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The Natural Park of the Ampezzo Dolomites (Italy)— a Community Conserved Area and World Heritage Site between history and modernity



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Executive Summary

Considering its relatively limited size, Italy is one of the richest countries in term of World Heritage (WH) sites. Forty-two of its forty-four WH sites, however, are listed for exceptional *cultural* value, and only two for unique *natural* value. Even those two, alas, do not escape some distinctive socio-cultural characteristics. One of them— the Dolomites— includes possibly the clearest and most representative example of ancient Community Conserved Area (CCA) in Italy. The conservation achievements of this CCA and the process and modalities by which they were “recognised” and supported by the Italian government are illustrated in this case-study.

At the heart of the Dolomites WH site, the Regional Natural Park of the Ampezzo Dolomites (*Dolomiti d’Ampezzo*) has been a Regional Natural Park for over twenty years, encompassing a large part of the outstanding natural features and landscapes adjacent to the village of Cortina d’Ampezzo. While the status and management practices of this protected area are the same as those of many others, its history and governance type set it aside decisively.

To begin with, most (but not all) land under protected status belongs to an ancient farming community, which maintained it under its undivided possession for nearly one thousand years. Secondly, the same community obtained from its regional authorities to be fully and directly in charge of regulatory, technical and financial decisions regarding the protected area, a fact that even implied some modifications to the regional and national protected area laws. Because of that, some specific articles of such laws explicitly foresee today the possibility of entrusting the governance of a protected area to a collective private entity. Thirdly, while elsewhere a protected status is lived as an imposition and actively fought against (when not openly undermined), in the Ampezzo valley the protected status is desired, appreciated, and contributed to. A telling indicator is that the community happily re-invests into managing the protected area all the benefits it derives from owning the land— which are not negligible. Fourthly, we need only to mention the recognition of the WH status to understand whether the experiment is successful.

The Natural Park of the Ampezzo Dolomites... a collective property of outstanding natural resources with detailed rules for their common use... a natural World Heritage Site...

This case study retraces the history of the community of the Ampezzo Valley and of how it received national recognition as a private legal entity whose mission and activities encompass general benefits and concerns. Such entity is an ancient and very much alive institution called “Regole of the Ampezzo valley” (*Regole d’Ampezzo*)— a federation of eleven small villages that, for about a thousand years (!), held and shared under unbroken communal property a land rich in forests and pastures. The Regole (whose name means “rules”) are both a specific way of governing the territory and a form of rural civilization that survived modernity and persists today side-by-side millionaires’ villas and elite tourism.

The Ampezzo valley, graced by one of the most remarkable landscapes of the Dolomites but also permanently inhabited for centuries, needs a crafted equilibrium between caring for the environment and allowing the development of human activities. That equilibrium has been provided for by the Regole, the institution that shaped and maintained the local environment as we find it today. Thanks to fortunate events and to the citizens’ ability to conserve and argue for the integrity of their territory, the Regole also succeeded in keeping the governance of their natural patrimony firmly in their hands.

The Regole are a community institution typical of the Alpine mountains. Thousands of them existed in the past and many are still functioning today, although somehow “under attack” because of widespread socio-cultural change. The institution is profoundly democratic: all important decisions regarding the natural environment—including those concerning the protected area— are taken by the General Assembly that gathers the representatives of all member families. Timber extraction and the careful management of tourist activities allow the community to gain a sizeable income, which is entirely re-invested in the conservation of the territory and protected area. But the Regole do not invest only money. They invest their labour, their knowledge and skills and their own very institution and capacity to establish and enforce appropriate rules. In many ways the community knows that its own identity is at stake if the territory of the Regole and the protected area are at stake... One could hardly imagine a more intimate relationship and a more valuable form of “social wealth”.

... a thousand years of documented history... a testimony of the crucial significance of local knowledge, skills and institutions for the sound and effective management of protected areas...

The legal recognition of the Regole as the governing body of a Natural Regional Park that is an outstanding portion of the Italian territory—and today also a World Heritage Site— is a seal of the proper administration of that territory made by the Regole over the years, indeed the centuries. The current protected status serves only to highlight the biodiversity benefits of the coexistence between a mountain ecosystem—

as gorgeous as unforgiving— with a well-organised and disciplined community, fully aware of its own rights and responsibilities.

How the community governance of this remarkable protected area did come into being? What political circumstances and legal settings made it possible? How does it work in practice? What obstacles does it face? What opportunities does it develop? What lessons can it offer – today – for the development of effective, equitable and sustainable protected area systems all over the world? This case study deals with, and attempts to answer, all these questions. As we will see in some details, the Regole managed to secure for themselves most of their crucial needs. They obtained the formal recognition of their rights to land and natural resources and the recognition and respect for themselves as governing institution for the ICCA. They gained protection against encroachment from outside and imposed “development” initiatives and support to meet the conservation challenges of the ICCA. Further, they are actively engaged in networking with similar institutions in Italy and certainly remain politically alert and do not take their situation for granted.

...achieving recognition of rights to land and natural resources... respect for the customary institution governing the ICCA... protection against encroachment from outside and imposed “development” initiatives... networking with similar institutions...

Even in a fully satisfactory situation from the legal and economic point of view, however, some key challenges remain. For the Regole in general— and the Regole as a governing body of an ICCA in particular— a main challenge remains about transmitting to the new generations the culture of the territory and the respect of the long term interests of the community before and beyond the short term individual interests of any of its members. Despite the pervasive dominant values of money, personal success and immediate benefits, the Regole must engage and inspire their own youth, enrich their sense of identity and awaken their pride to belong to a special land “as a community”.

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Introduction and history

This case study is about the **Regional Natural Park of the Ampezzo Dolomites (*Dolomiti d'Ampezzo*)**, situated on the oriental side of the Italian Alps in the municipality of Cortina d'Ampezzo— possibly the most famous tourist site of the Italian Alps. The valley of Cortina is large and sunny, encircled by imposing mountains of height up to 3,200 m., sharp in shape and tainted with a characteristic pale rose. In summer, the valley is visited by hikers, in awe about the magnificent views and pathways of the natural park and its surrounding landscape, and by climbers who test themselves on world-famous cliffs named after their first conquerors. In winter, the valley is covered under snow, and downhill skiing is the main attraction for sport lovers, with hundred of kilometres of slopes served by good infrastructures. Cross country ski and ice sport activities (hockey, skating, curling, etc) are also quite developed. As a matter of fact, Cortina has been one of the first localities of the Alps where international tourism (from the UK, Germany and Austria) started already in the XIX the century.

The human presence of in the valley goes back to Neolithic times, but the first testimonies of stable residents are from the XI-XII century, when they established hamlets grouped in small villages on the sunnier and less erosion-prone sides of the valley. Today, the resident community amounts to approximately 6.000 people who, at the height of the winter and summery tourist seasons, share the valley with a massive presence of tourists and second house owners, bringing the total inhabitants to 40-45,000 persons.

The community of Cortina is of great interest as a governance type for protected areas as emblematic example of an ancient form of collective property of natural resources coupled with detailed rules for their common use. This institution called *Regole d'Ampezzo* or Regole of the Ampezzo valley (Regole means “rules”) is a federation of eleven villages that, for about a thousand years (!), held and shared under unbroken common property a large territory of forests and pastures. The fact that communities federated together and established their own rules through a common charter was a rather widespread phenomenon, especially in mountain border areas relatively distant from larger consolidated powers.

Given the highly speculative real estate environment, it is all the more remarkable that the community managed to conserve a culture of sound management of its territory, maintaining land and natural resources in an excellent state of conservation.

Throughout centuries, the Charter of the Regole of the Ampezzo valley supported the livelihood of the village communities in the difficult mountain environment, handing on from generation to generation the knowledge, skills and practices of using forests and pastures. Consolidated as an institution—the Regole stood the test of time and demonstrated a remarkable resilience, even managing to adapt to the contemporary all-encompassing livelihood switch from agriculture to tourism-based uses of the territory. In this sense, the Regole are a cultural phenomenon, a solidarity-based community institution that survived modernity and persists side-by-side huge financial fortunes, millionaires' villas, and elite tourism... Not a small feat!

In the XX the century, the development of tourism in the Alps has been generally accompanied by rapid and hardly regulated housing developments. Chosen as site for the Winter Olympics of 1956, Cortina d'Ampezzo became a favourite holiday location for the jet set, and many politicians, industry owners and entertainers built there their second homes, apartments and luxury villas. This happened at a very fast pace, transforming much of the local landscape close to the urban centre... but only up to the mid 1970s. At that point, the community decided to drastically limit the construction of new houses and, since then, it has practically blocked every new building permit. This has guaranteed the conservation of

the territory, but induced also a disproportioned rise in price for existing real estate and in the local cost of living, inducing a whole set of new problems. The most serious of those problems is the fact that the price of local housing, today, is unaffordable to the majority of local residents.

Given the highly speculative real estate environment, it is the more remarkable that the community managed to conserve a culture of sound management of its territory, maintaining natural resources in an excellent state of conservation. This was recognized in 1990, when the Regole were officially assigned the autonomous governance of the Regional Natural Park of the Ampezzo Dolomites, which covers a great part of their collective assets and other assets belonging to the state. Together with the services offered to the tourists, the natural wealth of Cortina d'Ampezzo remains, today, the main attraction of the valley. The local community is very aware that environmental conservation is an indispensable condition for the maintenance of its tourism-based economy, and operates prudent choices when it comes to developing new infrastructures or subjecting the land to invasive tourist uses. There is, however, more than economic interest compelling the community.

The community of the Regole of the Ampezzo valley is an interesting case from the sociological point of view, as the Regolieri— i.e., the members of the Regole— do not include all the residents of the municipality of Cortina, but only the direct descendants of the families that inhabited the valley at ancient times (approximately 40% of the total of today's residents). In the late Middle Ages, the community of the Regole produced its own independent rules to manage private and collective life— written codes that the community succeeded to have recognized and approved also by the princes and kings that successively exercised their dominion over the Region. The Ampezzo valley was a border area, first claimed by the Sacred Roman Empire, then by the Patriarchy of Aquileia, then by the Republic of Venice, then by the Empire of Austria and, lastly, by the Kingdom of Italy and its successive Republic. For centuries the community remained faithful to the power of the day all the while claiming and obtaining— at least until the end of XVIIIth century— to use its own customary codes and laws, and among those the institution of the Regole in particular.

The common property of the Regole thus dates from the Middle Ages, when the first all-year-round residents needed to find ways to survive in a hostile environment, with a rigid climate and land relatively difficult to cultivate. The forest that covered the bottom of the valley was cut, and the land tilled. Through hard labour, some land was thus gained for cultivation of staple food and the first shelters were built. The community actually managed to settle in the valley only after several centuries of frequentation only during the summer season. Most of the early inhabitants were shepherds and used the territory to provide pasture for their herds (cattle, goats and sheep) and to extract timber from the coniferous forests that covered the land up to a certain altitude.

The people understood well that, to be able to face a difficult terrain covered by snow during five-six months a year, they needed a strong spirit of collaboration and mutual aid. Influenced by the roman world and by the Longobard tribes of the early Middle Ages, their culture placed under tribal property all land surrounding the settled areas and cultivated fields. Similarly to all other communities scattered at that time throughout the Alps, the village communities of the Ampezzo valley began using in common the pastures at higher elevation and organized forest clearing for human uses also in a collective way: every family had (and still maintains today) rights to the cut timber for its own housing needs, rights to a firewood quota for the winter heating (of size proportional to the size of the family itself), rights to the pastures for the cattle, and rights to the fruits and the mushrooms of the underbrush.

With time, the community grew and the oral customs became written norms, in particular when there was a need to sanction some transgressions.¹ Solidarity was demanded and expected from everyone, including for the provision of days of voluntary labour to respond to community needs and to take on the public duties that every head of household had to assume, on a rotational basis. The people who

The greatest difficulty was the recognition by the State of the particular legal nature of the Regole, mid way between public good and private property

did not respect the customs were fined and morally obliged to carry out the requested duties: the survival of the community depended on the respect of the rules and the engagement of all its members. In this sense, the interests of each individual were always and in all cases subordinated to the interests of the community. The people who repeatedly disrespected the rules were simply expelled.

Nature gave to people more than they could use directly. It was possible, for instance, to sell the timber for construction fell in excess to local needs, and the proceeds were used by the community to acquire the assets it could not produce on its own, such as wheat, salt, metals, etc. Families in difficult conditions as well as the sick and the poor in general could thus be attended through the work and resources of the entire community, and this was done so well that, for centuries, misery and inequities were rarely encountered in the Ampezzo valley. Thanks to the definition of the first statutes, and to the tenacity by which the Regole succeeded in having them recognized as legal documents under the various powers that succeeded one another over the valley, the Ampezzo community managed to survive as a small independent republic. It did, for instance, exercise its own civil and penal justice. The resident of the valley were also partially exempted from paying taxes and from carrying out military service, provided they promised to engage in defending the near-by borders if and when necessary.

Despite these achievements, the birth of modern states and the innovations brought about first by Napoleon, then by the crown of Austria and, lastly, by the Kingdom of Italy, did affect the local system.

In particular, the community had to deal with the establishment of a local Municipality and became more and more conditioned by the laws and institutions imposed by the centralized powers of states. The customary rules, however, continued to operate throughout the XXth century, despite the progressive diffusion of party-based representative democracy. The interaction with the Italian Republic after the end of the Second World War was not easy— in particular concerning the recognition of the particular nature of the Regole. The community of the Regole, in fact, possesses legal rights over the forests and the pastures, but it is a collective landowner, not a group of individual ones, and wanted its property to remain undivided. The greatest difficulty was exactly the recognition by the State of the particular legal nature of the Regole, mid way between public good and private property.



¹ The transmission of the rights and the duties of the Regolieri takes place according to independent customs and charters substantially agreed in the XIVth century and called *Laudi* (from the Latin “*laudamos quod...*”, “we decide that...”).

1. The legal status of the natural resources

Today, the territory of the Regole—including the Regional Natural Park— is a “**common property**” owned and managed by a well defined community through ancient customary rules recognized by the contemporary legal system. How did this come to be? in 1971,² after long and at times painful disputes, the Italian State recognized the Regole have a legal status as a “community of mountain families”³ with legal personality under private law. At the same time it recognized that the Regole had some statutory autonomy, i.e., its members are free to determine their own uses of the resources without particular obligations imposed by the law. The Region of Veneto applied these norms through a specific law in 1975,⁴ which it revised in 1996⁵ in response to more extensive norms emanated by the Italian State in 1994.⁶ In 1971, the Regole of the Ampezzo valley also incorporated themselves to all effects as a “company” for the management of the forests and the pastures, with the writing of a new *Laudo* (charter) adapted to the new times, which essentially maintained intact all the ancient concepts and uses.

Both the local *Laudo* and the national law that recognized the institution of the Regole firmly assert two concepts: the **indivisibility of the territory** and the **exercise of the rights over that territory by the descendants of the ancient families of the original Regolieri**. The prudent management of the forests and pastures concurred to maintaining the whole environment in a good status of conservation, studied and appreciated by many. For this reason, the state of Italy and the Region of Veneto recognized that the patrimony of the Regole is of general interest, not limited to the local community but extended to the scientists, tourists and citizens in general who can enjoy it and benefit from it. Today, the values of the forest and the natural environment are well recognized to extend beyond their simple economic use and to cover, among others, landscape values, recreational values, values as “green lung” to maintain air quality and absorb CO², watershed values and values for the prevention of environmental disasters (e.g. because of preventing slope erosion).

The state has recognized that the Regole conserve these values for the benefit of all by legally guaranteeing the following three prerogatives:

- **inalienability**: the assets of the Regole cannot be passed on to a third party, they can neither be sold nor exchanged, and they are guaranteed to maintain their unity and silvo-pastoral destination in perpetuity;
- **indivisibility**: the assets of the Regole cannot be subdivided among the families that collectively possess the rights, nor a family can identify a given part of the territory where it would have its own specific rights, as the uses must be exercised collectively and without recurring to quotas;
- **lack of validity of any claim related to *usu-capione***: the assets of the Regole cannot be appropriated by *usu-capione*, i.e., nobody can claim a right over them for the fact of having occupied a part of them in a pacific way for its personal use.

These legal prerogatives have been guaranteed by law but were already intrinsic to the uses of the land, to the *Laudi* that regulated those uses and to the general respect paid to the territory that the Regolieri

² National law 03.12.1971 n. 1102, art. 10-11 (http://www.regole.it/pdf_doc/L1102.PDF)

³ In Italian “comunione familiare montana”.

⁴ Regional law of Veneto 03.05.1975 n. 48 (http://www.consiglioveneto.it/crvportal/leggi_storico/1975/75lr0048.html)

⁵ Regional law of Veneto 19.08.1996 n. 26

(http://www.consiglioveneto.it/crvportal/leggi_storico/1996/96lr0026.html?numLegge=26&annoLegge=1996&tipoLegge=Alr)

⁶ National law 31.01.1994 n. 97, art. 3 (<http://www.camera.it/parlam/leggi/97094l.htm>)

refer to as “ancient patrimony” and basically consider as sacred. The Regolieri, most of all, work for the next generations. They want to make sure that their sons and daughters will be able to use and enjoy the territory they have inherited from their fathers and grandfathers.

The law recognizes the possibility that portions of the territory of the Regole can be used for agricultural or forestry activities, such as tourism, handicrafts or public activities. The ancient patrimony, however, must maintain its original size, thus every square meter of land used for scopes other than forestry and grazing must be compensated by at least an equal amount of land under private property assigned to forest and pasture uses. Furthermore, the different use is supposed to be limited in time and, once the temporary destination has achieved its purpose, the land must be brought back to forest or pasture.

The permission to subject the patrimony to different uses is at times asked for by individual Regolieri or by companies, to construct ski infrastructures and alpine huts, or by public agencies for roads, dumps, power lines or other public services. If they agree, the Regolieri grant the use of part of their assets in exchange for the assignment to pasture and forest of at least an equivalent amount of land (to maintain the total size of the patrimony, as just mentioned). They also usually ask for the payment of a rent proportional to the used area and consistent with the type of uses to be realized. As we will see, such rents constitute an important element in the income of the Regole and an indispensable asset for the conservation of the territory.

The legal nature of the Regole is quite special, and possibly scarcely known even by the bureaucracy of the Italian state and the regional administration. The themes of collective property, community “patrimonies” and community governance of protected areas are barely touched upon even in legal studies at the university level. This feeds a general ignorance of the norms that exist in the legislature and could support the recognition of communities and a more active role for them in conservation—among other areas.



Community assets, in Italy, belong to two main groups: civic domains (*demani civici*) and collective properties (*proprietà collettive*). In general, the former are public goods, a formal property of the concerned municipalities or sub-municipality, with rights belonging to their citizens and minor distinctions made, at times, based on the period of residence in the territory. But the citizens are often unaware of their direct rights over such assets, which are managed by the municipalities without any direct citizen participation. The south of Italy was rich in such assets, which have now almost disappeared even from local memory. Surely the public administrators were not interested in reminding anyone about them, as the loss of memory made it easier to sell such assets to private individuals for speculative purposes. In other cases, as in regions of the North (e.g., in Trentino), these assets are managed by separate public administration (called ASUC or ASBUC), which guarantee to the citizens the access to the forest and its products. Civic lands are regulated by State Law No. 1766 of 16.06.1927 and its various regional applications. This law has raised many complex challenges, unresolved up to today, which still deserve a thorough study.

The second type of community assets are the collective properties, a case exemplified by the Regole.

They were distributed mainly in the Alps and Apennines, and many living testimonies remain, such as in the Ampezzo valley but elsewhere in the Province of Belluno and in the regions of Friuli, Emilia Romagna and Marche. Even in this case historians agree that collective properties were once widespread across the Italian peninsula and they have been now almost forgotten, and replaced in great part by other property regimes. The woods and pastures that were ancient collective assets, have today been dismembered into municipal property and private property. In some cases, modernity overcame tradition, in others the eligible owners simply forgot to exercise their rights, in others those rights were nullified or broken down by various national and regional powers, from Napoleonic times to the present. Collective ownership refers primarily to Law No. 1102 of 03.12.1971 and Law No. 97 of 31.01.1994, as well as to several regional norms.

The two (public and collective) types of possible “*patrimoni di comunità*” – i.e. the civic domains and collective properties just described— exist in Italy in as many variations as there are small rural communities, each with its customs and rules calibrated to ensure proper land use by the local people. Among these, many hybrid and uncertain situations are the delight of civil tribunals and increase the difficulty of managing and using the assets. Of interest are also the so-called Agrarian Universities of the region of Lazio, heirs of the community concessions made by the Popes in the Papal States, and still working today.

Public and collective types of “patrimoni di comunità” exist in Italy in as many variations as there are small rural communities, each with its customs and rules... many hybrid and uncertain situations are the delight of civil tribunals ...

The special laws that apply to the Regole of the Ampezzo valley could well apply to many other communities scattered on the alpine arc, as well as other forms of collective property throughout the Italian peninsula. The Regole of the Ampezzo valley, however, remain the most extensive and well organized example of *patrimonio di comunità* in Italy, as they interest a territory of more than 16,000 hectares (160 square Km.) and a population of approximately 1.000 families. Moreover, some relatively recent norms have boosted their status, as the traditional activities of the Regole have been asserted to have important results in terms of environmental conservation. As the Regole become entrusted with the governance of a Regional Natural Park, they opened the way for independent governance of protected areas by private entities (and indeed collective private entities!) in Italy.

2. The protected area

The idea of associating the collective property of the Regole to a natural park goes back to 1979, when the community had a controversy with the Italian Army, as soldiers used the pastures of the Regole for their military practices. Those practices damaged the territory because of explosions, vehicles leaving their tracks on the land, etc.—all in fierce contrast with both traditional activities and tourism, already quite developed at that time. The sensitivity of the local community towards the protection of the territory brought the Regole of the Ampezzo valley to ask the Region of Veneto to establish there a natural park, extending the borders of the Park of Fanes, Sennes and Braies that was being established in those same years in the Province of Bolzano, in the vicinity of the territory of the Regole. The community thought that the protection of the natural environment was perfectly compatible with the uses that the Regolieri wanted to maintain of their territory. The new ties could only bring benefits, as the territory was under serious threat because of military practices. There was also another danger to fend off, related to the periodic declarations of the Italian government and the Region of Veneto about a freeway that could be constructed right through the territory of the Regole, along the axis connecting Monaco and Venice. The existence of a natural park would be an important deterrent to these plans.

In the years that came, the political debate about the establishment of the new protected area went on among supporters and detractors, in the region as well as in the midst of the local community. One of the conditions that the Regole wanted granted before setting up the new protected area was that the Region of Veneto would recognize the property of the Regole and the value of their management practices. The administration of the Veneto Region wanted indeed to establish new protect areas to respond to the European and Italian directives on the conservation of the environment. But their logic demanded that for each new protected area it was necessary to create a new entity in charge of governing it (*Ente Gestore*), which could, “in the best of cases”, possibly “associate” some representatives of the Regole and local Municipality...

The Regolieri wanted nothing less than the autonomous and independent governance of the regional park... without this condition, they were not ready to accept the park at all!

The Regolieri, on the other hand, wanted nothing less than the autonomous and independent governance of the regional park, stating that the protect area covered their collective territory. Without this condition, the Regolieri were not ready to accept the park at all!

The political negotiations went on for a long time, but had a favourable outcome for the community. In 1990, the Veneto Region instituted new Natural Park of the Ampezzo Dolomites through a specific act of legislation.⁷ This law provided for the extension of an existing convention between the Regole and the Region for the governance of the natural park.⁸ The park was thus fully entrusted to the care of the community that had been owner of (most of) the land for a thousand years. The community did not establish any new “*Ente Gestore*” and the Regole started administering the park with their own people and collaborators, simply expanding their capacities with the hiring of new employees, laborers and supervisors. The Region, on its part, engaged itself to finance the activities of the park with an appropriate annual contribution— engagement that it has always respected up to now. In case the Region would no longer allocate resources for the management of the park, this will be considered decayed and no longer in operation. Unfortunately, the example of a park of this type remains rare in Italy. An exception is the Park of the Partecipanza del Bosco delle Sorti di Trino, in the Piedmont region, but the owner community there does not enjoy a particular autonomy and is always subjected to the approval of its regional authorities for the management activities it decides to carry out.

Interestingly, in the last decade international conservation agreements and conventions have come to spotlight the areas, territories and natural resources conserved by indigenous peoples and local communities (referred to as Indigenous Peoples’ and Community Conserved Areas or, in short, ICCAs). In particular, the World Conservation Union has identified them as one of the four main governance types for protected areas, providing crucial contributions to national PA systems⁹ and the Programme of Work on Protected Areas of the Convention on Biological Diversity (CBD) has called its Parties (191 member states and the European Union) to appropriately recognise and support them.¹⁰ In Italy, the ICCA governance type for protected area – il “*patrimonio di comunità*”-- was thus recognised and

7 Regional law of Veneto 22.03.1990 n. 21 (<http://www.consiglioveneto.it/crvportal/leggi/1990/90lr0021.html>)

8 Convention 30.10.1990.

9 See the Durban Recommendations http://www.iucn.org/about/union/commissions/wcpa/wcpa_puball/?2877/Durban5-Parks-Magazine-172 and Dudley, N. (ed.), Guidelines for Applying Protected Area Management Categories, IUCN, Gland, Switzerland, 2008. <http://data.iucn.org/dbtw-wpd/edocs/PAPS-016.pdf>

10 <https://www.cbd.int/protected/pow.shtml?prog=p4>

supported well before international developments... There are good reasons to look at the experience of the Regole and learn from it!

It may be indeed useful to examine the details of the governance of the Natural Park of the Ampezzo Dolomites, where the Regole act in close relationship with the Veneto Region. In their agreement, the regional authorities define the norms to safeguard the environmental values (obligations, management objectives, etc.) and provide financial support, while the Regole contribute knowledge, skills, resources and their millenarian experience about the forests and pasture embedded in itself as an institution. From the very beginning, for instance, the very fact that governance was entrusted to the Regole prevented all sorts of local objections. Usually, declaring a new protected area is a sure way to generate conflicts and local opposition. In the case of the Ampezzo Dolomites, however, the objectives of the protected area are the same as the ones of the Regole, and the collective property rights can be exercised in the protect area without greater restrictions than outside it. The park managers are the owners of the area and want nothing more than continuing the conservative silvo-pastoral use of the territory that characterised it until now. Even the recent inclusion of the Regional Natural Park of the Ampezzo valley in the World Heritage Site list¹¹ brought only pride and satisfaction to the Regole.

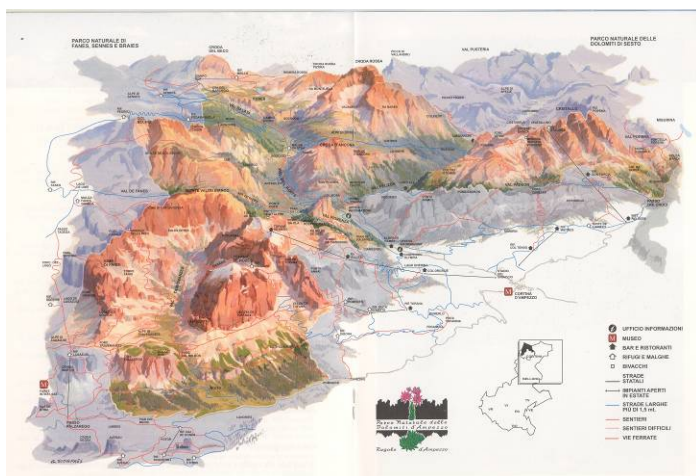
The conservation of nature in an alpine protected area cannot be ensured without taking into account the constant interaction between nature and people: the difficulty is to reconcile the human activities with the requirement of the “natural equilibrium” expected in a protected area. It is difficult to find an area of complete wilderness anywhere in the Alps: all the territory has been shaped by men, and the order men placed on the landscape is the fruit of their secular interaction with nature, a process of true “cultural shaping” of the land.

In this light, both the Regole and the Veneto Region believe that the exercise of silviculture, pasture and the gathering of forest products are compatible with the protected area’s objectives. If the environment has been conserved by the local community for a thousand years without the need for specific restrictions, it must mean that its normal management is virtuous, does not compromise the natural

equilibrium, and can continue even if the area is under a new and special set of obligations. It is thus only natural that the local Environmental Plan— which is the legal instrument regulating the management of the site— provides for the straightforward continuation of their community rights exercised by the Regole.

The Park of the Ampezzo valley extends on the northern side of the valley, interests only **the territory of the Municipality of Cortina d’Ampezzo** and covers an area of approximately 11.400 hectares. Of this, about 6,700 hectares are property of the Regole, while the remaining 4,700 hectares

...the new ICCA governance type for protected area – il “patrimonio di comunità”- was thus recognised and supported well before recent international developments...

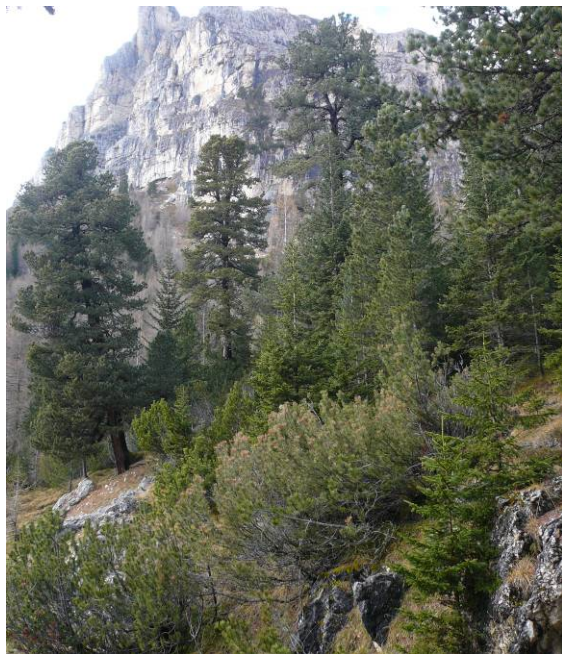


Map of the Regional natural Park of the Ampezzo Dolomites

¹¹ The Park is enclosed as part of as part of a complex set of emblematic features of the Dolomites; see <http://whc.unesco.org/en/list/1237/documents/>

are property of the state of Italy, entrusted to the custody of the Regole. The state property regards the waterways, the state roads and the mountain cliffs. The rare cases of private property within the protected area are sporadic small properties close to the state road that crosses it.

The relationships between the Regole and the state property are regulated by the **Environmental Plan**,¹² which describes the duties for the maintenance of the state road n. 51 (said “of Alemagna”) that crosses the park and is the main connecting road between Cortina and the nearby Province of Bolzano. The waters are protected and the brooks cannot be altered. Particular agreements regulate fishing on some river beds, which is an exclusive right of the local residents. The zones at higher elevation under state property (basically the top of the mountains) are under “passive protection”, as no activity is permitted there besides excursions and climbing.



The Park offers typical examples of several alpine ecosystems: from coniferous forests at medium elevation, dominated by *Picea abies*, *Abies alba* and *Pinus sylvestris*, to forests at higher elevation dominated by *Pinus cembra* and *Larix decidua*, to medium and high altitude pasture. We find in the park some Carsic-type formations in the area of Foses, disseminated with naturally occurring caves and tunnels, the territory used as pasture now for several centuries. Very many are the endemic species of flora, among whom *Sempervivum dolomiticum*, the actual symbol of the Park.

The fauna includes several hundred specimen of *Rupicapra rupicapra*, a resident population of *Capra ibex*, *Capreolus capreolus* and *Cervus elaphus* at lower elevations. The latter species has grown in number in the last years to reach over 300 units. Occasionally one can also find *Ursus arctos*, while it is very common to encounter *Vulpes vulpes*, *Mustela nivalis*, *Martes martes*, *Martes foina* and *Marmota marmota*, especially at higher elevations. The birds most typically encountered are woodpeckers and owls, which build their nests in tree holes, as well as *Bonasa bonasia* and *Tetrao urogallus*. Noteworthy is the extremely rare *Picoides tridactylus*, perceived several times in the forested lower elevations of the Tofana peaks and considered a remnant from a pre-glacial era.

Hunting is prohibited on all the territory of the protected area, but the management plan foresees the possibility that some resident hunters cull some specimen of *Rupicapra rupicapra*, if necessary, under the directives of the Regole and in collaboration with the park guards. A close relationship exists with the Veneto Region, in charge of distributing and controlling the annual financial allotment to the protected area. That relation is mostly about transparent and correct book keeping as a strong mutual confidence has developed between the Regole and the Region, so much so that all new initiatives are carried out without the interference and at times even without the supervision of the public agencies. The Regole offer a justification why a given initiative is needed on the territory, the Region establishes the limit of possible financial support and the Regole execute the job and remain accountable about the

¹² The Environmental Plan of the Park has been written by the Regole d'Ampezzo and approved by the Regional Council of Veneto with deliberation 24.02.1999 n. 15 (then published by the Government Bulletin n. 35 of 20.04.1999).

expenditures. If the initiative is considered important but the Region cannot cover all the related costs, the Regole use its own funds to carry it out. The relationship with the Municipality of Cortina d'Ampezzo is also quite tight, as the Municipality is the closest authority in the territory and has the formal responsibility of approving all plans affecting it. As mentioned, the collaboration between the Municipality and the Regole is generally smooth.

The governance of a collective property leads also to the establishment of relations between the Regole and other public bodies, such as those in charge of taxation, justice, commerce, etc. If some difficulties arise with any one of those statutory powers, they usually have to do with a lack of understanding regarding the unique nature of the collective property, half-way between a public and a private social persona. Although the law recognizes that the Regole have private legal status, sometimes they carry out activities typical of a public agency, and the bureaucracy pains to deal with a legal persona that can not be pigeonholed in any one of the categories of Italian civil society. In addition, the collective property is scarcely diffused throughout the country, to the point that the acquaintance with its juridical existence is almost nil outside of a restricted circle of experts.

In the light of this, it is fairly paradoxical that the governance of the protected area turned out to be much simpler than foreseen. The main interlocutor for that is the Veneto Region, with whom specific agreements have been signed within the frame of the decree that established the protected area. In the course of the years, however, **the Regole of the Ampezzo valley even managed to obtain some modification to the regional and national protected area laws, through specific articles that foresee the possibility of entrusting their governance to a collective private entity.**¹³ These norms are important as they allow the Regole to be recognized as a legitimate governance actor for a protect area, an actor that possesses time-tested knowledge and skills that can be utilized to conserve the natural environment.

... it is fairly paradoxical that the governance of the protected area turned out to be much simpler than foreseen...

It should be stressed that governing a protected area as a collective property means reasoning with a different perspective than governing it through party politics, which is the much more common way of doing it. The reasons of special interest groups and political parties remain alien to the discussions in the Deputation of the Regole and in its Assembly. It is the latter, as a matter of fact, that approves the strategic choices proposed by the Deputation for the protected area, rendering it **an example much more akin to “participatory democracy” than to “delegated democracy”**. Although the law and convention that regulate the establishment and governance of the Regional National Park indicate the Municipal Council and the Deputation of the Regole as governing bodies for the protected area, it is important to note that all main strategic choices pass also through the scrutiny of the Assembly of the Regole, to make sure that the community agrees and adheres to them.

As a matter of fact, the real strategic decisions about the protected area are made at the time of deciding the Environmental Plan, which the Region wants it to spell out the directives for all types of land use in the territory. That Plan, however, is actually written by the Regole, approved by their General Assembly and sent to the Region for its formal approval. The plan is updated approximately

¹³ See the Italian National Framework Law on Protected Areas 06.12.1991 n. 394, art. 22 (e) http://www.parcosanrossore.org/ente/leggi/legge_394_1991.pdf ; and the Regional law of Veneto 16.08.1984 n. 40, art 7 <http://www.consiglio Veneto.it/crvportal/leggi/1984/84lr0040.html?numLegge=40&annoLegge=1984&tipoLegge=Alr>

every 10 years, or every time it is considered necessary to change management direction of standards.

For example, after the first approval of the Plan in 1999 (it took 9 years to study and plan for the territory), the Environmental Plan was later amended at the request of the Regole to include within the boundaries of the protected area an additional area owned by Regole where they wanted to build an information office for the park. The Regole wanted an information point in the area where people usually entered the park, easily reached by car and starting point for excursions. The idea first gained the approval of the Assembly, then that of the Region, and later people made sure that the building would be constructed with funds destined to support the protected area. The Assembly of the Regole agreed with the idea (possibly also because it was accompanied by the decision to build an apartment for the caretaker of the building, a ranger from a family member of the Regole).



At the moment, work is proceeding to update the management plan of the protected area to European standards according to the Natura 2000 network. In agreement with member States and Regions, the European Union identified a network of areas of particular value, called SIC (Sites of Community Interest) or ZPS (Special Protection Areas). The Natural Park of the Ampezzo valley is one such area, and others exist that still fall into the collective property of the Regole. The Regole have requested and obtained from the

Region to update the current Environmental Plan according to the Nature 2000 legislation, mostly regarding the protection of the habitats of birds and other animals and plants. Once again, before transmitting to the Region the specific proposed changes, the Regole will submit them for the approval of their Assembly.

With the unfolding of its experience, the Veneto Region adapted gradually, but never truly entirely, to the unique situation of a protected area managed as a collective property. What somehow disconcerted the authorities is that the Regole is a private entity... but it is also able to pursue public goals. The policy choices in this direction started on the basis of strongly shared objectives. The Regional authorities then found ways to provide public funding to a private entity, solving the inherent difficulties, such as the fact that the choices made by the Regole in employing people are those of a private company.

Difficulties and misunderstandings had to be faced from the beginning, but common sense always succeeded in sorting them out. Another initial challenge was to find a proper reporting system for the Region for the financial support allocated to the protected area. The Region wanted a record of park expenditures completely separate from the one of the Regole. The Regole, on their part, simply could not agree, because for them the protected area is not run by a different legal subject... and a private company has a single budget, not two different ones! A solution was found in 1993 by partly amending the law establishing the protected area and, at the same time, agreeing to have a specific section within the general budget of the Regole dedicated to the protected area. This section can be approved by the

Deputation of the Regole at the time required by the Region (which is February each year) and is then submitted to the Assembly within the month of April of each year.

Similar issues have emerged in reporting about specific projects, where contracts by private negotiation rather than by public competition or works done “in house” had to be arranged through specific agreements. In some cases the law can well follow the reality rather than the opposite...

3. Internal governance of the community

In what way the community of the Regole rules itself? How does it relate to existing public and private institutions in the territory, and the municipal authorities in particular? To begin with, it should be clear that a great deal has changed between the village community of a century ago and the local community as it is organized today. Similarly to what happened to many other communities throughout Europe, the life and economy of Cortina have changed tremendously in the course of the XXth century, becoming much more articulated and complex. The subsistence economy was gradually replaced by a market economy based on tourism, handicraft, trade, etc. The members of the community employed in agriculture gradually become fewer and fewer... and they have nearly disappeared today. Until a few years ago each household that belonged to the Regole extracted direct benefits on the basis of its own rights on the territory, through the family's work on the land and the obligations it assumed for the benefit of the whole community. Today, the direct agricultural and forest uses of the land on the part of individual households are rather marginal, and the Regole have assumed a role similar to a company or business, with managers and staff working on behalf of the community. This was an obligatory choice as the land needed some constant care but the free labor of the Regolieri was no longer available as they were no longer peasants, but innkeepers, ski instructors, mountain guides, traders, etc.

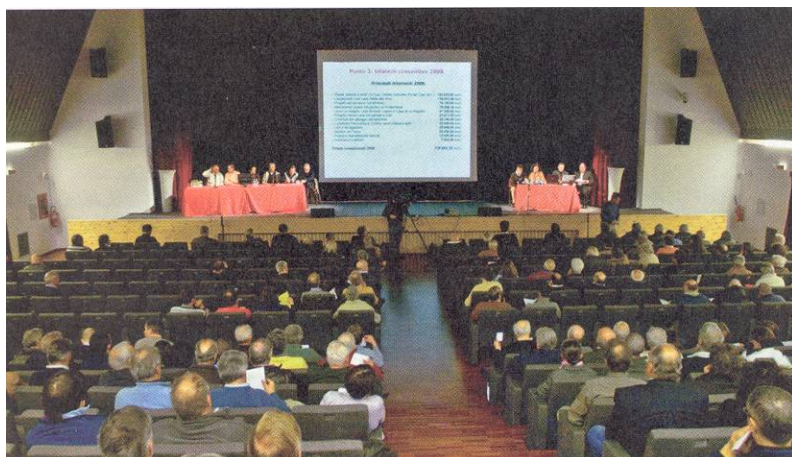
The current formulation of the Regole of Cortina d'Ampezzo goes back to 1971, after the recognition by the state through its law on the mountain communities (cfr. Note 2). The community of the Regole comprises the descendants of the ancient families that lived in the valley and exercised there their agricultural activities: they are, today, about 1.200 persons subdivided in approximately 1.000 households. The title of “Regoliere” or “Consorte” (literally “a person who shares the same fate as the others”) is acquired by each male son from his father and grandfather: the rights pass to all sons of a Regoliere at the age of 25; in case the Regoliere has no male son, the rights pass to all his daughters, who then conserve them if they do not marry a person from outside the community. This hereditary system has its historical logic, related to the fact that the valley could only ensure the livelihood of a limited number of families. If the rights were to be extended to all those who immigrated in the area, it would not have remained possible to satisfied the needs of the community, and hunger would ensue. Because of this, the community “closed” itself off, excluding “foreigners” from the rights enjoyed by the original families, to maintain their livelihood satisfactory. Until not too many years ago the main rights were transmitted in a patrilinear way throughout Italy, and the males generally exercised the role of “heads of household”. Only when the man was not there the family was governed by a woman. The same thing happened to the Regole, where male sons guaranteed the continuation of the household. Daughters had title to the land only when they were the only progeny of the father, and only if they did not allow a foreigner to marry then and thus penetrate the community.

The governance of the territory through direct democracy happens side by side the governance operated by public agencies and elected representatives in the Municipality, the Province, the Region, etc.

The type of rules just mentioned is considered old-fashioned in contemporary Italian society, but it does remain active in the case of common property. For the sake of a thorough account, we shall mention that for some years the Regole have been working towards a modification of the *Laudi* to reduce the difference between their male and female members, but the conservative mentality of elder members is difficult to modify and the proposals have not yet achieved a positive outcome. The citizens of the Cortina municipality are therefore subdivided into Regolieri and non-Regolieri, only the former being able to claim a right upon the ancient patrimony. With the development of tourism that took place in the course of XXth century, the new job opportunities brought about a rather important immigration of people from other areas— people who remained as residents and members of the local society. As a consequence, the households of the Regolieri represent today only about 40% of Cortina.

In the 21st century, being or not a Regoliere has much less meaning than some time ago. While until a hundred years ago the non-Regolieri could even die of hunger, today they are a citizen like all the others, distinguished only by their different rights and duties towards the territory. In addition, the

territory of the Regole is not fenced or inaccessible: it can be enjoyed by all, but only the Regolieri have the obligation to care for it and to maintain it as custodians. Some may even say that being a foreigner has become, today, a condition more favourable than the one of being a Regoliere, as the former have no obligation towards the territory but are able to enjoy its beauty like everyone else.



The general Assembly of the Regole of the Ampezzo Valley

Together, all the Consorts Regolieri form a General Assembly, which is

the decision-making body entrusted with all important choices for the community. The Assembly gathers at least once a year and is an excellent example of the democratic nature of the Regole. All the Consorts are invited and about 600-700 persons usually participate, i.e., more than half of the ones having rights. The decisions are taken by the Assembly only after long discussions, comparing various opinions on the topics at stake. The more important and delicate arguments are decided not by a simple 50% majority, but by a 2/3 or 3/4 majority among the participants, as the decisions should have the maximum possible support within the community. In view of this ample participation, the will of the Assembly often conditions not only the activities of the Regole, but also those planned by other private or public bodies.

The ordinary administration of the patrimony is entrusted to a board of directors called “Deputation of the Regole”, which includes 22 persons:

- 11 of these are called “Deputies” and are elected by the Assembly on the basis of lists prepared by the members of the Deputation or submitted by groups of Regolieri. The mandate of the Deputies is three years, renewable only once. The date in which the mandate of the eleven Deputies expires is structured in such a way that there is always someone who stays on (e.g., the

mandate of first four expires at a given year, the mandate of other four on the year afterwards, the mandate of other three in the following year, and so on...).

- other 11 members are called “Marighi” (from the Latin “maiores” which means “the greater ones”) and represent the eleven ancient Regole of the Ampezzo valley. The current structure of the community, in fact, assembles and coordinates the various small Regole of the ancient villages of the area. The Marighi have a one-year mandate and are chosen among the Consorts of each one of the ancient individual Regole, passing on the task from household to household on a rotational basis. In this way each Regoliere is called at least once in a lifetime to administer the common patrimony, acquiring a direct experience of the inherent difficulties and placing his/her capacities at the service of the entire community.

In short, every year new persons are elected, providing a refreshing change in the administration of the common patrimony. This makes difficult for any group to consolidate its power and push forth its particular interests, but it also enlarges to very many people the experience of managing the Regole. The Deputation of the Regole as a whole is represented by the President, chosen among the Deputies in charge at a given time. The Deputy President is elected for a mandate of three years, which can be extended for a further triennium by decision of the General Assembly (if it re-elects the same person). In this way a certain level of stability can be ensured in the governance of the community, which might otherwise be prey of continuous changes. It may be extremely difficult to manage an immense collective property with a natural park and a complexity of initiatives and competences without at least one key decision maker who stays on for a relatively extended time.

...the Regole attempt to maintain the same equilibrium between human activities and the protection of the environment inside and outside the Regional Natural Park...

Within the Deputation a special Committee is also named. This is a smaller group of seven persons chosen among the Deputies and the Marighi for the current administration of the institution and for the less important choices. Side by side the Deputation of the Regole also works the College of the Mayors, a group of three Regolieri named by the Assembly, who control the activities of the Deputation, most of all as far as the respect of the *Laudi* and other laws is concerned, and for a supervision of financial management, etc. All the assignments are carried out on a voluntary basis, and only direct costs are reimbursed in case of travel for duty reasons.

The system of the Regole excludes all political interference (in the sense of party politics), but party politics has at times attempted to condition the choices of the Regolieri. Since all important decisions are taken freely by the Assembly, the eventual vested interests and “deals” arranged under the table are soon or later publicly exposed and the community decides consequently. But all Regolieri are also citizens of Cortina, they live in the local economy and are aware of the necessity to adapt the uses of the territory to “modern requirements”. It thus happens that initiatives that affect the territory but are considered to be important for the life of the community are approved (if with some conditions), while others suspected to be hiding speculative gain are blocked by the Assembly. The very same criteria govern the activities as far as the protected area is concerned, as the Regole attempt to maintain the same equilibrium between human activities and the protection of the environment inside and outside the Regional Natural Park... Only half of the property of the Regole, in fact, is part of the protected area, while the other half is outside its borders.

The governance of the territory through direct democracy happens side by side the governance operated by public agencies and elected representatives in the Municipality, the Province, the Region,

etc. In this sense, the Regole are a private actor that carries out functions of general interest—a characteristics that makes them quite different from other private bodies. The separation of roles and competences among the various institutions has been made clear for the sake of peaceful coexistence with the Municipality and the other agencies. The Municipality carries out its institutional duties, but it considers the Regole as a privileged local actor, as they are the private owner and rightful authority for more than 80% of the territory within the Municipality, and represent nearly half of its population. In addition, the regional law on the Regole¹⁴ foresees that it must be engaged in urban planning and local development decisions, as well as in processes of environmental management, forest management and in the promotion of the local culture.

In a complex, modern society, traditional communities and ancient institutions such as the Regole of the Ampezzo valley have some difficulty obtaining the recognition they deserve. The tenacity of the Regole's administrators, however, has so far always succeeded in agreeing upon and achieving what they considered useful for their community.

4. Enforcement powers

The force of the Regole's collective patrimony is rooted in two main factors:

- the first factor is **the strong sense of “belonging” that the Regolieri have as part of the local community**— a well-developed and strong **sense of civility** expressed as part of the institution of the Regole as well as in a variety of other social contexts. Cortina may have only 6,000 residents, but it hosts a remarkable number of voluntary associations pursuing social, sport and cultural objectives. Living in a reality in which positive values have been lived and passed on from the generation to generation made the people of the Ampezzo valley highly appreciative of respecting common rules— an indispensable conditions to the thriving of an institution that carries the very name of Regole (rules).
- the second factor is **the sizeable economic wealth of its collective patrimony**, which produces important yields of various type, from forest products to rental fees for tourist and other uses of the territory. The size of those revenues is such to allow the Regole to be **economically independent**, thus ensuring the autonomy chosen and claimed by the community throughout its history.

The management and active defence of an important patrimony demand an on going surveillance, as well as the repression of possible abuses and unauthorized activities. Inside the protected area, the Regole have the legal power to enforce the respect of conservation rules. Their staff can directly sanction the transgressors (applying the norms foreseen by the law and the Environmental Plan) and the park guards hired by the Regole are considered to all the effects judicial police officers. Outside the protect area, on the other hand, the Regole are equal to any other private actor, meaning that they do not have the power to directly sanction eventual transgressions to the local rules and forest regulations. The surveillance staff of the Regole thus works in close collaboration with the Forest Guards of the state, the police or the Carabinieri, whom are called to intervene as necessary.

¹⁴ Regional law of Veneto 19.08.1996 n. 26, art. 14
(<http://www.consiglioveneto.it/crvportal/leggi/1996/96lr0026.html?numLegge=26&annoLegge=1996&tipoLegge=Alr>)

In addition to this, there exist some specific surveillance duties carried out by the Municipality and by the State through its Forest Guards (who are, however, as few as 3-4 agents for the whole territory). Recent changes in the duties assigned by the State to the Forest Guards oriented their tasks towards more analysis and interventions in terms of safety and pollution control, thus requiring them to deal more with human activities and less with natural processes. The Guards collaborate with the Regole, as needs arise, but the surveillance they manage to have over the territory is quite limited. In a similar way, the Forest Guards of the Province of Belluno carry out the surveillance about hunting and the Forest Guards of the Region of Veneto deal with the surveillance of waterways and hydro-geological interventions. In general, however, these Guards are concerned with what happens outside the protected area, where the Regole have lesser authority and presence. Despite all these involved actors and despite better results with respect to neighbouring areas, the Regole feel that there is still room to strengthen the local system of surveillance.

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Information about the status of the patrimony of the Regole comes often also from the Regolieri themselves, who love walking through their forest in all the seasons. They promptly communicate to the administrative staff any abuse or risky situation they identify. The direct participation of the Regolieri to the collective care of the patrimony is an important element of the spirit of the community: all the Regolieri feel and behave as co-owners and co-caretakers of the forest... they all make sure that the rules are respected! In addition, the Regolieri themselves are very respectful of the norms and seek in all ways to ensure the sound management of the territory (of course, there are always exceptions and some negative examples...) and they simply expect that also the tourists and the non-Regolieri behave in the same way.



As a matter of fact, the main problems about defending the patrimony of the community do not derive from individuals but from public agencies, which act sometimes in a preposterous way, pursuing objectives incompatibles with the protection of the environment and the safeguard of the values of the

community. In such cases, the defence of the patrimony is entrusted to the courts and the lawyers, always with the hope that the judge at hand— before emitting her/his sentence— arrives to understand the particular collective nature of the Regole and the fact that the institution places the interests of the community before the interests of any single individual. This, however, is not a given, and as a rule the Regole try to avoid legal controversies preferring to seek agreements and direct understandings outside

the courts. The offices of the Regole thus work in close collaboration with a legal firm that provides advice for all aspects of contracts and all relationships between the Regole and the private bodies that occupy the territory for various uses.

It is also possible that an individual Regoliere enters into a controversy with the Regole, and this usually happens when a Regoliere defends some presumed individual rights acquired on the collective goods. Besides normal civil law, the *Laudo* (charter) of the Regole foresees the possibility that the rights of a Regoliere are “suspended” until the case is illustrated and discussed during a General Assembly, and the Assembly has decided on the matter. Having to describe and defend one’s own actions in front of 700 other members of the community is still today a deterrent to such controversies... peaceful agreements are thus often reached before the Assembly needs to intervene.

5. Financial issues

The Regole are administered today as a private company, a company that has as primary activity the management of a forest and the cutting and sale of the timber. The management of the forest is structured according to the directives that apply to the all forests in the Region: the territory is divided into lots (small homogenous zones) where only a certain number of trees can be extracted to respect the natural growth of the forest and ensure the diversity of species. Every forest lot is used (cut) only once every 10 or 20 years. Beyond the normal technical practices, the Regole have special rules of their own to respect the fauna. For instance, they avoid timber extraction when the animals are in the courting and coupling season, they respect the nests and the refuges of vulnerable species, etc.

Altogether only 30% of an estimated wood volume increment since the last cut is allowed to be extracted at any time. This means that, if the technical staff estimates that in the ten years elapsed since the last timber extraction the wood mass of a lot has increased 1.000 cubic meters, trees will be cut for 300 cubic meters only, leaving the rest to augment the standing capital of the forest. Despite these conservative rules, every year the forest yields approximately 4.000 to 5,000 cubic meters of timber, used in part for the needs of the Regolieri (furniture, housing repairs, roofs, etc.), and in part sold to sawmills. The task of actually extracting the timber is given to some trusted timber companies. The branches and other parts of trees that cannot be sold do not remain in the forest but are collected by the Regolieri as firewood for the winter.

...only 30% of an estimated wood volume increment since the last cut is allowed to be extracted at any time ...

Forest management demands on going engagement and hard work, most of all for what concerns the setting up of access roads and bridges, the recuperation of trees damaged by snow or wind, the tidying up of areas for tourist use, etc. If some time ago the forest economy represented about 50% of the total revenues of the Regole, difficulties in the timber market and the increased costs of labor brought such revenues, today, to amount to only 25% of the total. The revenues of the Regole are thus augmented by other careful uses of the territory. Alpine huts, ski slopes and infrastructures, storage areas for various materials and telephone antennas are only some of the typologies of land use for which suitable rents are paid.

Cattle grazing and conserving pasture in the highlands also demand attention and engagement year after year... These activities, however, do not produce substantial income with the exception of the financial aid allotted by the European Union for pasture maintenance— aid that varies from year to year and on which it is difficult to count upon. The old shelters of the shepherds called “malghe”, however,

have been restructured and adapted to modern needs as small farms that can provide hospitality to tourists. The shepherds who watch the cattle on the high pastures are not paid by the Regole, but are allowed to use such mountain barns to host and restore tourists. In this way, the traditional activities are maintained alive and tied to the new tourism economy. Finally, **the Regole seek every year some special agricultural subsidies from the Region and the European Union**. With such special financing sources, they realize the extraordinary interventions that would be very difficult to carry out with the normal income from the natural resources.

The protected area has **a budget of its own composed of a fixed amount disbursed every year by the Region of Veneto for ordinary activities, plus a second amount approved by the Region on a case-by-case basis and destined to specific projects**. The accounting for the protected area needs to be dealt with as one of the elements of the entire budget of the Regole d'Ampezzo, as it is not possible for a single juridical persona to possess two separate budgets. The statement of income and expenditures of the protected area are thus defined and approved annually by the Deputation of the Regole and transmitted to the Region. The latter usually takes note of the report, but does not enter into much detail about it.

The bookkeeping items of the protected area enter thus in the larger budget of the Regole, approved as a whole by the General Assembly. The yearly budget of the Regole amounts to approximately 2.000.000 Euro, subdivided as follows:

Approximate yearly revenues	Euro
Sale of timber	250.000
Rents	750.000
Public contributions (Region, EU)	50.000
Other revenues (sale of gravel, reimbursements, etc.)	100.000
Ordinary management of the protected area	650.000
Specific projects for the protected area	200.000

Approximate yearly expenditures	Euro
Staff and management	650.000
Cutting and management of the forest	250.000
Various taxes	100.000
Various interventions and investments on the territory	1.000.000

As shown above, the collectively own patrimony brings to the Regole a sure income, important to be able to conserve the environment and maintain quality services. The diversity of the sources of income compensates for the periodic oscillations of any single item and allows maintaining the total revenues approximately constant. It is perhaps superfluous to stress that the budget just seen is the one of the Regole managed as a company. The single families that work and operate on the territory have other forms of income, directly or indirectly tied to the one of the Regole.

All income of the Regole is used to maintain its own organizational structure and the protected area, to pay salaries and to manage the territory in a general sense. No revenue is ever distributed among the Regolieri besides what amounts to their own rights to meet household needs (timber, pasture, firewood, etc.). The structure of the Regole provides employment to 7 staff, 7 supervisors and about 10

All income of the Regole is used to maintain its own organizational structure and the protected area... No revenue is ever distributed among the Regolieri...

seasonal employees, all of whom need to be added to the external people contracted for the jobs that the structure does not manage to execute on its own.

An accessory element of the activities of the Regole regard the cultural aspect, much appreciated and enjoyed by the community. The Regole manage three museums, all established thanks to donations made by some Regolieri and all currently under restoration: a museum of the traditions and history of the Regole, a collection of fossils from the area, and a collection of modern art works. Besides that, the protected area includes a modest publishing activity, an initiative for the study and support to the Ladino language (still spoken by the great part of the Regolieri), the organization of exhibits, conferences and excursions on specific topics related to nature and other local interest. The community of the Regole is also a beneficiary of bequests and donations of land and houses: several persons without direct heirs prefer to leave their assets to the Regole rather than to others, sure that the community knows how to use them for the common interest. The real estate units donated to the Regole are usually restructured and rented out to families that do not have the possibility of gaining access to local housing in other ways.

6. Problems, challenges, lessons...

In the last twenty years since the birth of the protected area, the objectives of managing the common property of the Regole have somehow developed. If in the past the main aim had been the satisfaction of the needs and rights of the families, today the administrators have developed a new sensitivity towards environmental aims *per se*. They care for the forest and pasture but also for the integrity of the territory as a whole, providing incentives for the maintenance of pasture and manicuring the forests to preserve the aesthetic values cherished by the tourists. Basically, the patrimony of the Regole— an immense economic, ecological and cultural value— needs to be managed in a sustainable and equitable way. The Regole as a company function well, have a sizeable budget and good growth prospects. Possibly **the most challenging task** in front of them is the one of **preserving a balance between tradition and modernity**, regulating the forces that keep pushing in opposite directions: some towards the preservation of old and possibly anachronistic rules, others towards the intense exploitation of the territory for the generation of profits. Up to now, the pendulum has had moderate oscillations and has remained closer to the conservation rather than to the exploitation side.

...ensuring the transmission of the values of the Regole in a society in which the dominant culture flags self-centeredness, competition and personal gain, and despises common property, collaboration, and benefits for the community...

Despite its innovative character, the governance of the protected area is rather “consolidated”, in the sense that both structures and processes are well established and on-going decisions need only to involve only technical and administrative matters. What is still challenging, however, is the task of **transmitting to the new generations the culture of the territory and the respect of the interests of the community**. In contemporary Italian society the dominant values are those of money, personal success and immediate benefits, without particular care for the environment. It is therefore difficult to share with the local youth concepts such as “the collective good”, “working for the community” and “safeguarding the environment”. Although many speak about the environment, they usually defend it only if their own private interests are not affected. The Regole, on the contrary, carry a different set of values about the relationship between people and nature. These values are not necessarily “environmentalist” but clearly possess the secular breath that forests demand.

From the point of view of the authors of this case study it is important that the Regole keep their economic autonomy and maintain the independence of the community from the individual interests of its members and others, no matter how tempting those may be. The objective should be working for the well-being of the families of the Regolieri in general and the community as a whole, contributing to a prudent and adapted use of the territory, refusing to be dazzled by the promised income of private speculations. All this will need to happen while slowly passing on the care of the land to the new generations, transmitting ancient values to them through a language adapted to the way in which young people interact, today, with the rest of the world. What will this language include? **The Natural Park of the Ampezzo Dolomites, a cultural vehicle of privileged relationship with the environment**, is a valid avenue but— it is clear— it cannot be the only one.



Another possible pathway in the medium to long term is **strengthening the ties between the families of the Regolieri and their territory** by recovering **the direct benefits that connected them some time ago** and have decreased today with the change in livelihoods and lifestyles. The earth produces grass and timber, and the households of the Regole enjoyed both of them as a very tangible and direct

contribution to their livelihoods. Today, the families of the Regolieri possess domestic economies of their own, mostly related to salaried income rather than the forest. The benefits of the territory still come to them, but in an indirect way, for instance because of its attractiveness for tourists who visit the area, stay on, ski, walk, climb mountains and the like. In other words, the Regolieri are continuously asked to care for their territory but they no longer see immediate and direct benefits reflected to them, as it happened for their fathers... As they do not need much firewood and grass as they did before, how would it be possible to grant them *directly* the benefits that their collective patrimony can provide?

A solution on which the Deputation of the Regole is currently working is the construction of a few small hydroelectric plants, taking advantage of the brooks that cross the territory of the Regole. Another possibility is to take advantage of the opportunities offered by the Protocol of Kyoto to the producers of clean energy. The environmental impact of such plants can be minimal, and the electric power thereby produced can be distributed to the households. In this way they could directly benefit from a “product” of their territory related to one of today’s most basic livelihood needs, adapting an ancient concept to a modern necessity. It is also most important that **the community remains carefully aware of the political dynamics in the area and in the Region**, as political games see only too easily well-conserved territories as new frontiers for economic exploitation... Self-defence from related pressures and speculations is difficult but indispensable.

... the values of the Regole ... are not necessarily “environmentalist”... but clearly possess the secular breath that forests demand...

The Regole could also take advantage of the national and international revival of interest and concern for community governed protected areas or ICCAs. ICCAs are about conservation of biodiversity and culture, but they are also very much about **a community own sense of identity and pride of belonging to a specific land**. This kind of personal wealth is a rare and valued commodity in the globalised society, something ICCA caretakers could highlight and communicate more extensively and possibly exchange with others throughout the world as part of dedicated networks and federations. The Regole of the Ampezzo valley have begun being active in this sense. They are member of the *Consulta Nazionale degli Usi Civici e delle Proprietà Collettive in Italia*—a national association founded in 2006 and dedicated to defending, adding value and diffusing knowledge about common patrimonies in Italy. The Regole also participated in two early gatherings of representatives of ICCAs in Italy, in 2004 (held in the Calabria region) and in 2005 (held in the Piedmont region). Nourishing the unique ties between the members of a caretaker community and a particular environment can resonate with the local youth, and strengthen their bonds with their territory. Ultimately, nothing demonstrates more the liveliness and spirit of a community than its association with a natural and cultural patrimony.



According to a recent study in all world regions,¹⁵ what concerned communities mostly need and wish to obtain to conserve their ICCAs are:

- formal recognition of their rights to land, water and natural resources;
- recognition and respect for the customary organisations governing their ICCAs;
- protection against encroachment from outside and imposed initiatives— being those for development, conservation or adaptation to climate change
- support to engage and inspire the youth of the community;
- culture-sensitive programs to support livelihoods and provide health and education services
- technical and other forms of support to meet conservation challenges; and
- support for information sharing, and for organising and networking with other ICCAs.

... the Regole are a powerful reminder of what governments all over the world may wish to do if they desire to take advantage of their endogenous types of conservation...

The Regole obtained all this and we would like to suggest that they are thriving also— if not precisely— because of that. In this sense, they constitute a powerful reminder of what governments all over the

¹⁵ IUCN CEESP, *Recognising and supporting indigenous and community conservation—ideas and experiences from the grassroots*, CEESP Briefing Note no 9, 2008 http://cmsdata.iucn.org/downloads/ceesp_briefing_note_9_iccas.pdf

world may wish to do if they desire to take advantage of endogenous types of conservation options as part of their national systems of protected areas.

What the Regole still need to secure, however, and in that they also re-confirm the needs and wishes of their counterparts all over the world,¹⁶ some confidence in **being able to engage and inspire their own community youth**. In the view of the authors, given the fully satisfactory situation from the legal and economic point of view, this remains the main challenge to the Regole in general, and to the Regole as a body directly in charge of the governance of a protected area in particular. After a thousand years of history, it will be a feat to ensure the transmission of the values of the Regole to the next generations in a society in which the dominant culture flags self-centeredness, competition and personal gain, and despises common property, collaboration, and benefits for the community. May the Regole be successful at that!

For further information:

www.regole.it/english/
www.dolomitiparco.com/english

www.musei.regole.it/english/
www.dolomiti.org/dengl/cortina/index.html
www.parks.it/parco.dolomiti.amezzo/Eindex.html
www.jus.unitn.it/USI_CIVICI/consulta/home.html
www.usicivici.unitn.it/home.html

Official site of the Regole of the Ampezzo valley
Official site of the Natural Park of the Ampezzo Dolomites
Official site of the Regole d'Ampezzo museums
Tourist portal of Cortina d'Ampezzo
The Natural Park inside the Italian Parks portal
La Consulta Nazionale della Proprietà Collettiva
Università degli Studi di Trento: Centro studi e documentazione sugli usi civici e le proprietà collettive

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¹⁶ IUCN CEESP 2008, op cit.

Annex 1: The “*comunioni familiari montane*”

With this term, used for the first time in the text of the National Mountain Law (*Legge Nazionale sulla Montagna*) of 1952, the legislator refers to a system of collective property typical of the Italian Alps. Among mountain family communities (“*comunioni familiari montane*”) land is jointly owned by all the families settled in a given area, also referred to as “village communities”. These communities collectively manage and enjoy the benefits of the land— comprising pasture, timber and firewood, but also various underbrush products, such as mushrooms— under regulations and independent statutes often going back to the Middle Ages.

Characteristic of the village communities is the indivisibility of the territory and its perpetual destination to meet the needs of the community. The transmission of land rights varies from village to village, reflecting the more or less favourable characteristics of the environment, i.e., whether the local natural wealth is more or less abundant and capable of satisfying the families’ needs. In most cases, however, the limited mountain resources imposed a certain rigidity in the transmission of rights. For instance, following the model of the patriarchal family, rights are transmitted only to the male descendants of the original founders of the village. Only the family communities of newer re-constitution, such as the Regole of Cadore, Comelico, or other villagess in the mountains of Veneto, have extended the transmissibility of rights also to women and to residents who do not have ancestors among the original founding fathers.

Typical examples of *comunioni familiari montane* are the Regole of the Ampezzo valley, the Regole Cadorine (Belluno), the Vicinie of the Plateau of Asiago (Vicenza), the Comunelle of the Carso (Trieste), the Comunalie Parmesans (Parma) and several other examples of Regole and Magnifiche Comunità in the region of Trentino. Other examples of similar collective properties are the Partecipanze Emiliane (province of Bologna), the Agrarian Universities of the regions of Lazio and Umbria, the Agrarian Participation of the region of Marche. All collective properties are inalienable natural goods destined to the enjoyment of a well defined community of users. Besides this, however, the communities possess governing rights under various forms (ownership, use rights, concessions), take care of managing the territory in more or less well-organized ways, and carry out different activities for the conservation of their patrimony.

Communal property was once widespread in Italy and Europe, when societies were based on the agricultural use of land and natural resources and needed very careful management rules for their very survival. Today, collective property is a residual phenomenon in civil society, unknown to most people, and at times forgotten even by the same communities that enjoyed it for centuries. The Italian law does not normally recognize communal property, i.e. of a form of property mid-way between public and private. Because of this, communal property organizations have to go through a difficult process to get officially recognized and to be able to deal with public agencies as a “legal entity”, as their counterparts often entirely ignore their unique reality.

If we explore the history of small and large rural communities in Italy we often discover communal assets once enjoyed by communities, which have in the meantime forgotten those uses or even the fact of having been the rightful owners. Many such assets have been appropriated by the local municipalities, most of which lack interest in carefully managing and conserving them. The ancient communal properties thus lay abandoned or are sold to private businesses, which use them just to extract as much natural resources and as fast as they can... to “make money”.