



The Power of Heritage for Civic Engagement and Lifelong Education PROJECT N° 2023-1-FR01-KA210-ADU-000155028

Best practices for creation of “common goods” within your community.

This document contains information concerning rules, laws, and best practices for the promotion of shared administration of common goods.

Italia Nostra Castiglione del Lago since 2020 is involved in this process in the area surrounding the Trasimeno Lake, promoting meetings and round tables among public administrators and local communities.

We believe that this document can inspire our partner and, overall, all the European associations interested in the process of creation of shared administration of common goods.

Definition of Shared Administration

Shared administration is, in effect, the organizational model that implements the constitutional principle of horizontal subsidiarity, enshrined in Article 118, paragraph 4, of the Constitution, according to which local government bodies "encourage the independent initiative of citizens, whether individually or in association, to carry out activities of general interest."

Shared administration refers to a new approach to the governance of our communities, centered on the goal of fostering collaboration between citizens and public officials, or between those governed and administrators. This new approach is based on the premise that individual citizens can effectively contribute their energy, resources, and knowledge to the community in a spirit of loyal collaboration with the administration, in the general interest.

In summary, shared administration is an organizational model that allows citizens and the administration to share resources and responsibilities in the general interest.

Active Citizens

Pursuant to Article 2, paragraph 1, letter e), of Regional Law 10/2019, "active citizens" means all individuals, including children, whether individuals, associations, or otherwise grouped



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together in social or entrepreneurial organizations who, regardless of formal residency or citizenship requirements, take action, even for limited periods, for the shared care, management, or regeneration of common assets, including through organizational capacity and the mobilization of human, technical, and financial resources.

Active citizenship is defined as that portion of the population that independently engages in shared administration.

All individuals who, regardless of residency or citizenship, make complete decisions, but with the approval of the administration, temporarily assume responsibility for the care, management, or regeneration of shared spaces or assets, can be considered active citizens. In any case, the administration favors the role of local communities, as privileged interlocutors in defining activities of general interest.

Active citizens, moreover, can be both individuals and collective entities, and in the latter case, they can be entrepreneurial, associative, or even informal social groups, such as neighborhood committees.

What is most important is that the action undertaken must be carried out with a view to the general interest,

that is, for the well-being of all. In other words, active citizens can legitimately undertake non-profit activities with civic, charitable, and socially beneficial purposes, to ensure a higher level of livability and better neighborly relations in their urban center or neighborhood. This can also include promoting opportunities for encounters with other residents and initiating a virtuous process of socialization among individuals who share the same spaces.

It is therefore possible and desirable that an incremental mechanism will be triggered, and that an increasing number of citizens will become interested in shared governance initiatives.

Principles for Adopting the Regulations

Local authorities adopt their own regulations to promote the shared administration of common goods in compliance with the following principles:

- a) collaboration between the administration and active citizens aimed at carrying out activities geared exclusively to the pursuit of goals of general interest and to long-term sustainability;
- b) the administration must guarantee civic autonomy and maximum publicity regarding collaboration opportunities, proposals received, forms of support assigned, decisions made, results obtained, and evaluations performed;
- c) valorization of the responsibility of the administration and citizens, as a necessary prerequisite for achieving useful and measurable results;
- d) inclusiveness and openness to the participation of citizens interested in carrying out shared administration initiatives, allowing them to submit proposals or contribute to ongoing activities and, in any case, to benefit from common goods, without discrimination based on gender, origin, age, citizenship, social status, religious belief, sexual orientation, and disability;



- e) promotion of equal opportunities based on gender, origin, age, citizenship, social status, religious belief, sexual orientation, and disability, and combating discrimination in collaborative relationships between the administration and active citizens, taking into account, where possible, the perspective of children;
- f) sustainability of decisions made within the collaborative relationship, which do not generate burdens greater than the benefits or costs greater than the available resources and which must always be compared and evaluated with respect to the environmental, social, and cultural impacts, and the use of common goods by future generations;
- g) proportionality between the actual needs to protect the public interests involved and the required obligations, adequacy of the forms of collaboration to the protection needs, and differentiation with respect to the nature of the common good;
- h) informality of the relationship between the administration and citizens, aiming for maximum administrative simplification and streamlining procedures, with compliance with specific formalities only when expressly required by law, including through the identification of a single administrative contact person and, in any case, in compliance with the principles of efficiency, impartiality, and good public administration;
- i) recognition of local communities as privileged entities for the definition of collaboration agreements for the care, regeneration, enhancement, and shared management of urban commons;
- l) creation of autonomous commons management models organized on the principles of cooperation, inclusion, co-planning, collaboration, and sharing, with the aim of well-being, usability, sustainability, and the ability to generate relationships for the community, also taking into account the experiments already underway in the direct management of commons, particularly those with social and cultural functions, including those operating under cooperative management for the recovery of buildings;
- m) creation of a list of real estate assets surveyed annually, particularly those unavailable and disused, on which proposals can be submitted for shared management purposes;
- n) preparation and dissemination of periodic reports on the management of common assets, to which communities of active citizens contribute, as well as exchanges of experiences with other administrations, including foreign ones, that have adopted similar regulations.

Collaboration Agreements

"Collaboration agreement" means the document through which the Region, its instrumental bodies, its subsidiaries, and local authorities, within the scope of their organizational autonomy, define with active citizens the interventions for the care, regeneration, enhancement, and shared management of common assets."

Collaboration agreements are the concrete tool through which proposals, consistent with the principles of shared administration, are translated into concrete actions. Through them, the administration and citizens consensually define the objectives, activities, and implementation methods of shared administration interventions. Collaboration agreements

therefore respond to a non-imposing logic, typical of authoritative acts, and favor negotiation processes in which both parties contribute to reaching an agreement on shared positions.

The main content of the collaboration agreement consists of defining:

- the objectives to be achieved;
- the precise identification of the common asset or assets covered by the agreement;
- its duration; the methods of carrying out the action, respecting the collective use of the assets covered by the agreement;
- the roles of the parties involved, including, where necessary, the support of administrative staff; mutual commitments, including financial ones where applicable;
- the requirements and limitations of the intervention;
- the monitoring methods and the process to be followed in evaluating the results; publicity measures;
- the causes and methods of excluding individual citizens for sanctioning purposes; the consequences of any damage to persons or property, and the need for and characteristics of any forms of association; and the methods for adjusting the agreed interventions during the course of the project.

Provisions regarding governance, coordination, and participation tools specific to each individual agreement may also be included.

Collaboration agreements generally follow a standard template, the level of complexity of which, however, increases with the level of complexity inherent in the type of action being undertaken, depending on whether it involves the mere care of a common good, its management, and its regeneration. Each agreement may therefore contain specific clauses that are part of a structure that, only in its essential aspects, will have consistent elements. For these reasons, a distinction is made between two broad categories of collaboration agreements: ordinary and complex. Ordinary agreements are those interventions that, due to their modest size and potentially repetitive nature, can be the subject of a collaboration proposal formulated according to standard templates made available on the Municipality's website.

Complex collaboration agreements, on the other hand, concern common spaces or assets with particular characteristics (high historical, cultural, or economic value) and on which active citizens wish to implement interventions that involve complex or innovative activities.

In this case, once the proposal has been submitted, appropriate investigation will be ensured, including by publishing a specific notice on the local authority's portal, inviting the submission of any additional proposals for the same property or space – to ensure maximum transparency, awareness, and inclusiveness of the interventions.

“The common goods” to be addressed

Common goods are defined as "material and immaterial assets that serve individual and collective well-being and the interests of future generations, and for which administrations and citizens take action, pursuant to Article 118, paragraph 4, of the Constitution, to ensure their collective use and share the responsibility for their care, regeneration, and shared management."

From an operational perspective, common goods can include, for example, green areas (flowerbeds, gardens, parks), squares, streets and their appurtenances (sidewalks, benches, noticeboards), and public or publicly accessible spaces. It is important to note that their ownership does not have to be exclusively public but may also be private. In this regard, a distinction can be made between private assets for public use, whose functionalization favors a more immediate engagement with community interests, and private assets for exclusive use. For both scenarios, the activation of collaborative projects for the reuse and regeneration of assets cannot be achieved without the consent of property owners. However, governments are encouraged to utilize incentives to mobilize abandoned private assets, including through tax breaks that may be included in collaboration agreements.

Regarding public assets, the administration, through annual censuses, will be required to compile lists of real estate, particularly unavailable and disused properties, for which active citizens are encouraged to intervene and submit proposals for collaboration.

These properties may also include those confiscated from organized crime groups, so that they can be reclaimed and reused for social purposes in compliance with current state legislation.

It is desirable that citizens be involved in participatory processes aimed at identifying and proposing any additional properties to be included in these lists.

Procedures and Organization

Based on the above, it emerges that interaction between the administration and citizens must be conducted in a spirit of openness, transparency, and mutual trust. The administration remains responsible for ensuring maximum disclosure of collaboration opportunities, proposals received, the forms of support assigned to individual projects, the results achieved, and the evaluations conducted. Therefore, the administration's duties and powers regarding oversight, planning, and verification of the results of signed collaboration agreements remain unchanged.

Another very important aspect for the administration is to carefully consider the sustainability of proposals. From this perspective, the considerations to be made, in discretionary assessments, concern not only the balance between costs and available resources but also a wider-ranging balance of costs and benefits, taking due account of environmental, social, and cultural impacts and the preservation of the potential for the use of common goods by future

generations. In other words, when evaluating shared administration projects, particular attention must be paid to the social valorization of the initiatives.

Possible objectives of common good:

- Enhance interaction and social relationships. New means and places combined with intervention methods that preserve and avoid squandering local resources.
- Create common spaces available to the community, managed in a participatory and horizontal manner.
- Work on building transversal skills and co-designing training opportunities that meet new professional, social, and cultural needs.
- Promote a broader understanding of cultural heritage as a common good, placing the people and local communities at the center.
- Engage citizens in collaborating on the development of their cultural heritage. Propose participatory cultural practices and activities from the bottom up, through a bottom-up process, and strongly encourage the involvement of local communities in participating areas.
- Promote a region's cultural heritage through a participatory process for cultural heritage management, which involves shared responsibilities and a diversification of stakeholders, including within civil society. Create common spaces available to the community, managed in a participatory and horizontal manner.
- Cultural and intercultural laboratories. Communities are therefore not only a testimony and vehicle for local identity values to be preserved and passed on to future generations, but can also take on a second, equally important function: as places for reflection and the implementation of intercultural policies.

Forms of Support

The collaboration agreement may provide for the allocation of financial benefits or other forms of support to promote experiences of particular public interest and operating in specific territorial contexts and social disadvantage. In this regard, it should be noted that Law 10/2019 also provided for the possible allocation of financial contributions by the Region for the implementation of shared administration initiatives, both to local authorities that adopt the regulation and enter into collaboration agreements and directly to active citizens.

Local authorities may grant, by way of example, in compliance with current legislation.

- a) the free use of properties owned by local authorities for temporary events or for the performance of the activities of interested parties;
- b) fee concessions, specifically through the offsetting of charges due to the administration for the use of real estate against the economic value reasonably attributed to the services provided free of charge by active citizens;
- c) the administration's burden of expenses related to utilities, maintenance of real estate, or insurance coverage;



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- d) the free availability of capital goods and consumables, as well as the provision of specific services, falling within its core functions and expressly identified in the collaboration agreement, necessary for the implementation of the activities envisaged therein;
- e) exemptions and concessions on local taxes, in compliance with regional and state regulations.

The local authority may facilitate citizen initiatives aimed at raising funds for the care, shared management, or regeneration of common assets, provided that maximum transparency is ensured regarding the destination of the resources collected and their timely use. To this end, the collaboration agreement may provide for the implementation of fundraising initiatives or economic activities, of a temporary nature, in any case ancillary to the program of actions and interventions envisaged by the agreement, aimed at self-financing.

Safety and Responsibility

Specific clauses regarding the division of responsibilities should be included in the collaboration agreement. In particular, particular attention should be paid to clearly and precisely specifying the tasks arising from the agreement and the resulting responsibilities. It is important to emphasize that active citizens are personally responsible for any damage caused, through negligence or intent, to property or persons while performing tasks related to the implementation of the agreement, which is why they are often required to take out insurance policies. In this regard, it would be appropriate for municipal administrations to encourage the provision of insurance coverage at favorable terms or, preferably, to cover the costs in full.

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