

THE REGION OF TUSCANY LAW ON PARTICIPATION: AN INNOVATIVE WAY TO ENRICH DEMOCRACY AND TO ESTABLISH A NEW PACT BETWEEN INSTITUTIONS AND CITIZENS

POLITICAL PREMISES

The idea of a regional law on participation derives from widespread concern: on one side the institutions for representative democracy are experiencing and feeling a *crisis of legitimation*, that is to say they have all the power to make decisions but this is increasingly in a vacuum and in the "solitude" of the decision-makers, without effective channels of communication with the people. The elected who are called upon to decide often feel an atmosphere of mistrust and are unable to perceive the level and quality of consensus regarding the choices to be made. Checks on opinion by means of periodical elections is seen to be insufficient; there is a need for timing and permanent channels of mediation between politicians, institutions and the population. However these channels are often confusing.

Hence the need to look for new ways and forms of participation which overcome these limits and problems.

THE RESPONSE AND THE OBJECTIVES

In the face of all of this, therefore, the way forward chosen by the Region of Tuscany is that of rethinking the role and forms of participation. A new equilibrium must be found between representative democracy (whose final responsibility for decisions cannot be denied) and participatory democracy, the means by which citizens take part in government; not only to be informed and consulted but also to contribute their experience to improve the quality of collective decision-making.

In the face of this situation, the regional law on participation has been proposed as an innovative instrument for **encouraging and promoting new forms and new methods of participation**, by means of the construction of new **participatory institutes**, shared pathways and rules for discussing large and small community issues, and the evaluation of possible solutions by means of dialogue and comparison, **within an established time-scale**, in the preliminary phase prior to the actual decision. A law, therefore, which promotes the creation of places and spaces for rational comparison between the various arguments, between citizens who are willing to question their own initial view points and where a mostly commonly shared solution can be sought.

This law is inspired by the ideals of **deliberative democracy**, a very common feature of the political tradition and culture of Anglo-Saxon countries.

HOW THE LAW WILL WORK

The Region of Tuscany law on participation has been founded on three mainstays:

- *firstly*, **the institution of the Regional Public Debate**, that is to say, the opportunity to carry out public debate regarding large public works or matters having a significant environmental or social impact on the whole community of the region. This debate will have a duration of six months and will be organised by and conducted under the responsibility of a "third party", independent and

neutral organ instituted by the law: *the Regional Authority for guaranteeing and promoting participation.*

As a whole, the Public Debating model is a model inspired by the search for maximum transparency during the phase of identifying the justification for the project, and the possible solutions and alternatives. The Regional Public Debate should take the form of a great opportunity for openness and collective, articulated involvement by means of various phases for comparing hypotheses and the availability of a variety of instruments for participating: the publication of a basis of full and shared technical data, the questioning of experts and scientists, forums, or other platforms that can be "regulated", that permit discussion between citizens and which can monitor the formation and change in their opinions and preferences and the use of Internet and new IT, etc.

- *secondly*, actions to **support local participation processes**, whether they be promoted by local authorities, citizens or other bodies of people. The law provides for the presentation of participation projects by local authorities, as well as citizen groups, associations, schools and businesses, regarding a well-defined and circumscribed matter and which can have a maximum duration of six months. The most suitable instruments and methods must be indicated in order to guarantee maximum "inclusion" and so that all points of view and interests are involved and there is equal opportunity to express opinion. The *Regional Authority* will be in charge of assessing and authorising project applications on the basis of a series of conditions and requirements indicated in the law. The competent body will declare at the start of the process that it will undertake "to take in account" the results of the participation process and that it will nevertheless give an adequate and publicly accessible explanation of the reasons for which the results will not be accepted or only partially accepted. Regional support of a project can be of a financial, methodological (assistance, consultancy etc) or logistical (e.g. IT tools) nature.
- *thirdly*, the reinforcement and extension of the numerous "participation" opportunities already provided for by regional policies and in the planning procedures of the Region of Tuscany by means of a series of amendments to regional legislation in force.