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INCLUSIVE CITIES AND REGIONS
TERRITOIRES INCLUSIFS

14° Biennale of European Towns and Town Planners, Naples

Edited by
Marichela Sepe

#Parallel Workshop



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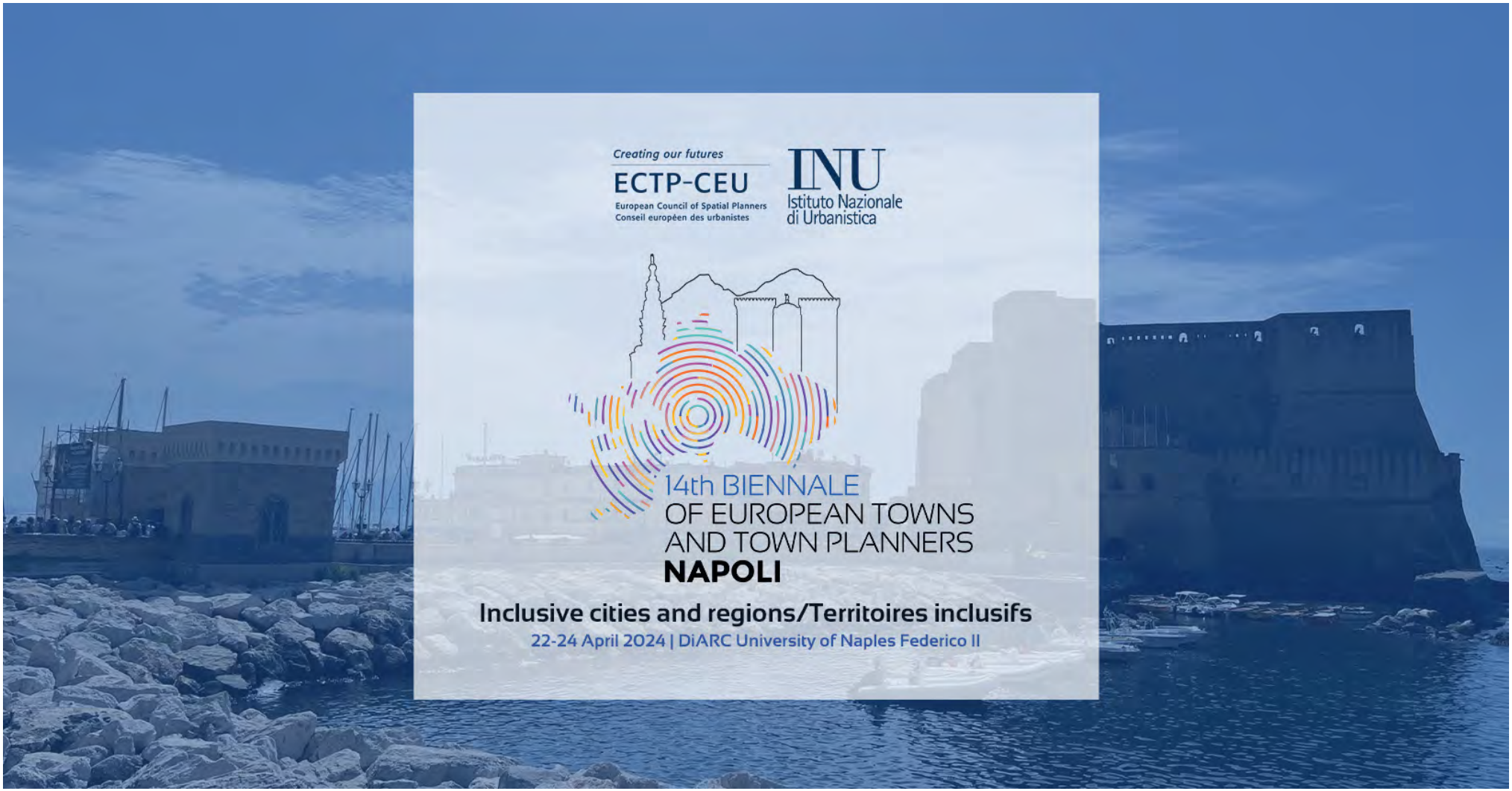
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INCLUSIVE CITIES AND REGIONS/TERRITOIRES INCLUSIFS
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Regulatory Inclusiveness and Territorial equipment

*Carolina Giaimo**

In Italy, the construction of a social welfare-system based not on the resolution of emergencies but on promoting people's wellbeing and skills as an engine of development and employment and a factor of social inclusion, has distant roots, dating back to the end of the 19th century. However, these notes make specific reference to the recent phase, following the turn of the 2000s.

About welfare and Essential Levels of Services

Among the innovative contents envisaged by the reform of the Italian Constitution in 2001, there are the Essential Levels of Services (ELS) that are connected to civil and social rights and must be guaranteed throughout the national territory. The constitutional reform had assigned the State the task of defining them, as a matter of exclusive competence. It is well known that this content has remained unimplemented for almost 20 years.

It was only in 2019 that the Minister - of that time - for Regional Affairs and Autonomies resumed this topic by drafting a bill on the implementation of differentiated regionalism to which we must give credit for having conditioned access to the differentiated legislative autonomy of the Italian regions to 3 questions: the identification of the ELS; the determination of standard-costs and requirements; the regulation of the equalisation-fund for regions with tax revenues that are unable to ensure the ELS in practice.

In the current legislature, it has once again become a topical issue brought to the political scene's-attention because it is connected to the definition of the differentiated legislative autonomy of the regions: among the transferable subjects there is territorial government. The allocation of functions over which autonomy is to be exercised requires establishing which services and benefits are to be offered throughout the country to guarantee the same social and civil rights of citizens throughout the national territory. This means that if the State defines an ELS, then it must also guarantee municipalities, provinces, metropolitan cities and regions sufficient resources to provide them.

The ELS are based on a Technical Report wich identifies also the 'territorial government' within which are identified, among others: the National Building Code (Dpr 380/2001); the urban planning law and the sectorial laws that have an impact on spatial planning; and also the Decree 1444/1968 - on urban standards.

Based on this Report, in January 2024, the Senate has approved a draft bill proposed by the government concerning *Dispositions for the implementation of the differentiated autonomy of ordinary statute regions*: a measure that is now being examined by the Chamber of Deputies. So if, on the one hand, the draft bill defines the general principles for the attribution to ordinary statute regions of further particular forms and conditions of autonomy, specifying that the process must take place 'in respect of national unity and to remove discrimination and disparities in access to essential services on the territory', on the other hand, it says that the attribution of further functions, relating to matters connected with civil and social rights will be subject to the determination of the ELS including those related to the fundamental functions of local authorities. The fact that this draft bill attributes the nature of 'essential services' to both 'services concerning civil and social rights' and 'fundamental functions of local authorities', generates a series of possible dangerous misunderstandings in the application of these provisions because the ELS, instead of being transformed into resources destined for the implementation of interventions to contrast urban and territorial gaps and disparities to the benefit of families and activities, it will be aimed at the distribution of resources to cover the costs of the functions exercised by the authorities.

The INU proposal

The importance of recognising in the ELS those minimum endowments that in Italy we call 'urban standards' since 1968, is also recognised by the INU and is an important content of the proposal for a law of principles for the territorial government, relaunched with the Bologna Congress in 2022, which has activated a sort of 'work-site' for the finalisation of a proposal.

What connections there may be between ELS and a fundamental activity of territorial government that, like planning, has as its central goal the public and general interest, starting with the relations with the regulation of services defined by urban planning standards?

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Writing the law of principles on territorial government and planning is the correct regulatory context to affirm that the minimum endowment of urban standards responds to the recognition of a minimum essential level.

It is well known that DM 1444/68 still defines minimum quantities of public spaces and equipment to be allocated for the entire national territory for parks, playground and sport, education, parking and facilities of common interest. It means that the urban standards are, therefore, a spatial prerequisite for the endowment of public space and the provision of public services. In that case, it is however a necessary but not sufficient condition for the realisation (and the proper functioning) of quality urban environments and for offering citizens the guarantee of the right to equal social dignity envisaged by the Constitution. The INU proposal i) confirms, after more than fifty years of validity of Decree 1444, the symbolic, political, technical and cultural value of this norm as a milestone for spatial planning; ii) revisits and updates the matter of urban standards; c) confirm the need to pursue social equity and the guarantee of the provision of spaces for the supply of public services throughout the national territory via minimum and mandatory urban and territorial endowments, which find their primary basis in the exclusive competence of the State reguarding the determination of the ELS.

The quantity of public land regulated in municipal plans constitutes, therefore, 'only' the vital premise for the concrete provision of services and the implementation of public policies. The endowment of a quantitative reserve of public areas represents the fundamental minimum basic guarantee that is placed at the beginning of a complex process aimed at satisfying collective and social needs but does not absolve the public actor from its responsibility of formulating and implementing planning and management policies.