like the constitutive approach, these policies situate the local government as an enabler of collective governance while also facilitating public-community partnerships and the development of community-based enterprises.

The declaratory approach recognizes the community right to self-organize to assert control or management of key assets for local communities. For instance, a few Italian cities have revisited the ancient legal category of *civic uses*, recently revived by Italian scholars to identify a property right

beyond strictly public and private categories (Grossi 2017; Marella 2012). The concept of civic uses embraces the right of communities or collectivities to use and collectively manage land or structures under the control of local authorities. Local regulations adopting this category allow those initiatives to flourish as self-organized, new urban collective enterprises constructed from underutilized and abandoned city assets.

An important precursor to these contemporary policies can be traced back to the English community right to bid (hereinafter called CRTB) and community right to challenge (hereinafter called CRTC) laws, which are a part of the UK Localism Act of 2011. These policies enable local communities to proactively self-organize, to claim a local asset that produces social value, or to manage a local public service to suit their needs. Part 5, chapter 3 of the Localism Act along with the Regulations 2012 (SI/2012/2) (hereinafter called the ACV Regulations) introduces the Assets of Community Value (hereinafter called ACV) and deliver a *Community right to bid*. They provide the possibility for *local communities* (organized in various ways, such as a parish council, a community council, an NGO, or another form of voluntary association) to require listing as an ACV of an urban asset, which can be a building or a portion of land, usually a neighborhood commercial activity such as a local pub or a village shop; a theatre or a cinema; a health care center; or a community center. The request is made to the city council to prevent the closure or sale of an urban asset that produces value for the local community. Once the asset is listed as an ACV and the owner decides to sell it, the owner must notify the public authority and allow a community to submit a written request to be considered as a bidder. The community can benefit from various forms of support provided by the city to raise the necessary funds. The support can come in the form of administrative support (such as advice on how to raise the purchase price or how to conduct negotiations) or technical support (such as advice on how to hire and supervise staff, how to maintain the building, or how to take a loan). Support can come even in the form of small grants by the city (Samuels 2017, 485).

The CRTC, similarly, is a way to re-envision the delivery of public services and open the door to the proactive role of local communities. The CRTC empowers voluntary and community groups, parish councils, and employees of local authorities to express an interest in taking over a

public service currently delivered by the local authority. The low utilization of the CRTC across communities in England suggests that when an advanced declaratory approach is not coupled with strong capacity building and support from the state, and without innovating legal procedures and tools that allow cities and communities to work together, there is a risk of private sector exploitation. The bureaucratic complexity and costs associated with the process (that eventually ends up in a public procurement process) carries the risk of private stakeholders using the process to achieve the goal of privatizing the service (House of Commons 2015, 22–23; Layard 2012, 141).

Appreciating the UK experience may help to understand why some cities have created legal avenues for communities or coalitions of local actors to claim a sort of pre-emption right and pre-existing privilege over some assets that were once critical and essential to the livelihood or vibrancy of a city, neighborhood, or village and at some point become neglected and abandoned. The UK provisions are an important precursor to the policy from Naples that we describe, along with other cities that have adopted a declaratory approach. These policies instantiate legal recognition of a pre-existing right of communities to act in the general interest. The UK policies have paved the way for cities like Naples, Barcelona, Amsterdam, and other cities that desire to make a bold legal statement by introducing strong community rights. There are two important distinctions between the UK policy and the policies that we describe here. The first is the role of the public sector, and the second is that in most of these cases the regulatory initiative comes from the city and not the national level.

The city of Naples has become exemplary of a local regulatory approach that recognizes and embraces the right to collective uses of urban resources and to community self-governance through the creation of cultural commons (Dardot and Laval 2015; De Angelis 2017). The Naples expression of the movement on the urban commons (which stemmed from the national movement on the commons in Italy but took a different path) and then the urban policies that the city issued to support them show how the Naples experience is aimed at addressing the socioeconomic vulnerability of the population (UCLG 2018). Naples is the third largest city in Italy with a population of over 3 million and is also the main city of southern Italy (ISTAT 2020). It has an unemployment rate of 24 percent (the

national average is 9 percent), and the average income of its inhabitants is among the lowest in Italy (ISTAT 2021).

The city of Naples emerged as one of the central stages of the wave of public debate and dissent against the potential privatization of water management in Italy, an effort widely opposed by a network of social movements and activists (Mattei and Bailey 2013), and more specifically the decentralization and delivery of local public services or welfare (Lucarelli 2011). The movement for water as a commons in Italy (which emerged in the early 2000s and culminated in the national referendum to establish public management of water in 2011) highlighted the need to establish a public management of water services. In Naples, the output of the referendum was pushed even further and the city implemented changes to the local delivery of water, establishing rules in the bylaws of the city-owned water management company (Acqua Bene Comune [ABC] [water as a commons]) to allow for citizens' close control over the operation of the company (Mattei 2013; Mattei and Quarta 2014; Lucarelli, 2017).

The issue of citizens' involvement in the management of water services collided with another wave of cultural workers (Cirillo 2014) and social movements' action in Naples, around the issue of cultural and creative spaces. Starting in 2011 with the election of former judge Luigi de Magistris as city mayor, the city boosted collective action around cultural commons in the city. First, the mayor appointed the first Italian deputy mayor for the commons, created the legal category of the commons in the city bylaws, added public participation rules into the governance of the water utility company, and then adopted a series of local resolutions that recognize "urban civic and collective uses" of public buildings. We focus on the latter since it is of major interest for the purpose of this book, although we wish to stress that policies for urban commons might work better within a broader policy framework that encourages collective action and public-civic collaboration.

Most of the urban commons that the city has recognized with its policies are aimed at providing housing and urban welfare services (i.e., legal counseling and health services for migrants or low-income people) or cultural activities, often with the goal of raising popular awareness on issues such as migrants' inclusion, gender equality, cultural diversity, and social welfare services (De Tullio 2018; De Tullio and Cirillo 2021).

This process is the result of a transformation of various social movements that have built a “space of alternatives,” characterized by the objective of creating opportunities and the satisfaction of needs addressed to a wider sense of community, not only claiming new rights but trying to realize them concretely through direct actions and a community welfare system (Micciarelli and D’Andrea 2020). The process of bringing the Naples regulation into being began in March 2012 in a clash, following a dialogue, between the local administration and activists at the Ex-Asilo Filangieri, a huge former convent occupied by cultural and artistic workers, which resulted in the drafting of a resolution recognizing the right to collectively use and manage the building. This resolution eventually was adopted by the city council, and later resolutions in 2015, 2016, and 2021 recognized seven other public properties as “emerging commons, perceived by city residents as civic flourishing environments and, as such, considered by the city as assets of strategic relevance.”⁷

One key component of developing the Naples resolutions was the establishment in 2017 of a renewed Observatory of Urban Commons and Participatory Democracy designed to be a platform for deliberations and negotiations around existing collective use and management of occupied buildings in the city. The Observatory provided a site for local officials to collaborate with communities or users who were informally managing occupied buildings and to participate in co-working sessions to design the resolutions for the recognition of civic uses. These laboratories are an important feature of both the declaratory and constitutive approaches to enabling and supporting urban commons throughout a city. However, the purpose and features of the labs operate somewhat differently in the distinct approaches. In the declaratory approach, as in Naples, these labs are an end point versus a beginning point in the collective or collaborative process of governing a local resource or service. In other words, the labs do not play a role in facilitating or self-organizing activities as they do in Bologna and in other examples. Rather, self-organization occurs through various bottom-up processes by participants themselves who later join with city officials and other actors to collaborate and pool resources.

In Naples, for example, the process of creating the collective uses of local resources arises more out of the intensive use of assemblies, fora, and other participatory decision-making mechanisms. This approach was injected

into the Urban Civic Use Regulation crafted by the Asilo Filangieri urban commons. The resource users, in close cooperation with city officials, designed an institutional model revolving around three main organisms: the *management assembly*, the *steering assembly*, and the *thematic tables*. The thematic tables (for example, theater, the visual arts, filmmaking, sound media, self-government, a library, or a community garden) operate as spaces for deliberative discussions on thematic issues. Those interested in proposing or performing activities using the spaces, human resources, and infrastructure of the Asilo can submit a proposal to the management assembly of the thematic table. The discussion takes place during public meetings in which methodologies of consensus decision making, practices of care, and other democratic techniques are adopted (Federici 2018; Micciarelli 2021). Similarly, a steering assembly exists to define the general guidelines or rules for the chosen activities, to approve fundraising and crowdfunding initiatives, and to oversee expenditures and other economic management decisions,

The Naples resolutions embody a declaratory approach by recognizing the right to civic use of abandoned and underutilized buildings and land owned or controlled by the city to communities that are already managing them informally. The mechanism for official recognition is the agreement between the local administration and communities, or collectivities, managing underutilized or vacant land and space. This agreement, termed a Declaration of Civic and Collective Use, lays out the norms for use, accessibility, and governance of the spaces. These spaces are occupied and regenerated by informal communities, contributing to their regeneration largely through self-funding.

With a methodology called *creative use of law* or *legal hacking*, “instead of attributing a concession to an association, the Neapolitan municipality has recognised this structure as an emerging commons, considering first the non-exclusive right of the inhabitants to use them. The assembly ecosystem therefore performs the dual function of organisational-relational model and is recognised by the municipality as the management body. In this case, both collective land governance systems and commons remind us that the priority is not to identify one or more juridical subjects that hold governance powers, but the governance system itself” (Micciarelli, 2022).

The Declarations require that the use and regeneration of these buildings must be directed toward “civic profitability,” and therefore it should not be driven by economic or aesthetic ends. These civic assets can be conceived as part of the civic patrimony of the city of Naples, albeit co-utilized and co-managed by city inhabitants, toward the realization of activities pursuing the *general interest*. The public-owned and city-owned assets thus play a central role in Naples’s fostering of new forms of social economy through collective planning (Masella 2018) and civic uses of public assets, giving strength to new forms of social inclusion (Turolla 2020). The city is currently working, also through the support of EU funded programs such as the Naples-led Civic eState URBACT transfer network, to encourage forms of economic sustainability that can ensure the long-term survival of the urban commons through, for example, innovative financing schemes (e.g., microcredit, social outcome contracting and social impact investments) Therefore, the valorization of the municipal assets can be understood as a process by which it is possible to confer a greater social and economic value to public assets through their collective use (see www.commonsnapoli.org).

The most recent initiatives taken by the city are intended to tackle some of the weaknesses that normally affect the long-endurability of the urban commons such as the financial sustainability of managed spaces, the identification of means to generate revenues for their maintenance, and the economic sustainability of social and cultural initiatives run in these spaces. This resolution, in particular, encourages city inhabitants to design and submit pilot projects for the improvement of underused and disused municipal assets that can be redeveloped and transformed to new social uses such as health care facilities; reception centers for migrants and asylum seekers; educational gardens, urban gardens and farms; playgrounds for children and teens; artistic installations/exhibitions; activities aimed at promoting “urban creativity”; and regeneration of public spaces as “civic flourishing environments.” By enhancing civic actors’ role, the local administration wants to promote new forms of *urban civic communities* and to define innovative schemes of public-community cooperation to gain the interest of long-term investors. In this way, the designed civic development environment would become a driver to boost the overall

economic sustainability of the process and to promote innovative financing schemes (Iaione 2019).

The city of Barcelona is another example of a declaratory approach; it is similar to Naples but with a more expansive reach across policy silos such as mobility and housing. Barcelona recently enacted a policy on civic heritage and civic uses but with a stronger emphasis on economic and environmental sustainability of collectively managed city-owned buildings (Barcelona City Council 2019a, 2019b). The policy is a declaratory approach that evolved over time, building on a tradition of several years of pilot projects to grant local NGOs the use of Barcelona city-owned buildings to carry out social activities. The institutional orientation and capacity of the city of Barcelona toward public-social collaboration was already high because of the tradition of the *Barcelona model* and the city's long history of collaboration between public, private, and community actors in city governance (Blanco 2009, 2015), as well as the support for co-managed city-owned spaces and infrastructure by nonprofit organizations (NGOs) (Castro et al. 2016). However, these co-managed spaces, although accompanied by their transfer to NGOs, have not been supported by a single policy framework.

Beginning in the 1980s, Barcelona embraced civic management of city-owned facilities and services (Blanco 2009) through individual contractual arrangements or agreements in the absence of a legal framework or of a uniform commitment throughout the local administration. The collaboration between local government and social actors was instead largely managed through ad hoc actions or disparate policies. These actions and policies ended up laying the groundwork for a more comprehensive approach to collective management of city assets—the civic heritage policy that grants the recognition to and facilitates NGOs and city inhabitants to co-manage city-owned buildings for the purpose of producing and delivering social and cultural services (Castro et al. 2016). This policy is just one of a wide range of policies promoting a commons-oriented approach to city governance. The other policies address issues such as affordable housing, pedestrianization of streets, increased public space, energy sovereignty, the social and solidarity economy, digital democracy and justice, and socially responsible public procurement (Blanco et al. 2020). In each of

these areas, the current administration is applying the principle of public-civic collaboration embraced by the civic heritage and civic management policies through a declaratory approach of collaboration.

In 2017, the city decided to create a program called Citizen Heritage of Community Use and Management (*Programa de Patrimoni Ciutadà*) aimed at creating a conceptual and normative framework for the promotion and development of the community management of underutilized buildings. The civic heritage program created a special entity, the Citizen Heritage Board (*Taula de Patrimoni Ciutadano*), to oversee and centralize the process of community use and management of municipal assets. An example of the program is its application to the establishment of *civic centers*. These are city-owned buildings distributed throughout the city, the management of which is operationalized in one of three different ways: (1) co-management through shared responsibility and duties between the local administration and a particular NGO; (2) civic management whereby the building is managed by residents but the services offered are provided by the city; or (3) community management whereby an NGO both serves as the building manager and offers direct services. The city also pays for the water and electricity expenses and sustains all expenses necessary to secure the safety of the space. In 2015, there were more than thirty-five spaces governed through civic management including civic centers, neighborhood houses, community centers, cultural and sport facilities, and historic, architectural, and cultural heritage places (Castro 2016, 46).

The civic heritage program was later codified in the “Strategic Plan for Citizen Assets | 2019–2023 New agenda for policies that foster public-community collaboration.” According to this plan, the Citizen Assets program consists of three elements: (1) the property transfer for community use and management of buildings or plots of land, realized through a transfer agreement or a transfer contract; (2) the community management of local facilities (cultural, social, sport, and environmental facilities) that are transferred to a community through a collaboration agreement with a multiyear subsidy and in which the facility becomes a city service managed by the community; and (3) community management of citizen-initiative, public-interest services. In the last case, the city provides support for projects initiated by the community that can be considered public-interest services. The city and the community sign a collaboration

agreement, by which forms of economic support, technical guidance, and service incubation and acceleration can be provided.

The legal tools that Barcelona uses to collaborate with local groups or communities in the buildings' co-management derive from different legal sources: assignment and permission to use public assets for not-for-profit entities (in the Municipal Charter of the City of Barcelona, the Local Entities Assets Regulations, and the Municipal Body Regulations), the collaboration agreement for the civic management of municipal services by nonprofit entities (in the Municipal Charter of the City of Barcelona, the Local Entities Assets Regulations, the Citizen Participation Regulations), and the Procedure Acts for assigning public assets for use and in civic management collaboration agreements (disciplined in the Municipal Charter of the City of Barcelona, the Local System of Catalonia and the Law on Public Sector Contracts) (Barcelona City Council 2017b; Civic eState 2020). One of the lessons of the pilot projects in the first phase of implementation has been the necessity to craft an appropriate legal-administrative framework to discipline the public-community collaboration through a mixed management and co-management model, which could result from the legal interpretation of the public procurement for indirect management of services as well as the citizen participation regulations. One focus of the model would be the economic sustainability of community management.

A key aspect of the Citizen Assets program is community balance, a self-assessment tool provided by the city and drafted by the community that is aimed at quantifying the impacts (e.g., social and environmental) of their activity and the economic value produced by community management. It analyzes matters such as ties to the territory; social impact and return; democratic, transparent, and participation-based internal management; environmental and economic sustainability; and the care of people and processes. When organizations register with the Citizen Assets program, they agree to be included in the Community Balance Sheet. This is carried out through a form containing questions and indicators aimed at assessing joint social responsibility for the project, local identity, democratic management, and focus on the needs of the community and the environment. The Community Balance Sheet: (1) evaluates whether the project is oriented to the needs of the territory (neighborhood) and/or

whether it has ties to local networks, other social projects, and territorial platforms; (2) foresees indicators that assess the social impact and the expected positive externalities and reveal the presence of external beneficiaries to the project; (3) focuses on indicators that assess the grade of internal democracy of the governance structure; and (4) evaluates the gender equality, the incorporation of gender perspective, the environmental sustainability, the labor quality, and the promotion of diversity. The program includes a Citizen Assets Board, an internal municipal body whose mission is to ensure the coordination of any transfers of use carried out and to organize a citizen property promotion policy (Mercat Social 2020). An example of the use of this tool is one of the first regeneration pilot projects under the Citizen Assets program. The city granted the use of a building to the Can Batlló Self-Managed Community and Neighborhood Space Association through a “concession of private use of a public asset,” illustrating several similarities to the Naples approach with the Declaration of Civic and Collective Urban Uses but with a stronger emphasis on economic sustainability of the collective management scheme (Barcelona City Council 2017a).

The Barcelona City Council Heritage Services drew up a Schedule of Clauses that ensures openness and participatory use of and collective management of the resource, similar to what the Naples Declaration does. The clauses specify that the concession holder shall pay an affordable rent of €650 annually (article 4). The Community must draw the Community Balance every two years and report its results to the city council, as well as all the information requested by the city council regarding the project’s governance and activities. Another similarity to the Naples case is that the city council will pay utility costs up to previously agreed limits, on the basis of economic and environmental sustainability. Both parties undertake to ensure that Civic Heritage criteria are complied with and that the Can Batlló concession space is a space that is open to any city resident or organization (article 7) (Directorate of Heritage Legal Services 2018). The city of Barcelona also included the Can Batlló experience of bottom-up appropriation of the space in the urban planning process (Rossini and Bianchi 2019), introducing qualitative changes in the plan of the area, specifically giving a public area designation to new facilities, and improving the design of public spaces (Rossini and Bianchi 2019).

Amsterdam is another example of the declaratory approach that leverages technology to ensure democratic and inclusive city governance. Amsterdam has pioneered a model of an inclusive smart city in Europe through the Amsterdam Smart City program. The city operated in the absence of a national normative framework on smart cities, although governmental actors were constantly involved. The creation of the network of public, private, and social actors necessary for a smart city was fueled by EU funds, but the strategy then proceeded without them (Raven et al. 2017). The city of Amsterdam joined the URBACT Civic eState network with the goal of innovating its smart city strategy, focusing on the promotion of digital social innovation and developing innovative ways of working together with citizens to create public value through a co-city framework. The starting point was the Room for Initiative program, which began in 2010 (City of Amsterdam 2019).

The program calls for residents to submit proposals on six systemic challenges as a way of changing the functions of the local administrative bureaucracy:

1. *Integrated financing*: Making the subsidization of cross-sectoral initiatives structural, in order to quickly respond to multifaceted initiatives (e.g., youth, culture, and public green spaces).
2. *Increasing the sustainability of informal care*: Strengthening the sustainable provision of informal care through professionalization, financing, and accountability in cooperation with the existing care providers.
3. *Right to challenge experiments*: Residents can challenge the city to take over (part of) a regular government task, including resources and responsibilities. The city can also challenge initiators to take over a regular task.
4. *Entrepreneurship in/out of social benefits*: Beneficiaries of social benefits and refugees can now receive a generous allowance for their volunteer work, and travel expenses are reimbursed.
5. *Real estate*: The goal is to make real estate in the city more accessible for social initiatives.
6. *Livability*: The Development Neighborhoods plans in the North, South-east and New West link to what is already available in the neighborhood and involve city residents in the initiatives provided by the programs.

The legal tools that the city is currently using to collaborate with communities are not defined in a specific policy for the commons but can be retrieved from different parts of the legal framework, and the Ordinance will update them. Examples are zoning plans that will be replaced by environmental planning and might foresee the assignment of open spaces and mixed functions in areas where urban commons can grow, and a vacancy ordinance that offers the chance to prioritize the creation of an urban commons instead of allocating the use of vacant buildings or vacant urban public spaces in the city. The city is currently working on an ordinance specifically for the urban commons that, in combination with the social value measurement system and the public-community financing scheme, would provide an appropriate legal and administrative framework to facilitate urban commons (Civic eState 2021).

BLENDING THE CONSTITUTIVE AND DECLARATORY APPROACHES

In this chapter we have seen how different cities have adopted different legal approaches. On the basis of the experience supporting urban commons in other Italian and EU contexts and on the basis of the experience of the first three years of implementation, including with the pacts of collaboration funded through the UIA initiative Co-City Turin project, the city Council of Turin repealed the “Regulation on the collaboration between citizens and the city for the care, shared management and regeneration of the urban commons” and passed a new version of the “Regulation on governing the urban commons in the City of Turin” (hereinafter called the New Turin Regulation). The new version was approved on December 2, 2019, and entered into force as Regulation no. 391 on January 16, 2020. The New Turin Regulation emerges out of the recognition by the city of Turin that they needed a broader toolkit to create a different set of governance arrangements to overcome procedural challenges arising from the pacts of collaboration.

The New Turin Regulation importantly introduces two new institutions. One is the Register of the Guarantors, designed to gather experts and city residents with experiences collaborating and trying to construct urban commons. The second is the Permanent Council, a body composed of eleven members from the Register of Guarantors appointed by the city

council every three years. The Permanent Council has key consultative and arbitration functions over disputes arising during the implementation phase of the *civic deals* or in the selection of proposals. It serves as a bridge between the relevant community and the city council. The Permanent Council promotes public debates and constitutes a venue for discussion on urban commons co-governance. It also has a role in the evaluation of the activity and results of urban commons co-governance activities. Anyone can address the Permanent Council to protect or safeguard an urban commons. Hence, this body has a general duty to promote urban commons and to mediate between interested parties around those resources.

From a legal standpoint, the first innovation of the New Turin Regulation is that it frames the approach to co-governance of shared urban assets within one general legal category, the *civic deal*, to institutionalize the recognition and grant rights of collective use, management, stewardship, and ownership. (Albanese and Michelazzo 2020, 253). The other innovation of the New Turin Regulation that it embraces two types of urban commons co-governance: (1) shared governance, and (2) self-governance. Each of these two forms of governance anticipates specific legal tools that can be adopted to institutionalize collective action by a variety of participants. Building on the lessons of cities like Naples, and the Bologna experience, the New Turin Regulation avoids limiting the legal tools and gives rise to different options for the governance of urban commons.

For the shared governance element, the legal tool offered by the Turin Regulation is the pact of collaboration. The pact can result from either a city initiative (implying a public consultation process) or direct initiative of city inhabitants (defined by the Regulation as “civic subjects”). The regulation also defines the boundaries and limits of collaboration for shared governance. Whether the initiative comes from the city or civic subject, a responsible manager gathers and assesses the proposals along with the Technical Board. Each project undergoes a co-planning phase that brings together participants, the local government unit, and the Technical Board for collaboration. Another innovative aspect and the heart of the New Turin Regulation is its establishment of three innovative legal tools for self-governance of urban commons: provisions for Civic and Collective Urban Uses, Civic Collective Management, and an Urban Commons Foundation (Albanese and Michelazzo 2020, 257–283). The civic and

collective urban use provision is a type of collective right to use civic assets. The urban community of reference uses, manages, and takes care of the urban commons in accordance with the principles of the regulation, such as inclusion and accessibility, guaranteed by a Self-Governance Charter democratically written and approved, similarly to the Naples example previously mentioned. The initiative is overseen by the local government, which ensures consistency with the principles of the regulation and the technical feasibility of the Charter before approving it, therefore closing the civic deal. This form of self-governance ensures that the provision of a municipal good or property is connected to the community of reference. The administration continues to monitor use of shared urban resources or commons to ensure consistency with public use principles. In other words, the community of reference has operational autonomy of the resource, but the property and legal title stays with the local administration. As such, the responsibility for urban commons is shared between the public administration and the civic subjects.

The civic collective management goes a step further in terms of self-governance. First, the contours of the civic deal for the management of urban commons are framed by the community of reference. When the local government approves the civic collective management for a municipal asset, however, the community of reference must manage it in accordance with the regulation principles through the self-governance Charter and the community of reference assumes all relevant liabilities, even though the property remains with the city administration. Thus, the collective civic management is not an expression of the administration's will. It is rather a manifestation of collective autonomy, provided that the principles of openness and democratic accessibility of the space are respected, and that the administration recognizes it, closing a civic deal of which they do not directly determine the content.

We discuss the last self-governance legal tool, the Urban Commons Foundation, in the next chapter for its relevance from a financial standpoint, which is one of the most critical aspects for the long-term sustainability of the urban commons once legally recognized. Through the Urban Commons Foundation, the city can transfer one or more of its assets to a Foundation established for the sole purpose of managing urban commons in the general, public, common interest.

In this chapter, we have reviewed various examples of cities that are experimenting with different legal tools that enable and empower urban communities to utilize city resources and infrastructure to collectively create and sustain different forms of urban commons. The legal pluralism that emerges from the various cases has been categorized into two main approaches: constitutive (adopted, for example, by Bologna) and declaratory (adopted, for example, by Naples). Those approaches are implemented through a variety of legal tools ranging from collaboration pacts or agreements to civic use regulations that allow the private use of a public asset. These legal tools, however, are crafted for the specificity of each case and adapted to the local political and economic context. The next chapter builds on these examples and introduces additional factors that determine how these policies can evolve and be replicated across contexts. We examine in particular how important the creation of appropriate forms of urban partnerships is to facilitate collaboration between the public and community or the public, private, and community actors and to ensure effective implementation of the legal tools discussed in this chapter. The next chapter addresses the question left open by these first case studies, namely, whether legal tools are enough to promote the reduction of power asymmetries in the city and to enable urban communities to leverage legal and financial mechanisms that ensure the sustainability of urban commons and the survival and flourishing of the communities relying on them.

This is a section of [doi:10.7551/mitpress/11702.001.0001](https://doi.org/10.7551/mitpress/11702.001.0001)

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Citation:

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DOI: [10.7551/mitpress/11702.001.0001](https://doi.org/10.7551/mitpress/11702.001.0001)

ISBN (electronic): 9780262369930

Publisher: The MIT Press

Published: 2022

The open access edition of this book was made possible by generous funding and support from MIT Libraries



The MIT Press

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The open access edition of this book was made possible by generous funding from the MIT Libraries.

The MIT Press would like to thank the anonymous peer reviewers who provided comments on drafts of this book. The generous work of academic experts is essential for establishing the authority and quality of our publications. We acknowledge with gratitude the contributions of these otherwise uncredited readers.

This book was set in Stone Serif and Avenir by Westchester Publishing Services.

Library of Congress Cataloging-in-Publication Data

Names: Foster, Sheila R., 1963– author. | Iaione, Christian, author.

Title: Co-cities : innovative transitions toward just and self-sustaining communities / Sheila R. Foster and Christian Iaione.

Description: Cambridge, Massachusetts : The MIT Press, [2022] | Series: Urban and industrial environments | Includes bibliographical references and index.

Identifiers: LCCN 2021062248 (print) | LCCN 2021062249 (ebook) | ISBN 9780262539982 (paperback) | ISBN 9780262361910 (epub) | ISBN 9780262369930 (pdf)

Subjects: LCSH: City planning. | Civic improvement. | Commons. | Municipal government. | Infrastructure (Economics) | Public-private sector cooperation.

Classification: LCC HT166 .F675 2022 (print) | LCC HT166 (ebook) | DDC 307.1/216—dc23/eng/20220519

LC record available at <https://lcn.loc.gov/2021062248>

LC ebook record available at <https://lcn.loc.gov/2021062249>