

# Fostering Citizen Participation Top-down

Lyn Carson and Rodolfo Lewanski

## Abstract

Political theorists speak of the need to *institutionalize* deliberative democratic processes but there is little evidence of institutionalization, although there have been many successful experiments with robust public participation methods. What has been missing to date is the political will to convert those experiments to routine practice supported by legislation. This paper documents a novel Law enacted in Tuscany in December 2007. It is a piece of legislation with the potential to provide a model for societies that are considered to be democratic. Tuscan Law no. 69 demonstrates how representative government and mini-publics might do more than co-exist.

**Keywords:** Democratic, institutionalization, legislation, Tuscany

## Introduction

### The Law

In December 2007 the Italian Region of Tuscany proclaimed Law no. 69 (henceforth, the Law) concerning “Rules on the promotion of participation in the development of regional and local policies”.<sup>1</sup> This novel Law encourages and guarantees the right of citizens and organizations in the Region to convene and participate in public meetings (“Dibattito Pubblico Regionale”) regarding infrastructure and other initiatives or issues of contentious local interest. Such engagement may be launched by petition and is then funded and overseen by a regional Authority. It is also the responsibility of proponents to propose an appropriate *deliberative* method which must meet conditions of inclusivity, openness and balanced discourse, to be guided by neutral, independent process experts. There is a legal obligation for the agency at the centre of the public issue to abide by the recommendations arising out of the engagement process.

In other words, the Law “walks on two legs”. Firstly, it aims to manage environmental conflicts pro-actively (particularly decisions connected with contentious siting issues), and

---

<sup>1</sup> Proclamation can be found online at:  
[http://www.regione.toscana.it/regione/multimedia/RT/documents/1208532707341\\_1\\_r69\\_2007.pdf](http://www.regione.toscana.it/regione/multimedia/RT/documents/1208532707341_1_r69_2007.pdf)

secondly, it seeks to promote participation by local institutional and social actors. The Authority (described later) is the pivotal mechanism to achieve the Law's two goals. This article charts the development of this Law and the details of its provisions.

### **Regional context**

Tuscany is a region of Italy<sup>2</sup> renowned for its scenic beauty and its artistic and architectural marvels. It might soon become renown, at least within the field of deliberative democracy and among policy makers, for something quite different. Tuscany is positioned, somewhat surprisingly, to be a front-runner in advancing and institutionalizing citizen involvement in political decision making.

Compared with other developed nations, Italy has not been a leader in the use of public participation practices. When engagement has been sought by authorities, it has been typically shallow or symbolic, and its actual influence on policies and decisions low. For many public authorities, participation simply means informing citizens of intentions and decisions. Much more attention is paid to consulting (*concertazione*) organizations and associations representative of organized segments of society and economy. Citizen participation, when it does occur, seldom presents the traits that are considered typical of dialogue and deliberation.<sup>3</sup> These considerations also apply to the regions of central Italy, among them Tuscany, that today have a strong leftist political culture dating back to the end of World War II.

Since its creation as a federal region in the early 1970s, Tuscany has been governed by the *Partito Comunista Italiano* (PCI), i.e., the Communist Party (although the name is misleading since it resembles Western socialist parties). In this Region, the PCI has either governed alone or in various coalitions. Although Tuscany has a tradition of citizen involvement and social capital,<sup>4</sup> this is expressed through associations that appear to be embedded in the prevailing political subculture (Florida, 2007).

### **Institutionalizing Participation Through Meta-Participation**

In the light of this political culture, the enactment by the Tuscany Regional Assembly of Law no. 69 of December 27, 2007 after a process that lasted two years, is all the more

---

<sup>2</sup> Italy is now a semi-federal system divided into 20 regions. Tuscany has a population of approximately 3.6 million (out of a national total of approx. 57), divided into 285 municipalities and 10 provinces.

<sup>3</sup> A recent overview of significant participation practices is offered in Dipartimento della Funzione Pubblica, Bobbio, L. (ed.), *Amministrare con i cittadini*, Rubettino, Soveria Mannelli, 2007.

<sup>4</sup> According to Cartocci, R., *Mappe del tesoro. Atlante del capitale sociale in Italia*, Il Mulino, Bologna, 2007, Tuscany has the second highest social capital among Italian regions.

surprising. The Law aims to enhance citizen participation, representing a potentially significant development.<sup>5</sup> The Law, along with its implementation and anticipated effectiveness in coming years, might well offer valuable teachings on citizen engagement well beyond the Tuscan borders, in Italy and internationally. At this stage, an analysis of the strategy and ‘tools’ set out by the Law offers a stimulating and rare opportunity to reflect on how authorities might go about actively promoting and institutionalizing citizen participation.

One noteworthy aspect of the Law is the meta-participatory process of its development. It was drafted using the kind of citizen participation that it advocates, engaging approximately one thousand individuals. Also, the process merged participatory democracy with the mechanisms of representative democracy, since the Law had to be passed by the regional Assembly to bring the Law forward.

Claudio Martini, the President of the Region, originally proposed the idea of legislation to enhance citizen involvement in his 2005 election campaign. He was supported by advocacy groups such as the association *Rete Nuovo Municipio* (the ‘network for a new municipality’), which is committed to citizen participation in local government. Martini was joined by the *Assessore*, Agostino Fragai, who was responsible for local government and institutional reform, and together they promoted the idea against skepticism from members of Martini’s own government.<sup>6</sup> Colleagues’ skepticism may well have emerged from cynicism about Martini’s motives or the efficacy of public participation or, very likely, a belief that an elected representative’s job was to do the work which Martini was designating for citizens. However, Martini’s political strength saw through the successful enactment of the Law.

The process started in January 2006 with a region-wide meeting of representatives of local administrations and civic associations. An international conference was held in May 2006. About 40 workshops were then held across the Region. These meetings generated the topics and questions that were then fed into a major event in the city of Carrara in November 2006, using a large-scale format known as a 21st Century Town Meeting. The event adhered to the US model.<sup>7</sup> Participation in the event was open to anyone in the Region who was interested. Of the 500 citizens who enrolled (i.e. self-nominated), 408 actually showed up (many arrived on a special train that collected them from areas throughout the Region). Additionally, a small group of 20 were randomly selected from the population. The authors

---

<sup>5</sup> For materials and information of the Law and the process followed in passing it, see [www.regione.toscana.it/partecipazione](http://www.regione.toscana.it/partecipazione)

<sup>6</sup> Pers. comm. President Claudio Martini, Sydney, 1 March 2008

<sup>7</sup> For an explanation of the 21<sup>st</sup> Century Town Meeting process see AmericaSpeaks’ website [www.americaspeaks.org](http://www.americaspeaks.org)

believe this occurred to enable comparisons between those who self-nominated and those randomly-selected participants. No evidence is yet available to establish if this comparison actually occurred. Rather than ‘ordinary’ randomly selected citizens, this event attracted participants who were already active in public life or in local administrations. According to the conveners (Bobbio, 2007), there was a broad span of socio-demographic representativeness (gender, age, geographic origin). However, it should be noted that the event attracted more leftist and progressive associations; rightist associations were absent, perhaps out of mistrust in the process.

The role and tasks of the citizens were not perfunctory. At the opening of the event, Martini explicitly made the commitment that participants’ recommendations would constitute the Law. The participants set the agenda by calling for an elected delegate from each of the 48 tables to represent their collective views about the proposed text of the bill. This led to a well-organized filtering of items for the draft. All participants were then invited to a final plenary discussion of the bill before it was taken up by the Tuscany Regional Assembly at the end of 2007 (Bobbio, 2007).

### **The goals of Law no. 69/2007**

The unequivocal objective of the Law is to ‘open up’ civil society by empowering citizen participation in the setting of regional and local policies. Participation is explicitly stated to be a ‘right of citizens’. By promoting informed citizen involvement, the Law encourages a growth of robust participatory practices appropriate to the situations.

More broadly, the aim is also to strengthen the ties between the governmental bodies, agents, and representatives and citizens in the society at large through innovations within the system of representative democracy. The Regional policy makers are aware<sup>8</sup> of the overall legitimization crisis of governments, of the loss of trust in representative institutions, of the growing dissatisfaction towards the efficiency of the administration and the effectiveness of public policies in the eyes of society. These phenomena are as evident in Tuscany, generally considered a well-governed region, as they are in other Western locations (Putnam, 1993).

Finally, the Law can be seen as an ‘institutional strategy aimed at reproducing social capital’ (Florida, 2007, p. 617) in which the Region is traditionally rich. Participatory activity under the Law would tap into the knowledge, skills and forms of civic engagement already present and active in Tuscan society, strengthening citizen capacities, promoting

---

<sup>8</sup> As stated by A. Fragai at the kick-off meeting in January 2006 <http://ius.regione.toscana.it/partecipazione>

citizen engagement in collective decisions and community life, and contributing to the spread of a civic culture.

To pursue such goals, the Law introduces two distinct types of participatory processes, one concerning large infrastructure projects, the other enhancing citizen engagement in relation to local policies, decisions and projects.

### **Prescriptions of the Law**

The Law is distinctive when compared with legislation in other countries. It is designed to enable citizens and other authorities to initiate public participation when a problem needs to be resolved, with an evident understanding of robust, *deliberative* methods. Also, and this is unusual for Italian legislation, the Law contains a “sunset” clause. It will be reviewed at the end of 2012 with a view to continue or repeal it. This reflects the initially tentative and experimental character of the strategy adopted by Tuscany.

### **The Authority for Participation**

Implementation and regulation of the Law is assigned to the Authority for Participation (hereafter the Authority). This individual (the Authority is both an individual and an entity), enjoys considerable discretion in making her/his decisions. The Authority is chosen by the Tuscan Regional Assembly. Since the political opposition (rightist parties) in the Assembly feared that the Law might be used by parties in power for a hidden agenda or to manipulate consensus to their advantage, it approved a complex procedure aimed at ensuring a bipartisan choice insofar as possible. A candidate for the position of Authority (the selection process is currently underway), must be an expert in political science or public law, or have experience in the field. Interestingly, Italian citizenship is not required. The Authority receives remuneration equivalent to that of a Regional Councilor and a budget for operational resources and personnel.

The two main tasks of the Authority are:

1. to promote participation by providing support to public and private agencies and individuals who are interested in carrying out such processes;
2. to guarantee the impartiality, neutrality and correctness of the processes.

The Authority evaluates public debate proposals concerning large infrastructure projects and decides how regional support is to be allocated to local participatory processes. It also establishes criteria and offers assistance and advice, and can even propose changes to original proposals along the priority lines indicated by the Law.

The Authority exercises ample discretionary powers in administering the process. It decides if a deliberative process should proceed after hearing the proponents and local authorities and evaluating the actual relevance of the impacts. Once it accepts the request to support a participatory process, the Authority then establishes its duration (which should not exceed six months). The Authority nominates an expert in participatory/deliberative practices who manages and facilitates the process on behalf of the government. The process design endorsed by the Authority is meant to be structured to ensure the availability and dissemination of all documents and relevant information concerning the issue. It should also invite broad participation, with special attention to equal opportunities for all voices to be expressed.

Once processes are completed, the Authority evaluates their performance and impacts. It presents an annual report to the Tuscan Regional Assembly concerning its activity. The Report should also outline the extent to which the outcomes of such processes have actually been implemented.

The Authority is responsible for spreading knowledge of the processes carried out within the Region and their results. By progressively building on experience, the Authority will build a database accessible on the web.

At the time of this writing (June 2008), the mechanism established by the Law is running somewhat behind schedule in nominating the Authority. More time is needed before information is available about how it actually carries out its tasks, especially the determination of which projects to fund.

### **Large infrastructure projects**

Historically, the most intractable conflicts between different political groups, vested interests and citizens have flared out of the planning and development of large public infrastructure projects. These include the high speed train line between Milan and Rome, the tramway in Florence, and a range of projects involving the location of highways, waste incinerators and other public utilities. Existing decision-making procedures (such as environmental impact assessments) have proven to be ineffective in dealing satisfactorily with such difficult conflicts.

Rather than reducing the decision-making to a negotiation between elites behind closed doors, the Tuscan Law brings the discussion into the public sphere. Somewhat along the lines of the French *Débat public*, the potential environmental, social and/or economic impacts relevant to the region are aired in an organized, public manner. Significantly, the dialogue

can progress beyond the specific features of the project to questions about the values and benefits inherent in it. For example, if less waste is produced and recycling is stepped up, what need is there for a waste incinerator? In fact, the Law stipulates that the deliberative process should commence at the initial phase of the project, such as where a utility should be situated. By starting before any foundational decisions are set in marble, the project proponent avoids creating a “DAD” project (decide, announce, defend). In this approach, confidence in the roles and competencies of all parties can grow from the start.

The establishment of a deliberative process can be requested by the proponent of the project, by financial sponsors of the project, by affected local authorities, and through a petition by at least 0.5% (i.e., one in 200) of all Tuscan citizens above the age of 16 years.

Once the process is complete, the Manager publishes a report describing it and the proposed outcomes. The Authority then stamps its approval. The proponent of the project at this point can, within three months, choose between: a) canceling the project entirely or presenting a new one; b) proposing changes to the original project, c) maintaining the original project and providing reasons for such choice. In any case, the Region in defining its programs for the construction of public infrastructure gives priority to those projects that have undergone such a participatory process.

### **Local participation**

The ‘second leg’ of the Law aims at promoting participation at the local level, within the territory of a municipality or in broader areas including several municipalities or even several provinces of the Region. To foster participatory processes, the Region does not impose the adoption of such processes in local policy decision-making, which in any case the Regional government would not have the authority to do. Instead, the Regional strategy is to offer support that can make citizen engagement viable at the local level.

The Law offers financial, methodological, organizational and communicative support. Several conditions must be satisfied in order to receive support for a participatory process relating to an issue: a precise description of the issue; the evolutionary phase of the decision-making for it; the proposed duration of the process (not more than six months); the type of participatory method to be used and its justification; nomination of an independent, impartial facilitator to conduct the process; methods to ensure the inclusion of all voices relevant to the dialogue, including those from hard-to-reach social and cultural groups; and public dissemination of relevant information before, during and after the process.

Requests of support for local participatory process may be advanced by signed citizen petitions collected by individuals or associations or other civic organizations. Citizens must reside in the affected area and be over the age of 16 years. The required number of signatures for a valid petition depends on the size of the affected local population, ranging from 5% when total population is less than 1,000 down to 0.5% where the population is above 30,000. This demand for citizen participation might also arise jointly from citizens and local authorities, or other governing administrations, associations or schools. Private firms may also request support for a participatory process when their projects have potentially high societal or environmental impact, but these applications must be endorsed by citizen petition. Proposals can be submitted three times per year: at the end of March, July and November.

The Law also indicates criteria for prioritizing regional support. Priority is given to those processes that:

- involve vulnerable, disadvantaged or disabled individuals
- take place in areas featuring particular social or local difficulties
- concern policies or projects perceived to have high impact on the environment or on the landscape
- favor equal participation of genders
- have lower proportional operating cost to the Authority
- use innovative process design
- are requested by a larger number of citizens (above the minimum required).

Citizen involvement can influence many policy areas for which the Region has jurisdiction, such as land use, energy, health, social policies, environment, and waste management. However, the Region must tread lightly on mandates devolved to provincial and municipal authorities. It would override these authorities to the Region's political peril. Therefore, the Law seeks cooperation with rather than imposition on local authorities. The Region subordinates its support to the signing of an agreement (*Protocollo d'intesa*), by which local authorities voluntarily accept the principles of the Law and its procedures, as well as the decisions of the Regional Authority. The local authorities agree to suspend the adoption of any formal decision on the issue until the participatory process is completed.

The Law stipulates that outcomes of participatory processes must be implemented or taken up by or with local authorities. Should they decide not to follow citizens' recommendations, then the reasons must be explicitly and publicly stated.



## Resources

Under the Law, the sum of one million euro is allocated annually (for the years 2008 and 2009) by the Regional government for the overall implementation of its provisions. Though not explicitly prescribed by the Law, 30% of this allocation will be used for training programs and for participatory processes undertaken by Regional government itself. In November 2007, for example, Tuscany held a 21st Century Town Meeting about its health policies.

Though allocated resources will allow the funding of a limited number of processes (depending on size, some 10-20 per year<sup>9</sup>), the Region envisions that these will gradually ignite interest in participatory processes in other administrations. Of course, this can occur only if a particular governmental body, or bodies, is willing to actively liaison with citizens, relinquishing a part of its monopoly over decision-making for the benefits of citizen engagement for its own sake as well as for society at large.

## Discussion

The Law encourages and supports but does not require public participation. As Regional President Martini stated, ‘one cannot order participation by decree’ (Bobbio, 2007, p. 93). By definition, participation cannot be imposed on free citizens in a society, nor, as mentioned above, does the Region have the legal power to demand local authorities adopt participatory processes.

Thus, Tuscany’s strategy is to provide support, assistance and, not least important, legitimation to societal and institutional actors who are potentially motivated towards citizen engagement. In promoting concrete experiences throughout its territory, the Region aims to disseminate the idea that civic engagement can be a normal way of deciding on public affairs.

To pursue this goal, the Law deploys a number of tools. A database of regional experiences offers a useful reference for societal and institutional actors interested in activating citizen engagement. The Region will support training activities and the drafting of information materials targeting its own civil servants, local authorities (both political and bureaucratic personnel), and civil society at large (e.g., associations, teachers, students). The aim is twofold: to contribute to the growth of a *participation culture* within administrations and to develop in-house capacities by spreading relevant skills and know-how. The Region

---

<sup>9</sup> A rough indicator might be that some 15 local authorities submitted requests of funding to the region by the first deadline established by the Law (March 31, 2008).

offers various forms of support in-kind, such as the possibility to use its electronic network (e.g., for on-line dialogues).

However, the main form of support is financial. The relevance of this aspect cannot be stressed enough. In countries such as the U.S. funding is often provided by foundations and donations, but such channels are very limited if non-existent in Italy. Thus, funding by the public sector is essential if ‘high quality’ participation is to be promoted.

A key question may be posed about the nature of the processes explicitly supported by the Law, which will be enhanced by having that support: To what extent does the Tuscan Law prescribe that participation processes should present specific traits, namely those commonly associated with deliberative theory and practice?

At least two such features are clearly spelled out:

1. Processes are to be managed in such a way as to ensure neutrality and impartiality;
2. Processes must be inclusive, in the sense that they assure that all ‘voices’ are involved and have the same opportunities to make themselves heard, and in particular that weak social actors actually take part in them. Any individual, regardless of citizenship, living or carrying out his/her activity in Tuscany in an area affected by a participatory process is entitled to take part in it. In this way, the Law pursues goals of social equity: processes thus should be organized in ways that in fact favor active participation with equal opportunities for that participation afforded to diverse cultural and social groups, physically disabled individuals, and persons of both genders.

It should be noted that the Law establishes precise time constraints: both infrastructure and local participation processes have a maximum duration of six months, although the extension of an additional three months can be granted by the Authority for justified reasons. This means that time is limited, though probably sufficient in most cases; a bit of ‘stress’ can be useful to encourage participants to move ahead, but flexibility is also required if processes are not to be ‘artificially’ closed before participants are ready to do so or have reached the degree of consensus set out by the processes themselves.

All in all, there are good reasons to argue that it would not be appropriate for the Law to dictate process standards or define them too rigidly. Instead, the Law reflects a pragmatically flexible attitude, open to experimenting with innovative approaches. In this way, it suggests implementation will be an on-going learning process. The Authority will have a pivotal role in this process by developing criteria for participatory practices, as mentioned above, and by providing feedback to the ‘regional system’ through evaluation.

## Conclusion

The Tuscan Law represents a rare empirical case capable of offering some answers to the question posed by Fung, Gastil, and Levine (2005): how can deliberative democracy be institutionalized? The Tuscan Law represents an interesting and innovative case of a regional government attempting to translate participation theory into everyday political practice. In doing so, it encounters many challenges, not the least of which is the translation of good intentions to a bureaucratic ‘tick-a-box’ response (the bane of democratic idealists).

As described above, a number of points remain open and will have to be verified on the basis of empirical evidence as the Law is implemented. By way of conclusion, if we turn to the Brisbane Declaration,<sup>10</sup> considered a best practice description of rigorous public participation and the practical corollary of deliberative democracy, it is possible to relate the Law to the Declaration’s four core principles:

- Integrity – where there is openness and honesty about the scope and purpose of the engagement
- Inclusion – where there is opportunity for a diverse range of values and perspectives to be freely and fairly expressed and heard
- Deliberation – where there is sufficient and credible information for dialogue, choice and decisions, and where there is space to weigh options, develop common understandings and appreciate respective roles and responsibilities
- Influence – where people have input in designing how they participate, when policies and services reflect their involvement and when the impact of their input is apparent

Regarding *integrity*, the Law itself and the Law’s reliance on an independent body, the Authority, adds considerable weight to this principle. In relation to *inclusion*, the meta-participation which preceded the enactment of the Law demonstrated that there is work to be done in this area. The Law does not address the issue of representativeness of participants, (though this trait has relevant implications for the credibility of the process and its outcomes in the eyes of the public and of the decision-makers.) Representativeness may be a principle that requires further exploration. *Deliberation* has been addressed through the features described earlier and the Law demonstrates a predisposition to move beyond superficial consultation methods. The Authority will need to address the matter of consensus; that is, should participants uncover and attempt to reach consensus by the end of the process?

---

<sup>10</sup> [www.getinvolved.qld.gov.au/share\\_your\\_knowledge/un\\_conference/documents/pdf/brisbane\\_declaration.pdf](http://www.getinvolved.qld.gov.au/share_your_knowledge/un_conference/documents/pdf/brisbane_declaration.pdf)

No explicit mention is made of the issue of empowerment, closely linked to *influence* in a number of ways, but the previously discussed ‘commitment obligation’ required of local authorities receiving regional support does represent a satisfactory provision in that direction. Will the Law, through the citizen involvement it fosters alongside this ‘commitment obligation’, enable real *influence* in the policy agenda and the substance of decision-making? And, more broadly, will it affect the relationships between government and citizens relative to the rest of the country? Will Tuscany’s example *influence* other regions and perhaps local authorities to follow suit?

There is no question that Tuscan Law no. 69/2007 is an unusual example of institutionalized deliberative democracy worthy of closer examination by scholars and practitioners as it is implemented. Equally interesting will be its future when it is revisited by elected representatives at the end of 2012 through the Law’s sunset clause. Will it become a model for others to emulate or a well-meaning initiative gone wrong?

## References

- Bobbio, L. ((2007). ‘Regione Toscana. Partecipazione per una legge sulla partecipazione’, in Dipartimento della Funzione Pubblica, in Bobbio, L. (Ed.), *Amministrare con i cittadini*, Rubettino, Soveria Mannelli.
- Florida, A. (2007). ‘La democrazia deliberativa, dalla teoria alle procedure. Il caso della legge regionale toscana sulla partecipazione’, in *Le istituzioni del federalismo*, no. 5.
- Fung, A., Gastil, J., & Levine, P. (2005). Future directions for public deliberation. In J. Gastil & P. Levine, (Eds.), *The deliberative democracy handbook: Strategies for effective civic engagement in the 21<sup>st</sup> century*, (pp. 271-88). San Francisco: Jossey Bass.
- Putnam, R. (1993). *Making democracies work: Civic traditions in modern Italy*. Princeton, NJ: Princeton University Press.

**Lyn Carson** is an associate professor in applied politics at The University of Sydney, Australia. She was a keynote speaker at the international conference in Florence (Tuscany) in May 2006, which preceded the Law outlined in this paper. She has written about Italian experiments with deliberative democracy (see “Improving Public Deliberative Practice: A Comparative Analysis of Two Italian Citizens’ Jury Projects in 2006”, *Journal of Public Deliberation*, Vol. 2, No. 2, Article 12, <http://services.bepress.com/jpd/>).

**Rodolfo Lewanski** is an associate professor at the Faculty of Political Science, University of Bologna, where he teaches Public Policies and Environmental Policy.