

Participatory urban regeneration models: the inclusive dimension of sustainability**

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1. *The notion of the inclusive city as a “creature” of the community.*

The following reflections originate from the consideration that, when we deal with cities, we have to broaden the concept of sustainability by adding – to the three “classic” dimensions (environmental, social and economic)¹ – a fourth one: inclusiveness.

In 2000, the United Nations, with the Global Campaign for Good Urban Governance, introduced the notion of the “inclusive city”, as «a place where everyone, regardless of wealth, gender, age, race or religion, is enabled to participate productively and positively in the opportunities cities have to offer»². Even UNESCO, with the Universal Declaration on

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¹ M. REDCLIFT, *The Multiple Dimensions of Sustainable Development*, in *Geography*, 1/1991, 36 ss.; A. PAWLOWSKI, *How many dimensions does sustainable development have?*, in *Sustainable Development*, 2/2008, 81 ss.; G. ROSSI, *Dallo sviluppo sostenibile all'ambiente per lo sviluppo*, in *Rivista quadrimestrale di diritto dell'ambiente*, 1/2020, 4 ss.; V. PEPE, *Lo sviluppo sostenibile tra diritto internazionale e diritto interno*, in *Rivista giuridica ambiente*, 2/2002, 209 ss.; F. FRACCHIA, S. VERNILE, *Lo sviluppo sostenibile oltre il diritto ambientale*, in *Le Regioni*, 1-2/2022, 15 ss.

² https://www.ucl.ac.uk/dpuprojects/drivers_urb_change/urb_governance/pdf_trans_corrupt/HABITAT_Global_Campaign_Good_Urban_Governance.pdf. D. WESTENDORFF, *From Unsustainable to Inclusive*

Cultural Diversity of 2001, underlined that it is impossible to imagine sustainable development without including social and cultural diversities³. The Leipzig Charter on Sustainable European Cities is also very relevant, in the part where it highlights that European cities «possess unique cultural and architectural qualities, strong forces of social inclusion and exceptional possibilities for economic development»⁴.

Above all, the city is the place where this challenge takes shape, as the maximum collective expression of the human being, the material representation of the cultural identity of a community that is increasingly non-uniform. Finally, Mission 5 of the Italian Recovery and Resilience Plan, in line with Goal 11 of the 2030 Agenda for sustainable development⁵, identifies as central objectives the strengthening of inclusive urbanization and the ability to plan and manage the territory in a participatory and integrated way⁶.

Cities, Ginevra, 2005; J. GEROMETTA, H. HAUSSEMMANN, G. LONGO, *Social Innovation and Civil Society in Urban Governance: Strategies for an Inclusive City*, in *Urban Studies*, 11/2005, 2007 ss.; J. PIERRE, *The Politics of Urban Governance*, New York, 2011. On these topics, also see the “Territorial Agenda of the European Union 2020. Towards an Inclusive, Smart and Sustainable Europe of Diverse Regions” (2011), and the Communication from the Commission “Europe 2020. A strategy for smart, sustainable and inclusive growth”, where the centrality of inclusive growth is underlined, «to help people anticipate and manage change, and build a cohesive society», 16.

³ <https://www.obchr.org/en/instruments-mechanisms/instruments/universal-declaration-cultural-diversity>. «Cultural diversity widens the range of options open to everyone; it is one of the roots of development, understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence» (Art. 3). A.M. LAULAN, *The cultural diversity within UNESCO*, in *Hermes*, 3/2004, 44 ss.

⁴ https://territorialagenda.eu/wp-content/uploads/leipzig_charter_2007.pdf. This Charter, adopted by the 27 ministers of the EU member States responsible for urban and territorial development, has been a fundamental guide for urban development policies in Europe. In 2002, “The New Leipzig Charter. The transformative power of cities for the common good” has updated it, emphasizing more forcefully the strategic role of urban inclusiveness.

⁵ Goal 11 “*Make cities and human settlements inclusive, safe, resilient and sustainable*”, which includes, among other things, the objectives of increasing inclusive and sustainable urbanisation and the capacity for participatory and integrated planning and management of human settlement in all Countries (target 11.3). J.M. KLOPP, D.L. PETRETTA, *The urban sustainable development goal: Indicators, complexity and the politics of measuring cities*, in *Cities*, 63/2017, 92 ss.; C. GIANNINO, *La costruzione dell’Agenda 2030 per lo sviluppo sostenibile. Questione ambientale e nuove economie urbane nella politica di coesione*, in *Rivista giuridica del Mezzogiorno*, 2.3/2021, 701 ss.

⁶ Mission 5 (*Cohesion and inclusion*) of the Recovery and Resilience Plan identifies a specific

The Italian Constitutional Court has underlined on several occasions the strong relationship between the individual and the surrounding environment, as a measure of the projection of the individual's dignity⁷. The territory, in fact, is not merely identified in the set of "physical" goods that exist on an area but represents the collector of the interests and needs of the community⁸. And it is precisely in the complexity of the interests interacting on the territory that a bundle of relationships emerges, whose reference point is the citizens, their life, their goals, their action and their interests. That is why it is necessary that individuals should not limit themselves to using the territory, but take an active role in the development of cities, as well as recognizing themselves in their surroundings.

Also on the basis of these considerations, in 1968 Lefebvre introduced the concept of "Right to the city", a polysemic notion with different implementations (right to accessibility of urban spaces, right to environmental health, right to safety in public places)⁹. Lefebvre combined the

area of intervention (*Urban regeneration and social housing*), within which the allocation of 3.3 billion euros to investment 2.1, i.e. to projects of urban regeneration, aimed at reducing situations of marginalization and social degradation. In particular, the several projects have to be implemented through urban public policies conducted through participatory models and according to bottom-up dynamics. A. GIUSTI, *La rigenerazione urbana come strategia di ripresa e resilienza*, in *Munus*, 2/2021, 329 ss.; M. DELLA MORTE, *Il futuro dei territori (e del Sud). Rilanciare rappresentanza e partecipazione per una migliore attuazione del PNRR*, in *Costituzionalismo.it*, 2/2021; L. GOLISANO, *Il PNRR e lo sviluppo sostenibile nel governo del territorio*, in *Munus*, 1/2022, 159 ss.

⁷ Constitutional Court, 9 July 2020, no. 186; Constitutional Court, 6 October 2021, no. 202.

⁸ Urban planning entails the use of a broadly discretionary power, bordering on arbitrariness. Nor, in this regard, would the principles of reasonableness, equality and impartiality of administrative action act as a limit to differentiated planning of the territory between the different parts that compose it, since the plan itself must enhance some areas and place others at the service of the community, determining, thus, possible situations of profound inequity, illogicality and discrimination among the owners. T. BONETTI, *Il diritto del "governo del territorio" in trasformazione*, Napoli, 2011; F. SAITTA, *Governo del territorio e discrezionalità dei pianificatori*, in *Rivista giuridica dell'edilizia*, 6/2018, 421 ss. The Italian administrative judge repeatedly underlined the wide discretionary power linked to the exercise of the urban planning function (Council of State, IV, 31 December 2019, no. 8917; Council of State, II, 9 December 2020, no. 7821).

⁹ «The right to the city is a superior form of rights, namely the right to freedom, to individualization in socialization, to habitat and to inhabit. The right to the *oeuvre* (to the participating activity) and the right to fruition (very different from the right to property) are implicit in the right to the city», H. LEFEBVRE, *Il diritto alla città*, Padova, 1976, 94.

right to fruition with the right to the *oeuvre*, understood as the possibility of modifying the space to which one belongs as a member of a community and the possibility of influencing its function and evolution¹⁰. With this paper, I intend to investigate this meaning of the right to the city, as the right to participate and be involved in the decision-making processes concerning the development of the territory, with the aim of bringing out its real axiological significance.

Robert Park, a sociologist belonging to the Chicago School, a contemporary of Lefebvre, stated that «the city is the man's most consistent and on the whole, his most successful attempt to remake the world he lives in more after his heart's desire. But, if the city is the world which man created, it is the world in which he is henceforth condemned to live»¹¹. Thus the importance for the citizen to not be a mere spectator. In this regard, Gerald Frug, in his *The city as a legal concept* - reflecting on the evolution of the city as an object of legal analysis – identifies a dichotomy: the city as «creature of the State» and the city as «creature of the community»¹². In the first hypothesis, the city is the result of authoritative public choices, delivered from above. Whereas, in its second meaning the city belongs to the community and, at the same time, to the individual, who has a claim to actively participate in public decisions connected to the development of the city, as well as to promote initiatives of general interest intended to affect the community.

In this regard, we can observe that the so-called phenomenon “sunset of the public city” is now in decline. It consists of public policies insensitive to supporting actions of identity recognition, with the consequent reduction and abandonment of common spaces¹³. It has now been

¹⁰ D. HARVEY, *The right to the city*, in *New Left Review*, 53/2008, 23 ss.; F. CHIODELLI *La cittadinanza secondo Henri Lefebvre: urbana, attiva, a matrice spaziale*, in *Territorio*, 51/2009, 103 ss.; A. MERRIFIELD, *The right to the city and beyond. Notes on a Lefebvrian re-conceptualization*, in *City*, 3-4/2011, 473 ss.; M. BRENNER, P. MARCUSE, M. MAYER (Eds.), *Cities for People, not for Profit. Critical Urban Theory and the Right to the City*, London, 2012; C. BELINGARDI, *Diritto alla città e beni comuni*, in *Contesti. Città, Territori, Progetti*, 1-2/2017, 69 ss.

¹¹ R. PARK, *On Social Control and Collective Behavior*, Chicago, 1967, 3.

¹² G.E. FRUG, *The City as a Legal Concept*, in *Harvard Law Review*, 93/1980, 1057.

¹³ The phenomenon of the sunset of the public city is generally linked to the incapacity of long-term planning by the public decision-maker, with the consequent reduction of attention towards the maintenance and creation of collective spaces, in favour of private spaces, along with the tendency to carry out “architectural” rather than “urban” interventions. P. BONORA, *La città*

replaced by a widespread social inclination in the direction of a participatory city, a place felt by everyone as an external ramification of their own habitat and, more generally, of their own aspirations.

2 *Typologies of participation in urban planning procedure*

There are many ways for local people to get involved in urban decision-making processes. An American public policy expert, Shelley Arnstein, in 1969 designed a “ladder of citizen participation”, a model for understanding the degree of citizen involvement in the public procedures¹⁴: participation in itself is not necessarily an advantage. Only the ways in which it is regulated measure its actual impact: according to Arnstein, we can move from “non-participation”, where citizens are substantially manipulated, to the “degree of tokenism”, characterized by purely formal consultations, up to the “degree of citizen power”, namely that participation which guarantees the effects of a real co-decision¹⁵.

In particular, focusing on the territorial government sector, we can underline that the Italian state planning law (l. no. 1150/1942) contains generic provisions on participation in planning procedures, referable to

pubblica tradita, in *Il Mulino. Rivista trimestrale di cultura e di politica*, 6/2016, 958 ss. For critical remarks, see R. SENNETT, *Costruire e abitare*, Milano, 2020; P. URBANI, *Alla ricerca della città pubblica*, in *Rivista giuridica dell'edilizia*, 1/2023, 3 ss.

¹⁴ S.R. ARNSTEIN, *A Ladder of Citizen Participation*, in *Journal of the American Planning Association*, 35/1969, 216 ss.

¹⁵ On the failure of the “decide, announce and defend” scheme and the consequential opening to participatory and inclusive procedural schemes, which constitute the so-called *démocratie de proximité*, see R.J. DALTON, *Citizenship norms and the expansion of political participation*, in *Political Studies*, 56/2008, 76 ss.; P. ROSANVALLON, *Democratic Legitimacy. Impartiality, Reflexivity, Proximity*, Princeton, 2011; P. MELÈ, *Conflits de proximité et dynamique urbaines*, Rennes, 2013; V. MOLASCHI, *Le arene deliberative. Contributo allo studio delle nuove forme di partecipazione nei processi di decisione pubblica*, Napoli, 2018; A. VALASTRO, *Territori, crisi e distanziamenti: la prossimità come trama e alimento della democrazia sociale*, in *Federalismi*, 11/2022, 218 ss.

Re-elaborating the concept of the right to the city introduced by Lefebvre, Purcell underlines that one of its pillars is participation, understood as a fundamental right for all inhabitants (and not only for all citizens) to exercise full influence in all decisions made in respect to the production of space and the city (M. PURCELL, *Excavating Lefebvre: The right to the city and its urban politics of the inhabitant*, in *GeoJournal*, 58/2022, 99).

the model that we have defined as degree of tokenism: the citizen can only participate in writing and at a time when the choices essentially have already been made¹⁶.

Conversely, from the analysis of the regional legislation there emerges a clear attempt to recognize the existence of a principle of effective participation in the urban planning procedures¹⁷. After all, it is precisely “consensual” planning that satisfies the need for a possible and stable reorganization of the several disciplines for the protection of territorial interests, in order to attempt the maximum effort of coordination and co-planning of the interests at stake in a sort of loyal public-private cooperation¹⁸.

First of all, I am referring to the fact that in several regional laws the recognition of the right to participate applies not only to those who formally reside in the area of the urban transformation, but to anyone who demonstrates a solid factual link with it¹⁹. This is a noteworthy signal, which demonstrates the gradual acceptance in this field of a notion of active citizenship, not necessarily correlated to formal belonging to the territory of reference. For example, Veneto Regional Law no. 11/2004 (Norme per il governo del territorio e in materia di paesaggio), states that within 120 days of the publication of the plan «local authorities, mountain communities, territorial autonomies, economic and social organizations and associations, as well as anyone with an interest, may submit observa-

¹⁶ G. D'ANGELO, *Pianificazione urbanistica: presente e futuro*, in *Rivista giuridica dell'edilizia*, 2/1999, 51 ss.; P.L. PORTALURI, *La partecipazione dei privati al procedimento di formazione del piano*, in *Scritti in ricordo di F. Pugliese*, Napoli, 2010. For some reflections on the overcoming of this perspective, see C.P. SANTACROCE, *Prender parte al governo del territorio e prendersi cura del territorio, ovvero della rigenerazione urbana presa sul serio*, in *Rivista giuridica di urbanistica*, 3/2021, 511 ss.

¹⁷ A. SIMONATI, *La partecipazione dei privati al governo del territorio nella legislazione regionale: fra tradizione e sperimentazione, per una nuova urbanistica “reticolare”*, in *Rivista giuridica dell'edilizia*, 3/2016, 268 ss.

¹⁸ P. URBANI, *Urbanistica consensuale*, Torino, 2000; A. BARONE, *Urbanistica consensuale, programmazione negoziata e integrazione comunitaria*, in *Rivista italiana di diritto pubblico comunitario*, 2/2001, 261 ss.; R. KRUEGER, S. BUCKINGHAM, *Towards a ‘Consensual’ Urban Politics? Creative Planning, Urban Sustainability and Regional Development*, in *International Journal of Urban and Regional Research*, 36/2012, 486 ss.; R. SHRAGGER, *City power. Urban governance in a global age*, Oxford, 2016.

¹⁹ See: Art.6, Sicily Regional Law no. 19/2020 (Norme per il governo del territorio); Art. 26 Marche Regional Law no. 34/1992 (Norme in materia urbanistica, paesaggistica e di assetto del territorio); Art. 38, Liguria Regional Law no. 36/1997 (Legge urbanistica regionale); Art. 19 Tuscany Regional Law no. 65/2014 (Norme per il governo del territorio).

tions and proposals to the Regional Council» (Art. 25).

I am referring to the fact that in many regions the presentation of observations by interested parties is not (only) effective for the protection of individual interests, but is a tool for collaboration with the administration in order to identify the best solution for the whole community²⁰. In this regard, particularly meaningful is the Calabria Regional Law no. 19/2002 (Legge urbanistica della Calabria), which states that «The Municipalities, to promote the broader participation of citizens in the definition of urban planning tools and development and governance policies of the municipal, area as well as to encourage a real activity of collective participation and sharing also for the project activities related to important works and of public interest and in the compliance with the principle of sustainability, set up and manage with adequate personnel, specific “participation workshops” which can be organized, according to specific needs and situations, also in a widespread but coordinated and networked manner, in the city and more generally in the territorial context and inter-municipal» (Art. 11).

But the most significant element is probably represented by the “time” of participation. Several regional planning laws provide for two participatory moments: the traditional one, before the formal adoption of the plan; and an earlier one, concerning the strategic choices of land management²¹. For example, Lombardy Regional Law no. 12/2005 (Legge per il governo del territorio) – beyond the participatory moment after the publication of the adopted plan – states that before conferring the task

²⁰ See Art. 20 Trento Provincial Law no. 15/2015 (Legge provinciale per il governo del territorio); Art. 15 Piedmont Regional Law no. 56/1977 (Tutela e uso del suolo).

²¹ See Art. 11 Puglia Regional Law no. 20/2001 (Norme generali di governo e uso del territorio); Art. 36 Basilicata Regional Law no. 23/1999 (Tutela, governo e uso del territorio); Art. 37, Trento Provincial Law no. 15/2015 (Legge provinciale per il governo del territorio).

Participation in a phase prior to that of the concrete execution of the choice often takes place through the instrument of public debate. On the persisting difficulty of achieving this type of participation in Italy, see A. DI MARTINO, *Il dibattito pubblico per la realizzazione delle grandi infrastrutture: quale ruolo per la partecipazione democratica?*, in questa *Rivista*, 3/2017, 533 ss.; A. AVERARDI, *La decisione amministrativa tra dissenso e partecipazione. Le ragioni del dibattito pubblico*, in *Munus*, 1/2018, 129 ss.; N. POSTERARO, *Grandi opere e partecipazione democratica: alcune riflessioni sul dibattito pubblico italiano “a la française”*, in *Istituzioni del federalismo*, 3/2020, 607 ss.; R. FABBRI, *PNRR e dibattito pubblico. Prospettive di applicazione per uno strumento di democrazia deliberativa*, in *Rivista giuridica del Mezzogiorno*, 1/2022, 99 ss.

of drafting the documents of the urban municipal plan «the municipality publishes notice of the initiation of the procedure in at least one newspaper or periodical with local circulation and on the normal channels of communication with the citizens, establishing the deadline within which anyone with an interest, also for the protection of widespread interests, can present suggestions and proposals» (Art. 13). In this way, the regional legislator involves citizens not only on “how” but also on “if” a decision concerning the territorial government should be taken²².

3. *Urban regeneration programmes and plans as a “tangible” expression of the prism of sustainability*

However, urban regeneration programmes and plans – more recently introduced into the Italian legal system – are, without any doubt, the context in which citizen involvement finds its fullest expression. The term urban regeneration refers to a coordinated set of recovery interventions intended to be carried out in severely degraded areas, from an urban, building, environmental, economic and social point of view²³. It is a broader notion than that of mere “recovery”, in fact it is a tool primarily aimed at reacting to the environmental emergency, as well as at reducing inequalities and reinforcing social cohesion. The concept in question has passed on from the idea of urban and building “reuse” or “recovery”, that assume an eminently conservative connotation, and is instead now projected towards organic interventions of public relevance, through

²² A. SIMONATI, *La partecipazione dei privati al governo del territorio nella legislazione regionale: fra tradizione e sperimentazione, per una nuova urbanistica “reticolare”*, cit., 278; P. MARZARO, *Partecipazione consapevole e giusto procedimento di pianificazione*, in questa Rivista, 1/2020, 5 ss.; L. GIANI, *L'amministrazione tra appropriatezza dell'organizzazione e risultato: spunti per una rilettura del dialogo tra territorio, autorità e diritti*, in questa Rivista, 3/2021, 551 ss. In general, on the centrality of the “time” of the participatory moment in decision-making processes, see M. D'ALBERTI, *La “visione” e la “voce”: le garanzie di partecipazione ai procedimenti amministrativi*, in *Rivista trimestrale di diritto pubblico*, 2000, 1 ss.; A. SCOGNAMIGLIO, *Il diritto di difesa nel procedimento amministrativo*, Milano, 2004; S. TUCCHILLO, *Contributo allo studio della funzione amministrativa come dovere*, Napoli, 2016, 78.

²³ P. ROBERTS, H. SYKES (Eds.), *Urban Regeneration. A Handbook*, London, 2000; C. COUCH, C. FRASER, S. PERCY (Eds.), *Urban regeneration in Europe*, Blackwell, 2003; G.F. CARTEI, *Rigenerazione urbana e governo del territorio*, in *Le Istituzioni del Federalismo*, 3/2017, 603 ss.; A. GIUSTI, *La rigenerazione urbana. Temi, questioni e approcci nell'urbanistica di nuova generazione*, Napoli, 2018.

legal tools able to deal with problems of physical degradation and socio-economic discomfort of the territory²⁴ and suited to enhancing the local identities which interact with them.

In this context, the 2016 Pact of Amsterdam for the Urban Agenda of the European Union identified the 12 challenges for urban areas, acting as the “guidelines” for urban policy initiatives and contributing to their strengthening, from the city level to that of the European Union²⁵. /Regarding this subject, urban regeneration can be considered as an element of synthesis and, at the same time, a transversal objective for achieving the goals of integrated sustainable development, through its environmental, social and economic dimension²⁶.

From the environmental point of view, regeneration places the recovery of green areas at the focal point of the question, thus overcoming the mere quantitative dimension of urban planning standards²⁷. In this way it becomes an essential instrument for the achievement of various sustainable development goals (2030 Agenda - goals 3 and 11 - Good health and well-being; Sustainable and resilient cities, combating climate change)²⁸.

²⁴ R. DIPACE, *La rigenerazione urbana tra programmazione e pianificazione*, in *Rivista giuridica dell'edilizia*, 5/2014, 237 ss.

²⁵ https://ec.europa.eu/regional_policy/sources/policy/themes/urbandevlopment/agenda/pact-of-amsterdam.pdf; E. DE SANTIAGO RODRÍGUEZ, *The development process of the Urban Agenda of the EU: from the Toledo Declaration to the Pact of Amsterdam*, in *Territory of Research on Settlements and Environment*, 10/2017, 23 ss.; G. COMAZZETTO, *La città nel processo di integrazione europea*, in *Diritti fondamentali*, 3/2021, 478 ss.; B.G. FIELD, J.P.R. BAKKER, *The evolution of the European Union's Urban Agenda and the morphology of the Pact of Amsterdam*, in *Journal of Urban Regeneration & Renewal*, 15/2021, 24 ss.

²⁶ In this perspective, the Italian administrative judge underlines that «the concept of urban planning is not limited only to the coordinated regulation of land construction, but, by means of the regulation of the use of the areas, it also achieves economic-social purposes of the local community (not in contrast to but rather in harmonious relationship with similar interests of other territorial, regional and state communities), within the framework of respect and positive implementation of constitutionally protected values» (Council of State, S. IV, 1 June 2018, no. 3316).

²⁷ B. GRAZIOSI, *Il problema degli standard urbanistici “differenziati” e gli interventi di rigenerazione urbana nel territorio urbanizzato*, in *Rivista giuridica dell'edilizia*, 6/2018, 529 ss.; E. MARCHIGIANI, P. SAVOLDI, *Sugli standard: questioni e bilanci*, in *Territorio*, 3/2019, 21 ss.; M. CALABRÒ, C. DE BIASE, *Il verde pubblico nel nuovo contesto urbano post-pandemico*, in *Contesti. Città, territori, progetti*, 1/2021, 111 ss.

²⁸ This topic is linked to that of the so-called “regenerative cities”, i.e. those cities which – by investing in the development of green infrastructures – have the objective not only of reducing the impacts of anthropogenic activities on natural resources, but also of establishing restorative rela-

Furthermore, the direct connection between the interventions aimed at recovering the existing buildings and the need to contain the consumption of new soil is evident: environmental, landscape, geological reasons and, more generally, an eco-systemic development approach, do not allow further exploitation for building purposes of a large part of the Italian territory, with the consequence that the only admissible intervention is that of regeneration²⁹.

From an economic and social sustainability perspective, urban regeneration also relates to the recovery of urban suburbs, intended not only as part of the territory located in decentralized areas, but as all those neighbourhoods which - although located at the centre of the urban context - are characterized by phenomena of economic, social and cultural degradation³⁰. From this perspective, urban regeneration, intervening on services (schools, hospitals, transports) and sponsoring the start-up of commercial activities, is aimed at “mending” isolated areas, not only in physical terms, also fighting phenomena of marginalization³¹.

tionships between cities and natural systems. See the European Strategy for Green Infrastructure (2013); H. GIRARDET, *Creating regenerative cities*, Routledge, 2015; F. GIGLIONI, *La sostenibilità ambientale come vincolo giuridico per la rigenerazione urbana*, in *Rivista quadrimestrale di Diritto dell’Ambiente*, 2020, 1 ss.; G. THOMSON, P. NEWMAN, *Green Infrastructure and Biophilic Urbanism as Tools for Integrating Resource Efficient and Ecological Cities*, in *Urban planning*, 6/2021, 75 ss.

²⁹ P. CHIRULLI, *La pianificazione urbanistica tra esigenze di sviluppo e riduzione del consumo di suolo: la riqualificazione dell’esistente*, in *Rivista giuridica di urbanistica*, 4/2015, 592 ss.; E. BOSCOLO, *La limitazione del consumo di suolo*, in *Rivista giuridica di urbanistica*, 2/2020, 297 ss.; G. PAGLIARI, *Governo del territorio e consumo del suolo. Riflessioni sulle prospettive della pianificazione urbanistica*, in *Rivista giuridica dell’edilizia*, 5/2020, 325 ss.; G.A. PRIMERANO, *Il consumo di suolo e la rigenerazione urbana. La salvaguardia di una matrice ambientale mediante uno strumento di sviluppo sostenibile*, Napoli, 2022; A.G. PIETROSANTI, *Consumo di risorse naturali non rinnovabili. Tra diritti della natura, bilanciamento di interessi e tutela giurisdizionale*, Napoli, 2023.

³⁰ C. NAPOLITANO, *Un “terzo paesaggio” per le periferie: abbandono, rammendo, pianificazione*, *Nuove Autonomie*, 2/2020, 499 ss.; M. IMMORDINO, G. DE GIORGI CEZZI, N. GULLO, M. BROCCA (Eds.), *Periferie e diritti fondamentali*, Napoli, 2020; E. CARLONI, *Ripensare le istituzioni ai margini. I limiti della “governance” territoriale, tra specialità urbana e aree interne*, in *Federalismi*, 2020, 323 ss.; E. BOSCOLO, *Le periferie in degrado (socio-territoriale) e i (plurimi) fallimenti dell’urbanistica italiana*, in *Rivista giuridica di urbanistica*, 1/2021, 54 ss.

³¹ The proposal, made by the world-famous architect Renzo Piano, to “mend” the suburbs connecting separate areas of cities through urban micro-projects has sparked a wide debate: R. PIANO, *Il rammendo delle periferie*, in *Il Sole 24ore*, 2014. On the subject of inner areas, see also A. DE

Finally, the social dimension of sustainability is the specific object of those urban regeneration actions aimed at solving situations of vulnerability, which finds its most important expression in immigrant policies. The contemporary city - however intrinsically multi-ethnic - from an urban point of view, risks not recognizing the presence of the foreigner, who is often not the object of differentiated attention by the planner. Apart from the issues of foreigners' access to the Italian territory, related to the security aspect³², often not enough attention is paid to the issue of immigrant reception, which however is destined to have a strong impact on the territory³³. Suffice it to think of: the social right to housing³⁴, the constitutionally protected freedom of religion and the related need to allow the building of places of worship³⁵, as well as of what has already been observed regarding the so-called intercultural city and, therefore, of the need to avoid phenomena of ghettoization.³⁶ At the same time,

ROSSI (Eds.), *Riabitare l'Italia. Le aree interne tra abbandoni e riconquiste*, Roma, 2018. More generally, for a notion of urban regeneration as a tool aimed at guaranteeing everyone the right to a habitat, or the right to be able to enjoy adequate public spaces, efficient urban infrastructures, etc., see A. GIUSTI, *La rigenerazione urbana tra consolidamento dei paradigmi e nuove contingenze*, in *Diritto Amministrativo*, 2/2021, 441 ss.

³² D. BIGO, *Security and Immigration: Toward a Critique of the Governmentality of Unease*, in *Alternatives*, 27/2002, 63 ss.; C. BASSU, *Flussi migratori e democrazie costituzionali: tra diritti umani e sicurezza pubblica*, in *Rivista trimestrale di diritto pubblico*, 2/2019, 479 ss.; M. SAVINO, *Il diritto dell'immigrazione: quattro sfide*, in *Rivista trimestrale di diritto pubblico*, 2/2019, 381 ss.; M. CALABRÒ, *La possibile rimodulazione del ruolo degli enti locali nella gestione dei flussi migratori*, in *Ordine internazionale e diritti umani*, 2020, 117 ss.; S. TUCCILLO, *Il diritto di asilo*, in *Rivista trimestrale di diritto pubblico*, 2021, 133 ss.

³³ M. CALABRÒ, *Governo del territorio e gestione del fenomeno migratorio: spinte inclusive ed effetti escludenti*, in *Rivista giuridica di urbanistica*, 2/2022, 408 ss.

³⁴ J. RUTTER, M. LATORRE, *Social housing allocation and immigrant communities*, Manchester, 2009; E. VIVALDI, *L'accesso all'abitazione per i migranti. Quadro normativo e prassi*, in F. BIONDI DAL MONTE, E. ROSSI (Eds.), *Diritti oltre frontiera: migrazioni, politiche di accoglienza e integrazione*, Pisa, 2020, 61 ss.; P. LOMBARDI, *Riflessioni sul diritto all'abitazione tra Carta sociale europea, Corte costituzionale e PNRR*, in *Federalismi*, 7/2022, 126 ss.

³⁵ Constitutional Court, 24 March 2016, no. 63; Constitutional Court, 5 December 2019, no. 254. M. PARISI, *Edilizia di culto e pianificazione urbanistica al vaglio della Corte costituzionale*, in *Politica del diritto*, 1/2021, 79 ss.; M.L. LO GIACCO, *Religious freedom and places of worship. Religious buildings in Europe and the United States*, in *Religious Freedom and the Law*, London, 2018.

³⁶ S.S. ROSENTHAL, *Old homes, externalities, and poor neighborhoods. A model of urban decline and renewal*, in *Journal of Urban Economics*, 2008, 816 ss.; T. WOTHERSPOON, *Migration, Boundaries and Differentiated Citizenship: Contested Frameworks for Inclusion and Exclusion*, in *Social inclusion*, 2018, 153 ss.

there is the need to highlight, even at the urban design stage, the complex nature of the identity of the contemporary city³⁷.

In this context, urban regeneration does not envisage the creation of *enclaves* of cultural diversity through the planning of spaces “dedicated” to the immigrant population; but allows the circulation of the different ethnic groups’ cultures, in a path that, starting from knowledge, passes through understanding, and then flows into integration³⁸. In this regard, the “Intercultural City Programme”, launched in 2008 by the Council of Europe is really important as it stimulates cities to implement urban public policies capable of encouraging intercultural dialogue and interaction between ethnic groups and the local population: for example, through the planning of areas where people are able to witness exhibitions on the history and culture of other countries³⁹. In the wake of the European initiative, for example, the Italian network of intercultural cities was born in 2010. The cities of this network are committed to developing tools and practices for peaceful coexistence and disseminating local governance experiences aimed at improving intercultural dialogue and the participation of migrants in community life⁴⁰.

³⁷ G. ESPOSITO, S. OPPIDO, *Inclusive cities for intercultural communities. European experiences*, in *Procedia - Social and Behavioral Sciences*, 2016, 134 ss.; E. BOSCOLO, *La città “con gli occhi degli altri”: l’integrazione negli spazi territoriali*, in *www.adimblog.com*, 2019.

³⁸ J. HABERMAS, *The Inclusion of the Other. Studies in Political Theory*, Cambridge, 2000; A.J. KIM, *From the enclave to the city: the economic benefits of immigrant flexibility*, in *Local environment*, 6/2015, 706 ss.; P. SCHOLTEN, *Beyond Migrant Integration Policies: Rethinking the Urban Governance of Migration-Related Diversity*, in *Croat. & Comp. Pub. Admin.*, 18/2018, 7 ss.

³⁹ <https://www.coe.int/en/web/interculturalcities>. According to this Programme, an Intercultural city is a place where: there is a diverse population, including people of different nationalities and origins, and with different languages, religions/beliefs and backgrounds; real equality is actively sought by preventing discrimination and adapting the city’s governance, institutions and services to the needs of a diverse population; political leaders and most citizens regard diversity positively, as a resource, and understand that all cultures change as they encounter each other in the public arena; meaningful interaction between diverse individuals and groups is engineered through public policies that promote trust, create connections and transform the public space in a way that it multiplies occasions for encounters, exchange and dialogue; active citizenship and participation is enabled to ensure that no-one is left aside, that even those who do not enjoy formal citizenship have a voice in shaping their local society.

⁴⁰ <https://www.retecittadialogo.it/>. This Italian Network is part of the Intercultural Cities Programme (ICC) of the Council of Europe and currently 30 Italian cities, distributed throughout

In the light of the previous observations, it is evident that when considering future challenges affecting cities, urban regeneration, in its triple dimension of sustainability (environmental, economic, social), has a crucial role to play in the future of urban development. It could be the principal actor in renewing the traditional approach, serving the city as a whole and its parts as components of the entire urban organism, balancing the complexity and diversity of urban assets and interests.⁴¹

4. *The central role of an effective participation in urban regeneration projects*

Therefore, urban regeneration projects are a “tangible” expression of the prism of sustainability, acting simultaneously on environmental, economic and social aspects. A cross-element that characterizes these actions is precisely the centrality of the participatory stage. In particular, there are two models of participatory urban regeneration: a) the first one, where participation aims at receiving requests from below and involving individuals in the implementation of public choices; b) the second one, where participation takes on a more proactive dimension, consisting in citizen initiative for the management of public urban assets.

According to the first model, urban regeneration actions are carried out through widely shared decision-making processes, although formally managed by a public authority. The achievement of these actions is essentially due to the fact that goals and operating methods are identified together by public decision-makers and citizens, in a context of a continuous process of participation and identification of needs⁴².

Furthermore, professionals from the various sectors involved in the regeneration programme are often employed in meetings and worktables:

the national territory, are part of it.

⁴¹ M. CALABRÒ, L. PERGOLIZZI, *The promotion of energy transition in view of urban regeneration: towards a perspective of sustainability*, in C. GAMBARDILLA (Ed.) *World heritage and design for health*, Roma, 2021, 54 ss. See also the Toledo Declaration on Urban Development (2010), signed by the Ministers of EU Member States responsible for Urban Development (https://www.ccre.org/docs/2010_06_04_toledo_declaration_final.pdf).

⁴² S. COLEMAN, J. BLUMER, *The internet and democratic citizenship: Theory, practice and policy*, Cambridge, 2009; T. BOVAIRD, G.G. VAN RYZIN, E. LOEFFLER, S. PARRADO, *Activating citizens to participate in collective co-production of public services*, in *Journal of Social Policy*, 44/2015, 1 ss.

architects, cultural mediators, jurists, economists, and sociologists. As has been observed, for effective urban regeneration, «the humility of the comparison between multiple professional experiences is needed, because complex problems need articulated answers»⁴³: a constant dialogue between different expertise, a dialogue from which solutions can arise that each of the individual competences would not be able to arrive at on their own⁴⁴.

A further significant aspect of these participation models, is that of creating a multilateral dialogue between interests existing on the territory: citizen involvement is no longer a question of many segments of bilateral dialogue between individual stakeholder and public authority, but of a multi-voiced dialogue through which each inhabitant also listens to the requests of others. In this way, it is possible to reach decisions that represent a real synthesis of the needs of the territory, a synthesis certainly more complex, but perhaps destined to be even more effective⁴⁵.

Particularly impactful examples of such urban regeneration actions in Italy are, among many others, the plan “The Gate-living not leaving” in the city of Turin⁴⁶ and the “Pact for coexistence” in the station area

⁴³ M.R. SPASIANO, *Riflessioni in tema di rigenerazione urbana*, in *Rivista giuridica di urbanistica*, 2/2022, 394.

⁴⁴ On the importance of an interdisciplinary approach for identifying solutions suitable for situations with considerable complexity, in general, see J. THOMPSON KLEIN, *Interdisciplinarity and complexity: An evolving relationship*, in *E:CO*, 6/2004, 2 ss.; M.R. SPASIANO, *Il diritto amministrativo nell'era della transdisciplinarietà*, in *Diritto e società*, 4/2021, 657 ss.

⁴⁵ A. SIMONATI, *La partecipazione dei privati al governo del territorio nella legislazione regionale: fra tradizione e sperimentazione, per una nuova urbanistica “reticolare”*, cit. 286, speaks of «reticularity of intersubjective relationships in view of the shaping of the territory». G. DE CARLO, *L'architetto e il potere*, in *Rivista Anarchica*, 1989 remarks that «participation is a phenomenon that cannot be programmed, nor systematised in a series of canons, because the diversity of the participants and the participatory moments indicates their peculiarity [...] Returning to the real problems and identifying them is not simple: it requires a complex, tiring, difficult participation».

⁴⁶ This project started in 1996 and consisted of a complex programme of interventions for the redevelopment, economic development and improvement of environmental quality, social and cultural initiatives, promotion of the physical transformation of the building heritage, the market, meeting places and the system of collective spaces. The objectives and actions envisaged were based on the concept of direct and coordinated concertation of public decision-makers and private operators, and the comparison of choices with citizens in the context of a continuous process of participation and detection of the request for intervention. S. GUERCIO, M. ROBIGLIO, I.

of the city of Reggio Emilia⁴⁷. In both cases, these were public interventions which - although starting from the need to respond to public safety requests deriving from situations of urban and social degradation - have gone much further, through a model of constant dialogue with the interested parties, with the view to helping to build a sense of community and belonging.

With regard to the participation of minorities, the Superkilen project in Copenhagen is particularly interesting: it consists of the design of an urban park capable of promoting integration in the most multicultural district of Denmark⁴⁸. First of all, the local authority asked the inhabitants of the neighbourhood to indicate some characteristic elements of their country of origin. From the outcomes of this inquiry, items of street furniture, typically present in public spaces of the different countries, were installed (Moroccan mosaic fountain, Brazilian benches, etc.), and the whole community was able to get to know and understand the urban culture of each country, also because each of these elements had an information plaque in different languages explaining its origin and essence. Through the active participation of residents, even the most “invisible”, it was thus possible to give a voice and represent the city of Copenhagen, seen not as a uniform entity, but as it really is, i.e. a mixture of races, languages and cultures⁴⁹.

TOUSSAINT, *Periferie partecipate. Cinque casi di riqualificazione urbana a Torino*, in *Ciudades*, 8/2004, 51 ss.

⁴⁷ This project started in 2007 and consisted in the urban redevelopment of the train station area, with interventions aimed at reducing the sense of insecurity and better connecting the area with the city centre. To this end, a process was followed which led to the identification of the stakeholders (residents, institutions and law enforcement agencies, associations, trade unions, merchants, etc.). Around 180 people were contacted and 60 of them involved in active planning work during which an analysis of the problems to be solved and the objectives to be pursued was carried out. D. GIOVANNINI, B. FERRARI, A. PINTUS, L. VEZZALI, *Immigrazione, percezione di sicurezza e mediazione sociale dei conflitti: il caso “zona stazione” a Reggio Emilia*, in *VII Convegno Nazionale della Società Italiana di Psicologia di Comunità*, Roma, 2008, 114 ss.

⁴⁸ H. VEJRE, J. PRIMDAHL, J. BRANDT, *The Copenhagen Finger Plan: Keeping a Green Space Structure by a Simple Planning Metaphor*, in B. PEDROLI, A. DOORD, G. BLUST, M. PARACCHINI, D. WASHER, F. BUNCE (Eds.), *Europe's Living Landscapes*, KNNV Publishing, 2007, 310 ss.

⁴⁹ P. SAVIDAN, *Il multiculturalismo*, Bologna, 2010, 8, points out that «one of the challenges of multiculturalism is precisely that of defining the mechanisms for restoring cultural difference to equality and this, paradoxically, precisely with the aim of going even further in the establishment of equality and to ensure that equality no longer hides the denial of real differences».

European urban regeneration policies also recognize a central role in the active involvement of the beneficiaries of the actions⁵⁰. An effective and not just symbolic participation, capable of allowing the citizen to really influence the final decision. This not only reduces the risk of gentrification⁵¹, but has the further advantage of avoiding future disputes, often deriving from the absence of an adequate level of awareness of the reasons underlying the urban planning choices⁵².

4.1. *Urban commons and the right of citizens to actively participate in the design and development of cities.*

Moving on to the second participatory urban regeneration model, the proactive one, we can underline that urban regeneration has become a profitable experimentation field for studies related to urban commons⁵³

⁵⁰ See documents and reports in www.urban-initiative.eu/ and in <https://urbact.eu/>.

⁵¹ With the term “gentrification” we refer to that phenomenon for which urban redevelopment interventions - not accompanied by parallel measures of a social nature - improve the conditions of urban degradation of an area but, at the same time, produce an increase in property prices, in the rent and, in general, in the cost of living. This ends up determining the removal from the neighbourhood of the weakest groups (old people, immigrants), and also produces the deconstruction of the local community, forced to break up spatially in search of a new home. In this way we can observe the loss of social identity and the sense of belonging to the group. M. AUGÉ, *Nonluoghi. Introduzione a un'antropologia sulla surmodernità*, Milano, 1993; L. LEES, T. SLATER, E. WYLY, *Gentrification*, London, 2008. In this regard, Harvey writes of “accumulation by dispossession”, referring to urban redevelopment processes, implemented through capture of valuable land from low-income populations that may have lived there for many years (D. HARVEY, *The New Imperialism*, Oxford, 2003).

⁵² The effective involvement of the community already in the planning phase also has positive effects on the realization of the public decision, avoiding phenomena of *a priori* obstructionism, known as *Not In My Backyard* (N.I.M.B.Y.); T.A. GIBSON, *NIMBY and the Civic Good*, in *City & Community*, 4/2005, 381 ss.; F. SPINA, *Sociologia dei Nimby. I conflitti di localizzazione tra movimenti e istituzioni*, Lecce, 2009; P.M. SAINT, R.J. FLAVELL, P.F. FOX, *Nimby Wars: The Politics of Land Use*, Hingham, 2009; M. ROCCATO, T. MANNARINI, *Non nel mio giardino. Prendere sul serio i movimenti Nimby*, Bologna, 2012.

⁵³ C. BORCH, M. KORNBERGER (Eds.), *Urban Commons: Rethinking the City*, New York, 2015; F. DI LASCIO, F. GIGLIONI (Eds.), *La rigenerazione di beni e spazi urbani*, Bologna, 2017; R. BARTOLETTI, F. FACCIOLI, *Civic Collaboration and Urban Commons. Citizen's Voices on a Public Engagement Experience in an Italian City*, in *Partecipazione e Conflitto*, 13/2020, 1132 ss.; M. CALABRÒ, *Rights of commons in Italy:*

and for shared administration practices, inspired by the principle of horizontal subsidiarity. According to this principle Public Administration, at any level, must support the autonomous citizens' initiative for the performance of activities of general interest⁵⁴.

Many urban regeneration programmes are not stimulated by public policies, but originate from spontaneous actions by citizens aimed at “re-appropriating” abandoned or degraded public spaces. On closer inspection, this model is the expression of what we have previously defined as the “right to the city”, as the right to the *oeuvre*, the right to affect the existing one by modifying it, and not just the right to fruition.

The participation of citizens in the management of urban commons, green areas or abandoned buildings, assumes primary importance. First of all, it allows the emergence of minority needs or, in any case, needs normally not represented at an institutional level. Secondly, the level of citizen involvement is further raised, resulting in the actual management of the common asset⁵⁵. In this way, we can even see a new role for the local authority, which takes a step back, assuming the part of mere “enabler” of private initiatives.

Several examples of this phenomenon are “small-scale”. I am referring to the so-called street furniture micro-projects, nowadays regulated by Art. 201 of the Italian Public Contracts Code D.Lgs. no. 36/2023. The management of part of the territory planned for public urban green areas, addressed to collective social and cultural activities, can be entrusted

a different way of owning towards the recognition of an intangible cultural value, in *Rivista di Diritti comparati*, 1/2023, 68 ss. For an analysis of the concept of the right to the city directly connected to the theme of urban commons, and in particular to those places «which are managed collectively, independently of ownership, or which arise collectively as a reaction to the expropriation of a space, such as claiming the right to use», see C. BELINGARDI, *Diritto alla città e beni comuni*, in *Contesti. Città, Territori, Progetti*, 1-2/2017, 79 ss.

⁵⁴ The Italian Constitution regulates the principle of horizontal subsidiarity in Article 118 last paragraph, according to which the Public Administration, at any level, must favour the autonomous citizens' initiative for the performance of activities of general interest. A. D'ATENA, *Il principio di sussidiarietà nella costituzione italiana*, in *Rivista italiana di diritto pubblico comunitario*, 1997, 603 ss.; G. ARENA, *Il principio di sussidiarietà orizzontale nell'articolo 118 ultimo comma della Costituzione*, in *Studi in onore di Giorgio Berté*, Napoli, 2005.

⁵⁵ N. DEMPSEY, G. BRAMLEY, S. POWER, C. BROWN, *The social dimension of sustainable development: Defining urban social sustainability*, in *Sustainable Development*, 5/2011, 289 ss.; M.C. SHINGNE, *The more-than-human right to the city: A multispecies reevaluation*, in *Journal of Urban Affairs*, 44/2022, 137 ss.

to groups of inhabitants, to whom - as an incentive - the municipality can grant tax breaks⁵⁶. Initiatives such as “adopt a flowerbed” or “adopt a road” were introduced in many cities; almost symbolic experiences of co-management, but even so very relevant insofar as they convey the idea that the city belongs to each and every one, and is therefore also a responsibility of each and every one.

Moving on to the experiences on a larger scale, they consist in the management of an abandoned urban park or real estate by neighbourhood groups, for the realization of social and cultural initiatives open to citizens. Two sub-models can be listed. The literature defines the first one “model of tolerance”, which consists in the illegal occupation of abandoned public buildings, with the aim of using them for purposes of general interest⁵⁷. In these hypotheses, the right to the city is stated in its most extreme manifestation, understood as the right to appropriation, or the right of citizens to physically access and use the urban space “perceived” as belonging to the community⁵⁸. Public authorities tend

⁵⁶ D.Lgs. no. 36/2023, Art. 201 (Social Partnership) «The granting entities establish [...] the criteria and conditions for the conclusion of social partnership contracts concerning one or more of the following performances: a) management and maintenance of areas reserved for urban public green areas and buildings of rural origin intended for social and cultural activities, transferred to the Municipality in execution of agreements and implementing urban planning instruments; for the conclusion of this contract, there is the right of first refusal of citizens, having residence or domicile in the districts where the assets and areas are located, constituting a consortium of the district which reaches at least two thirds of the ownership of the subdivision; citizens set up in a consortium can also benefit from tax incentives; b) management, maintenance and enhancement of squares and streets or interventions for urban decoration and the recovery of unused areas and real estate, to allocate them for purposes of general interest, on the basis of projects presented by citizens, individuals or associations who, for this purpose benefit from tax incentives directly related to the activity carried out by the individual or by the association, or in any case useful to the local community of reference [...]» G. MARI, *Il verde urbano pubblico e la pubblicizzazione del verde privato*, in *Rivista giuridica dell'edilizia*, 1/2018, 39 ss.

⁵⁷ F. GIGLIONI, *Il diritto pubblico informale alla base della riscoperta delle città come ordinamento giuridico*, in *Rivista giuridica dell'edilizia*, 1/2018, 3 ss.; C. MARI, *Rigenerazione urbana e città informale nel contesto europeo: profili evolutivi, vantaggi e criticità*, in *Federalismi* 27/2021, 56 ss.

⁵⁸ «The right to appropriation subsequently challenges directly the structures of capitalism and therefore both the use of space as a lucrative factor of production and the prioritization of the economic value of space above the use value of its inhabitants as well», R.W.J. BOER, J. DE VRIES, *The right to the city as a tool for urban social movements: the case of Barceloneta*, in *The 4th International*

to maintain informal relations, of mere tolerance, with these groups of citizens, but this phenomenon is characterized by an intrinsic instability, destined to be resolved either with an evacuation, putting an end to the social experiences, or by switching them to a legal basis.

One of the first experiences, in Italy, occurred in the city of Naples, where an abandoned public building, the “ex Asilo Filangieri”, was first illegally occupied by a neighbourhood association, and then given on loan for use free to the occupants with a resolution of the Municipality, which defined the asset as an “urban common good for the use of citizens”. Nowadays, in this building, social and cultural activities are autonomously planned and managed by several associations, which regularly organize round-tables with inhabitants who are at the same time protagonists and beneficiaries of the activities; while the Municipality only pays the costs of ordinary maintenance⁵⁹.

In other contexts, we have a different model defined as “of the original legal qualification”: the municipality, with a formal provision, declares *ex ante* “urban common goods” several abandoned buildings and areas. Then, after listening to the actual needs of the inhabitants, the Municipality by means of open calls entrusts the common goods to citizens’ associations, for the realization of socio-cultural activities for the community⁶⁰. In some experiences, this model also entails the drafting of agreements between the administration and citizens’ associations, called “collaboration agreements”, expression of a concept of shared administration that sees citizens as co-administrators. The bilateral and

Conference of the International Forum on Urbanism, 2009, 1322. For a notion of the right to the city that focuses on the theme of the appropriation of spaces denied to the community, see M. PURCELL, *Recapturing Democracy: Neoliberalization and the Struggle for Alternative Urban Futures*, London, 2008.

⁵⁹ G. LAINO, *Community hub a Napoli fra creatività e divari*, in *Territorio*, 80/2018, 94 ss.; A. VITTORIA, L. MAZZARELLA, *La recente esperienza napoletana sui beni comuni, tra governance istituzionale e output sociali. Il caso dell'Ex Asilo Filangieri*, in *Impresa sociale*, 1/2021, 50 ss.

⁶⁰ Generally, the Municipality adopts a “Regulation on collaboration between citizens and the administration for the care and regeneration of urban commons”, through which it regulates the organizational model for implementing the role of enabler of private initiatives of general interest, according to predetermined principles and criteria. In these regulations, among other things, they always specify that the participatory regeneration activity cannot be in conflict with the purposes of the shared use of the asset. G. ARENA, C. IAIONE (Eds.), *L'età della condivisione. La collaborazione fra cittadini e amministrazione per i beni comuni*, Roma, 2015; F. GIGLIONI, *I regolamenti comunali per la gestione dei beni comuni urbani come laboratorio per un nuovo diritto delle città*, in *Munus*, 2/2016, 291 ss.

non-authoritative nature of this agreement allows the parties to redefine the goals to be achieved and the ways of execution in a participatory and non-standardized way, relating them with the concrete needs of the reference community⁶¹.

Finally, it is interesting to recall the Integrated Urban Plans, recently introduced by the Italian Recovery and Resilience Plan, as tools aimed at recovering degraded areas with specific attention to the profile of environmental sustainability⁶². Also in this case, the involvement of third parties in addition to the local authorities in the decision-making and implementation phases is envisaged as an essential prerequisite. As has been underlined, «the attitude of openness to the involvement of subjects other than the local authority in the field of planning “actors” is very interesting: private individuals, who can also be involved in participating in financing; public service start-ups can be involved in the project proposal; third sector actors are involved in the co-planning stage»⁶³.

5. *Conclusions. Citizen participation in urban public decision-making processes as a tool for self-determination.*

In conclusion, we can state that the sustainable city is also the city that manages to be a representation of its citizens, who do not just “endure” its development, but participate in it in an aware and active way. Territorial governance choices can have a strong impact on solving situations of dis-

⁶¹ P. MICHARA, *I patti di collaborazione e il regolamento per la cura e rigenerazione dei beni comuni urbani. L'esperienza di Bologna*, in *Aedon*, 2016; F. DI LASCIO, *Quali tendenze in corso nella rigenerazione delle città*, in *Rivista giuridica dell'edilizia*, 2/2018, 135 ss.; M.F. ERRICO, *Common good: an instrument for citizen inclusion and urban regeneration*, C. GAMBARDELLA (Ed.) *Beyond all limits*, Aversa, 2022, 366 ss.

⁶² These plans were introduced by the Italian R.R.P. as part of the “Social infrastructure, families, communities and third sector” Component of the “Inclusion and cohesion” Mission. Among the conditions necessary for access to financing for urban redevelopment projects, a particularly interesting aspect lies in the introduction of the application of the criteria connected with the “Do Not Significant Harm” principle, as specified in the “Taxonomy for sustainable finance” (EU Regulation 852/2020), in order to protect the environment. On the concrete application of the DNSH principle, see G.M. CARUSO, *Il principio “do not significant harm”: ambiguità, caratteri e implicazioni di un criterio positivizzato di sostenibilità ambientale*, in *La Cittadinanza europea*, 2/2022, 151 ss.

⁶³ L. PERGOLIZZI, *Urban regeneration through an integrated urban planning approach: towards a new paradigm. The Italian experience*, in C. GAMBARDELLA (Ed.) *Beyond all limits*, Aversa, 2022, 357 ss.

crimination and vulnerability⁶⁴. To this end, it is necessary to reinforce and promote processes of active citizenship, based on a sense of shared social responsibility that also enhances the richness of associative life. Furthermore, participatory urban regeneration can not only receive needs “from below”, but can even implement initiatives that the administration alone could not realize, due to a lack of human and organizational resources⁶⁵.

Traditionally, the literature recognizes two souls in the participation in administrative proceedings: a defensive soul (aimed at protecting individual legal positions) and a collaborative soul (aimed at helping with the individual’s contributions to the best pursuit of the public interest)⁶⁶. On closer inspection, a third soul of participation arises in urban regeneration processes: the self-determination soul, aimed at allowing citizens to recognize themselves in the territory in which they live and to contribute to its development⁶⁷. The city, therefore, as a reflection of those who live it, in mutual dialoguing diversity⁶⁸. In this regard, the Italian administrative judge observed that urban planning choices must show the «development model that is intended to be given to the places themselves, in

⁶⁴ P. TYLER, C. WARNOCK, A. PROVINS, B. LANZ, *Valuing the Benefits of Urban Regeneration*, in *Urban Studies*, 50/2013, 169 ss.; M. CALABRÒ, *Governo del territorio e gestione del fenomeno migratorio: spinte inclusive ed effetti escludenti*, cit.; B. MANNI, *Sviluppo sostenibile e rigenerazione urbana tra tutela dell’ambiente e inclusione socio-economica*, in *Diritto pubblico*, 1/2022, 273 ss.

⁶⁵ E. FONTANARI, G. PIPERATA (Eds.), *Agenda Re-Cycle. Proposte per reinventare la città*, Bologna, 2017; P. CHIRULLI, C. IAIONE (Eds.), *La co-città. Diritto urbano e politiche pubbliche per i beni comuni e la rigenerazione urbana*, Napoli, 2018.

⁶⁶ S. COGNETTI, *“Quantità” e “qualità” della partecipazione. Tutela procedimentale e legittimazione processuale*, Milano, 2000; M. CALABRÒ, *Potere amministrativo e partecipazione procedimentale. Il caso ambiente*, Napoli, 2004.

⁶⁷ E. SALZANO, *La città bene comune*, Milano, 2009. In this perspective, the Italian administrative judge underlined that urban planning tools are called on to identify a model of development of the territories «in consideration of their history, tradition, location and a reflection” of the future “on their own essence, carried out – for self-representation and self-determination–by the community itself, through the decisions of its elected bodies and, before that, through the participation of citizens in the planning process» (Council of State, S. IV, 8 July 2013, no. 3606).

⁶⁸ «And whoever lives the city, whether indigenous or immigrant, has the right to his own city, for which he is co-responsible, an inhabitant of that city already prefigured by the choices of the community where planning based on urban regeneration acquires the profound meaning of a cultural revision in terms of awareness of one’s own individual and relational life» (M.R. SPASIANO *Riflessioni in tema di rigenerazione urbana*, cit., 405).

consideration of their history, tradition, location and a reflection of the future on their very essence, carried out - by self-representation and self-determination - by the community itself, through the decisions of its elected bodies and, before that, through the participation of citizens in the planning process»⁶⁹.

British anthropologist David Harvey says: «The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights»⁷⁰. The legal instruments for achieving this goal are now quite clear, some have already proven to be effective, and they all revolve around an idea of the city as an object of rights and duties⁷¹, a “ground” for participatory activities and a place of inclusion. What still needs to be worked on is the sensitivity of politics to the issues of the right to the city, and the awareness of citizens of the leading role they are called to play.

Then, the use of participatory decision-making models and the involvement in the management of urban commons, become precious tools for guaranteeing the exercise of those rights of active freedom and conscious participation which belong to the “new citizen” theorized by Feliciano Benvenuti⁷². After all, a leading citizen, who can recognize himself in the urban reality in which he lives, is a citizen who is by his nature not excluded and, therefore, less vulnerable.

⁶⁹ Council of State, IV, 26 February 2015, no. 960.

⁷⁰ D. HARVEY, *The right to the city*, in *New Left Review*, 53/2008, 23.

⁷¹ R. BARTOLETTI, F. FACCIOI, *Civic Collaboration and Urban Commons. Citizen's Voices on a Public Engagement Experience in an Italian City*, in *Partecipazione e Conflitto*, 13/2020. The authors point out that «The awareness of a sense of civic duty, and the presence of a tradition in which civic culture is widespread, create a background of values and shared practices which can facilitate public engagement experiences taking root», 1135.

⁷² F. BENVENUTI, *Il nuovo cittadino. Tra libertà garantita e libertà attiva*, Venezia, 1994.

Abstract

Quando ci occupiamo di città, dobbiamo ampliare il concetto di sostenibilità aggiungendo – alle tre dimensioni “classiche” (ambientale, sociale ed economica) – una quarta: l’inclusività. Partendo da questa premessa, il contributo analizza il ruolo centrale della partecipazione nei processi di rigenerazione urbana, quale fattore essenziale per raggiungere un’effettiva inclusione territoriale. In particolare, esistono due modelli di rigenerazione urbana partecipata: a) il primo, dove la partecipazione mira a recepire le istanze dal basso ed a coinvolgere i soggetti nell’attuazione delle scelte pubbliche; b) la seconda, dove la partecipazione assume una dimensione più proattiva, consistente nell’iniziativa cittadina per la gestione del patrimonio pubblico urbano. Dall’analisi di alcuni casi studio, emerge che l’utilizzo di modelli decisionali partecipati e il coinvolgimento dei cittadini nella gestione dei beni comuni urbani diventano strumenti preziosi per garantire l’esercizio di quei diritti di libertà attiva e partecipazione consapevole legati alla idea di città come luogo di inclusione.

When we deal with cities, we have to broaden the concept of sustainability by adding – to the three “classic” dimensions (environmental, social and economic) – a fourth one: inclusiveness. Starting from this premise, the paper analyses the central role of participation in urban regeneration processes, as an essential factor for achieving effective territorial inclusion. In particular, there are two models of participatory urban regeneration: a) the first one, where participation aims at receiving requests from below and involving individuals in the implementation of public choices; b) the second one, where participation takes on a more proactive dimension, consisting in citizen initiative for the management of public urban assets. From the analysis of several case studies, it emerges that the use of participatory decision-making models and the involvement of citizens in the management of urban commons become precious tools for guaranteeing the exercise of those rights of active freedom and conscious participation linked to a n idea of the city as a place of inclusion.